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# STATUTES

OF THE

# PROVINCE OF CANADA

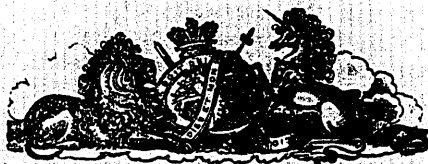
PASSED IN THE

TWENTY-FOURTH YEAR OF THE REIGN OF HER MAJESTY

## QUEEN VICTORIA

AND IN THE FOURTH SESSION OF THE SIXTH PARLIAMENT OF CANADA.

Begun and holden at Quebec on the Sixteenth day of March, in the year of  
Our Lord One Thousand Eight Hundred and Sixty-one.



HIS EXCELLENCY

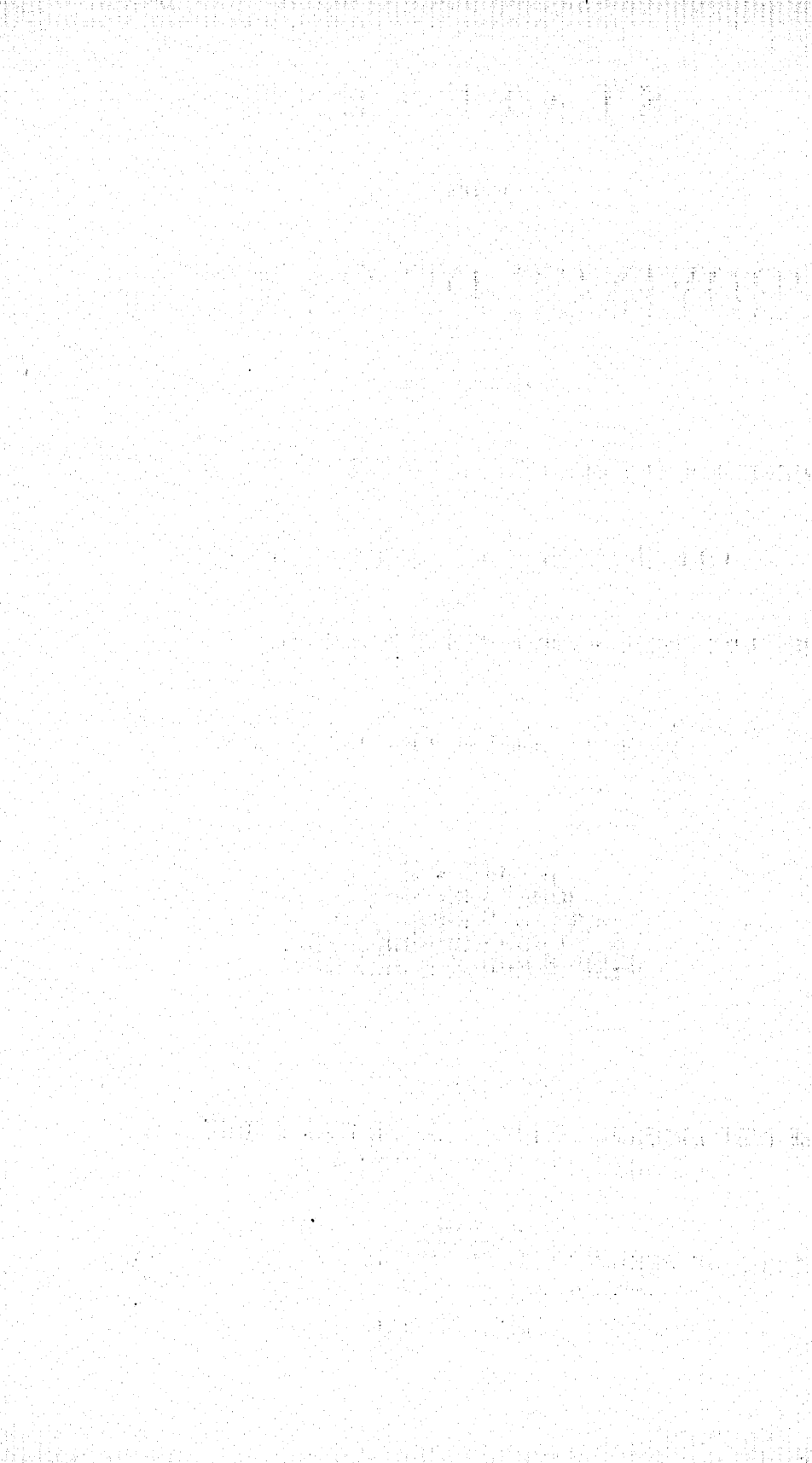
THE RIGHT HONORABLE SIR EDMUND WALKER HEAD, BARONET, K. C. B.  
GOVERNOR GENERAL.

QUEBEC:

PRINTED BY STEWART DERBISHIRE & GEORGE DESBARATS,

LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

Anno Domini, 1861.





ANNO VICESIMO-QUARTO  
VICTORIÆ REGINÆ.

---

C A P . I .

An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Civil Government for the year one thousand eight hundred and sixty-one, and for certain other expenses connected with the public service, and also for raising a Loan on the credit of the Consolidated Revenue Fund.

[Assented to 18th May, 1861.]

MOST GRACIOUS SOVEREIGN :

**W**HEREAS by Messages from His Excellency Sir Edmund Walker Head, Governor General of British North America, and Captain General and Governor in Chief in and over this Province of Canada, and the Estimates accompanying the same, laid before both Houses of the Provincial Parliament, it appears that the sums hereinafter mentioned are required to defray certain expenses of the Civil Government of this Province and of the Public Service thereof, for the year one thousand eight hundred and sixty-one; May it therefore please Your Majesty that it be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, that,—

Preamble.

1. From and out of the Consolidated Revenue Fund of this Province, there shall be and may be paid and applied a sum not exceeding in the whole the sum of two million three hundred and forty nine thousand, nine hundred and thirty-three dollars, and twenty-three cents, for defraying the several charges and expenses of the Civil Government and Public Service of this Province, for the year one thousand eight hundred and sixty-one, and other purposes set forth in the Schedule to this Act.

\$2,349,933 23  
cts. appropriated for  
charges of  
Civil Govern-  
ment, &c., for  
1861.

Loan of  
\$2,000,000  
authorized.

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

How such  
loan may be  
raised.

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

Rate of inter-  
est limited.

Accounts to be  
laid before  
Parliament.

4. Accounts in detail of all moneys received and paid under this Act, and of the Debentures issued and the interest thereon, and of the redemption of the whole or any part of such Debentures, and of all expenses attending the collection and payment of the sums of money collected, received or paid under the authority of this Act, shall be laid before both Houses of the Legislature of this Province at each Session thereof.

Account to  
Her Majesty.

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



## SCHEDULE.

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

S E R V I C E .	Amount.	Total.
	\$    cts.	\$    cts.
<i>Civil Government.</i>		
Governor General's Secretary's Office.....	810 00	
Provincial Secretary's Office.....	13246 76	
Provincial Registrar's Office.....	4817 50	
Receiver General's Office.....	11125 00	
Finance Minister's Department.....	13620 00	
Do                      Customs Branch.....	12110 00	
Do                      Audit Branch.....	5560 00	
Executive Council, Office.....	9244 00	
Department of Public Works.....	15472 75	
Bureau of Agriculture.....	6200 00	
Post Office Department.....	23980 00	
Crown Land do.....	39431 00	
Attorney and Solicitor General East.....	2110 00	
Do do                      West.....	3750 00	
Contingencies of Public Departments.....	60000 00	
		221477 01
<i>Administration of Justice, East.</i>		
To meet Contingent Expenses of the Administration of justice in L. C., not otherwise provided for.....		119486 47
<i>Administration of Justice, West.</i>		
Salaries, Court of Chancery.....	5050 00	
Do    Court of Queen's Bench and Common Pleas.....	10220 00	
To meet Contingent Expenses of the Administration of Justice, U. C., not otherwise provided for.....	23100 00	
		38370 00
<i>Police.</i>		
Amount required to meet the expenses of the Water Police, Quebec, for the present year.....	1200 00	
Do    For the expenses of the River Police, Montreal, for 1861, \$10700, of which to be borne by the Harbour Commissioners \$3700, balance required.....	7000 00	
To pay 2 Policemen at Sault Ste. Marie and rent of Lock-up.....	882 00	
		9082 00
<i>Penitentiary, Reformatories and Prison Inspections.</i>		
For support of Provincial Penitentiary.....	30000 00	
Do    Reformatory Prisons.....	24000 00	
Do    Rockwood Establishment.....	12000 00	
Erection of Rockwood Buildings.....	18300 00	
Inspection of Prisons and Asylums.....	10500 00	
		94800 00
<i>Carried over</i> .....		483215 48

## SCHEDULE—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought over</i> .....		483215 48
<b>LEGISLATION.</b>		
<i>Legislative Council.</i>		
Salary of the Clerk.....	2000 00	
Do Assistant Clerk and French Translator.....	1600 00	
Do Law Clerk.....	1000 00	
Do Chaplain and Librarian.....	800 00	
Do Gentleman Usher of the Black Rod.....	400 00	
Do Sergeant at Arms.....	400 00	
Do Head Messenger.....	400 00	
Do Door Keeper.....	240 00	
Do Three Messengers for the session at \$180 each.	540 00	
Contingent Expenses.....	70000 00	
		77380 00
<i>Legislative Assembly.</i>		
Salary of the Speaker, (Part).....	1200 00	
Do Clerk.....	2000 00	
Do Assistant Clerk.....	1600 00	
Do Law Clerk and English Translator.....	2000 00	
Do Clerk of the Crown in Chancery.....	640 00	
Contingencies of do do.....	1000 00	
Salary of the Sergeant at Arms.....	400 00	
Contingent Expenses.....	106000 00	
		114840 00
<i>General Expenses.</i>		
For Expense of Printing and Binding the Laws.....	16000 00	
Do Distributing do.....	3400 00	
Do. Printing for the Commission for the Revision of the Statutes.....	24000 00	
Grant to Parliamentary Library.....	4000 00	
		47400 00
<i>Education.</i>		
Additional Sum for Common Schools, Upper and Lower Canada.....	168000 00	
(\$6000 of which out of the Lower Canada share to be applied to Normal Schools.)		
Aid towards Superior Education Income Fund, Lower Canada.....	\$20,000 00	
Do do do Upper Canada.....	20,000 00	
	40000 00	
		208000 00
<i>Carried over</i> .....		930835 48

## SCHEDULE—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought over</i> .....		930835 48
<i>Distributed as follows, in 1860.</i>		
Victoria College, Cobourg.....	\$5000 00	
Queen's College, Kingston.....	5000 00	
Regiopolis College, do .....	3000 00	
St. Michael's College, Toronto.....	2000 00	
Bytown College, Ottawa.....	1400 00	
L'Assomption College, Sandwich.....	400 00	
Grammar School Fund, Upper Canada.....	3200 00	
	<u>\$20000 00</u>	
<i>Literary and Scientific Institutions.</i>		
Aid to Medical Faculty, McGill College, Montreal.....	1000 00	
Do. Do. Victoria College.....	1000 00	
Do. School of Medicine, Montreal.....	1000 00	
Do. Do. Kingston.....	1000 00	
Do. Do. Toronto.....	1000 00	
Do. Canadian Institute, Do.....	1000 00	
Do. Natural History Society, Montreal.....	1000 00	
Do. Historical Society, Quebec.....	1000 00	
Do. Canadian Institute, Ottawa.....	400 00	
Do. Atheneum, Do.....	400 00	
Observatory, Quebec, to defray expenses of.....	2400 00	
Do. Toronto, Do.....	4800 00	
Do. Kingston, Do.....	500 00	
Do. Isle Jésus, Do.....	500 00	
Do. Do. for purchase of Instruments.....	500 00	
		<u>17500 00</u>
<i>Hospitals and Charities.</i>		
Aid to the Toronto Hospital.....	8000 00	
Do. Do. for County Patients.....	6000 00	
Do. Do. House of Industry.....	3000 00	
Do. Protestant Orphan's Home and Female Aid Society, Toronto.....	800 00	
Do. Roman Catholic Orphan Asylum, Toronto.....	800 00	
Do. Lying-in Hospital, Toronto.....	600 00	
Do. Deaf and Dumb Institution, Toronto.....	1000 00	
Do. Public Nursery for children of the Poor, Toronto.....	400 00	
Do. House of Providence, Toronto.....	400 00	
Do. Marine and Emigrant Hospital, Quebec.....	10000 00	
Do. Indigent Sick, Quebec.....	4000 00	
Do. Asylum of the Good Shepherd, Quebec.....	800 00	
Do. Hospice de la Maternité, Do.....	600 00	
Do. Roman Catholic Orphan Asylum, Do.....	600 00	
Do. Managers of Protestant Female Orphan Asylum, Quebec.....	400 00	
Do. Finlay Asylum, Quebec.....	400 00	
Do. Male Orphan Asylum Quebec.....	400 00	
		<u>38200 00</u>
<i>Carried over</i> .....		948335 48

## SCHEDULE—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought over</i> .....	38200 00	948335 48
<i>Hospitals and Charities.—Continued.</i>		
Aid to St. Bridget's Asylum, Québec.....	400 00	
Do Ladies' Protestant Home, of Québec.....	400 00	
Do Canada Military Asylum for Widows and Orphans, Québec.....	200 00	
Do Indigent Sick, Montreal.....	4000 00	
Do Corporation of the General Hospital, Montreal.....	5000 00	
Do St. Patrick's Hospital, Montreal.....	2000 00	
Do Sœurs de la Providence Do.....	1400 00	
Do General Hospital des Sœurs de la Charité, Mont- real.....	1000 00	
Do Bonaventure Street Asylum, Montreal.....	1000 00	
Do St. Patrick's Roman Catholic Orphan Asylum, Montreal.....	800 00	
Do Protestant Orphan Asylum, Montreal.....	800 00	
Do House of Refuge, Montreal.....	600 00	
Do University Lying-in Hospital, Montreal.....	600 00	
Do Lying-in Hospital under care of Sœurs de la Misé- ricorde, Montreal.....	600 00	
Do Deaf and Dumb Institution, Montreal.....	1000 00	
Do Ladies Benevolent Society for Widows and Orphans, Montreal.....	400 00	
Do Charitable Association of the Ladies of the Roman Catholic Asylum, Montreal.....	400 00	
Do Magdalen Asylum (Ladies of Bon Pasteur), Montreal.....	400 00	
Do Eye and Ear Institution, Montreal.....	400 00	
Do Montreal Dispensary.....	400 00	
Do Montreal Home and School of Industry.....	400 00	
Do Kingston General Hospital.....	6000 00	
Do Indigent Sick at Kingston.....	3000 00	
Do Hôtel-Dieu Hospital, do.....	1000 00	
Do Orphan Asylum, do.....	800 00	
Do Hamilton Hospital.....	6000 00	
Do Orphan Asylum, Hamilton.....	800 00	
Do Roman Catholic do do.....	800 00	
Do Indigent Sick, Three Rivers.....	2800 00	
Do London Hospital.....	3000 00	
Do Protestant Hospital at Ottawa.....	1500 00	
Do R. C. do do.....	1500 00	
Do St. Hyacinthe Hospital.....	400 00	
Do Lunatic Asylum, Toronto, for 1861.....	70000 00	
Do do Malden, for 1861.....	37500 00	
Do do Beauport, Québec.....	60000 00	
Do do St. Johns, C. E.....	20000 00	
		275500 00
<i>Carried over</i> .....		1223835 48

## SCHEDULE—Continued.

SERVICE.	Amount.		Total.	
	\$	cts.	\$	cts.
<i>Brought over</i> .....			1223835	48
<i>Militia and Enrolled Force.</i>				
Salaries of two Deputy Adjutants General, U. C. and L. C., at \$2,240 each.....	\$4,480	00		
Salary of Chief Clerk and Accountant.....	1,800	00		
Salaries of two Clerks, at \$1,200 each.....	2,400	00		
do three do at \$1,000 each.....	3,000	00		
do one do at \$500.....	500	00		
do House Keeper and Messenger.....	500	00		
			12680	00
Salaries of two Inspecting Field Officers, U. C. and L. C., at \$1,600 each.....	3200	00		
do 8 Storekeepers of Armouries, at \$300 each.....	2400	00		
Care of Arms, rent of Armouries, Drill Rooms, Gun Sheds and Magazines, and pay of Storemen and Care-takers of Armouries of the Active Force.....	5000	00		
Fuel for established Armouries and harness rooms throughout the Province during winter.....	800	00		
Maintenance and Drill of the Active Volunteer Force:				
10 Troops of Cavalry, 6 days drill for 30 men per Troop including pay of drill Instructors.....	\$1,890	00		
7 Field Batteries, 12 days drill for 70 men, and 36 horses per Battery, including pay of Sergeant Majors.....	10,304	00		
50 Foot Artillery and Rifle Corps, 6 days drill for 30 men per Corps, including the pay of the drill Instructors.....	9,450	00		
			21644	00
Contingent Expenses for Postages, Stationery, Printing, Ammunition for Field Batteries, Repairs of Arms and Accoutrements, transport of Arms and Stores, Travelling expenses of Inspecting Field Officers and all other expenses incidental to the Active Force.....	8000	00		
Salary of Provincial Aid-de-Camp.....	1840	00		
Compensation to Pensioners in lieu of Land.....	12410	00		
For Musketry Instruction.....	2000	00		
			69974	00
Additional amount for Drill.....			15000	00
<i>Arts, Agriculture and Statistics.</i>				
Aid to the Boards of Arts and Manufactures, Upper and Lower Canada, at \$2000 each.....			4000	00
<i>Carried over</i> .....			1312809	48

## SCHEDULE—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought over</i> .....		1312809 48
<i>Agricultural Societies.</i>		
Aid to Boards of Agriculture, Upper and Lower Canada, at \$4000 each.....		8000 00
<i>Emigration.</i>		
Aid towards Emigration Expenses for the present year.....		10000 00
Additional Expenditure.....		15000 00
<i>Pensions.</i>		
Samuel Waller as late Clerk of Committees to the Legislative Assembly, Lower Canada.....	\$400 00	
John Bright, as late Messenger of L. C. do.....	80 00	
Louis Gagné, do Legislative Assembly.....	72 00	
	552 00	
G. B. Faribault, as late Assistant Clerk of the Legislative Assembly.....	\$1600 00	
Mrs. Widow Antrobus.....	800 00	
Mrs. Widow McCormick.....	400 00	
Pierre Bouchard, for wounds received in the Public Service.....	100 00	
Jacques Brien, do do.....	80 00	
	2980 00	
<i>Indian Annuities.</i>		
New Indian Annuities.....	4400 00	3532 00
Aid to Indians, Lower Canada, in addition to the Parliamentary Grant under Act 14 & 15 Vic. cap. 106.....	400 00	
		4800 00
<i>Roads and Bridges.</i>		
Colonization Roads, U. C.....		
Do do L. C.....		
		100000 00
<i>Ocean and River Steam Service.</i>		
Tug Service between Montreal and Kingston.....		20000 00
<i>Light-houses and Coast Service.</i>		
Salaries of two keepers of Depots for provisions at Anticosti, for the relief of Ship-wrecked persons for 1861, at \$200 each.....	400 00	
For providing provisions for such Depots.....	1400 00	
		1800 00
Allowance to Pierre Brochu for residing at Lake Metapediac, on the Kempt Road, to assist travellers thereon	100 00	
Do to Marcel Brochu, do at Petit Lac, do.	100 00	
Do to Jonathan Noble, do at La Fourche, do.	100 00	
Do to Thomas Evans, do at Assametquagan, do.	100 00	
		400 00
<i>Carried over</i> .....		1476341 48

## SCHEDULE—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought over</i> .....		1476341 48
<i>Light-houses and Coast Service.—Continued.</i>		
Proportion of the expenses of keeping up Light-houses on Isles of St. Paul and Scattered, in the Gulf.....		3000 00
<i>Fisheries.</i>		
Expenses of protecting the Fisheries in the Gulf.....		2500 00
<i>Geological Survey.</i>		
Amount required for current year.....		9000 00
<i>Miscellaneous Items.</i>		
For subscription to and advertising in the Official Gazette....	5000 00	
For Miscellaneous printing.....	5000 00	
To meet Miscellaneous petty expenses of the Public Service.	6000 00	
Expenses of Commissioners appointed to enquire into matters connected with the Public Service under Act 9 Vic. Cap. 38.....	6000 00	
		22000 00
To make good various incidental expenses incurred during the year 1860, as detailed in Statement, No. 59, part 2nd of the Public Accounts laid before the Legislature.....		393491 75
To purchase Seed grain for sufferers by Fire in County of Temiscouata, to be repaid.....	3000 00	
Gratuity to James Mitchel for injuries sustained at Bequet Light House.....	400 00	
Towards expenses of Indian Department.....	5000 00	
Additional aid to Deaf and Dumb Institution, Toronto	1000 00	
Do. do. do. Montreal.....	1000 00	
		10400 00
DEPARTMENT OF PUBLIC WORKS.		
<i>Welland Canal.</i>		
Continuation of Contract for deepening to Lake Erie Level..	60000 00	
<i>Lake St. Peter.</i>		
Continuation of Contract for deepening Lake St. Peter.....	60000 00	
<i>St. Lawrence Canals.</i>		
Towards construction of Waste Weirs, Swing Bridges and Spare Gates.....	35000 00	
Steamboat Service in connection with Lights, Buoys and Beacons under Trinity House—the Postal Service to Lower Ports—and construction of New Lights.....	50000 00	
<i>Carried over</i> .....	205000 00	1916733 23

## SCHEDULE—Continued.

S E R V I C E .	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought over</i> . . . . .	205000 00	1916733 23
Completion of Improvements under contract at La Tuque, Grande Mère and Shawenegan . . . . .	4000 00	
Towards completion of Roads to New Brunswick and Gaspé and on the North Shore of the St. Lawrence . . . . .	50000 00	
Towards continuation of Colonization Roads in the District of Algoma . . . . .	50000 00	
<i>Surveys.</i>		
Harbours of Refuge, Lake Huron and Lake Erie, and Colo- nization Roads . . . . .	8000 00	
To improve Joachim Rapids . . . . .	1200 00	
<i>Public Buildings.</i>		
Rents and Repairs thereof, Furniture and Charges connected with maintenance and protection of Public Property . . . . .	45000 00	
<i>Arbitrations and Awards.</i>		
Surveys and Inspections ; and to make good damages occa- sioned by Public Works, and towards keeping up and repairs of existing Works . . . . .	40000 00	
<i>Dredging Operations</i> , and new Dredges for maintenance and improvement of Navigation at various places . . . . .	30000 00	433200 00
Total . . . . .		2349933 23

## C A P . I I .

An Act to amend and explain the Act respecting duties of Customs, as regards packages in which goods are imported.

[Assented to 18th May, 1861.]

Preamble.

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

Schedule of Customs Act cap. 17, Con. Stat. Can., amended.

**1.** So much of Schedule A, annexed to the Act respecting Duties of Customs and the collection thereof, (chapter seventeen of the Consolidated Statutes of Canada,) as relates to the exemption of packages from duty, is hereby repealed; and the following provisions are substituted therefor :

Free packages.

Packages containing free goods, and of the description in which such goods are usually imported shall be free :

The



The following packages shall be free, viz:—Bales, trusses, cases covering casks of wine or brandy in wood, cases and casks containing dry goods, hardware and cutlery, crates or casks containing glassware or earthenware, cases containing bottled wine or bottled spirits, and other packages in which goods of the kind contained in them are usually imported, and which do not necessarily or generally accompany such goods when sold in this Province: Free packages.

All other packages containing goods paying *ad valorem* duties, shall be chargeable with the same duty as the goods they contain, unless such duty exceeds thirty per cent, in which case the duty on the packages containing them shall be thirty per cent *ad valorem*; and packages containing goods paying specific duties shall be chargeable with a duty of twenty per cent *ad valorem*. Duty on other packages.

2. It is hereby declared that the provision in the said Schedule exempting from duty (with certain exceptions) "packages of all kinds in which Goods are usually imported," was intended to apply only to such packages as at the time of the passing of the Act twenty-second Victoria, chapter two, (26th March, 1859), were usually and generally charged separately and distinctly in the Invoices of the goods contained in them; and that if any such packages were not so separately and distinctly charged in the Invoice at the time of the entry of the goods contained in them, no deduction from the value of such goods for duty, or any return of duty paid on the value of such packages, could or can be subsequently claimed. Provision respecting packages in the said Schedule explained.

3. This Act shall be construed as part of the said Act respecting Duties of Customs and the collection thereof. Interpretation.

### C A P . I I I .

An Act for better preventing the fraudulent use of false Invoices for Customs purposes.

[Assented to 18th May, 1861.]

**W**HEREAS, notwithstanding the penalties and forfeiture in such cases imposed by the laws relating to the Customs, attempts are frequently made to enter goods subject to *ad valorem* duties at less than their true value, by means of false Invoices, to the injury of the Revenue and of the fair Trader: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

1. If any person makes, or sends, or brings into this Province, or causes or authorizes the making, sending, or bringing into the same, of any Invoice or paper, used or intended to be used No person making or authorizing,

false invoice of any goods, shall recover any part of the price thereof.

used as an Invoice for Customs purposes, wherein any goods are entered or charged at a less price or value than that actually charged or intended to be charged for them, no price or sum of money shall be recoverable by such person, his assigns or representatives, for the price or on account of the purchase of such goods or any part of them, or on any bill of exchange, note or other security, unless in the hands of an innocent holder for value without notice, made, given or executed for the price of or on account of the purchase of such goods or any part of such price; and the production or proof of the existence of any other Invoice, account, document, or paper made or sent by the same person, or by his authority, wherein the same goods or any of them are charged or entered at or mentioned as bearing a greater price than that set upon them in any such Invoice as first above mentioned, shall be *prima facie* evidence that such first mentioned Invoice was intended to be fraudulently used for Customs' purposes, but such intention, or the actual fraudulent use of such Invoice, may be proved by any other legal evidence.

Interpretation.

2. This Act shall be construed as one Act with chapter seventeen of the Consolidated Statutes of Canada: *An Act respecting duties of Customs and the collection thereof.*

#### C A P . I V .

An Act to amend the twenty-eighth chapter of the Consolidated Statutes of Canada, intituled: *An Act respecting the Public Works*, in so far as respects the powers of Official Arbitrators.

[Assented to 18th May, 1861.]

Preamble.

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

Official arbitrators to make regulations for the conduct of cases to be brought before them.

1. The arbitrators and appraisers appointed or to be appointed under the forty-first section of the twenty-eighth chapter of the Consolidated Statutes of Canada, intituled: *An Act respecting the Public Works*, shall make such rules and regulations as shall appear to them necessary, for the proper institution, conduct, regulation, and management of all claims to be referred to or brought before them or either of them, for their or his investigation or arbitration, appraisement, determination and award under the said Act, and shall submit the same to the Governor in Council for approval; And such rules and regulations, after such approval by the Governor in Council, shall have effect from and after the day on which the same and such approval shall have been published in the *Canada Gazette*, and until the same are revoked, varied or altered; And all such

Regulations to have effect when approved by Governor in Council and publish-

such rules and regulations, or any of them, may from time to time be revoked, varied or altered by any subsequent rules or regulations which shall in like manner be submitted for such approval of the Governor in Council, and shall also have effect after similar approval and publication as aforesaid; And every claim referred to or brought before the said arbitrators, or any, or either of them, shall be instituted, conducted and determined under and subject to such rules and regulations.

ed; they may be revoked or amended in like manner.

Their effect.

2. The second subsection of the forty-sixth section, and the whole of the fifty-ninth section of the said Act are hereby repealed.

Certain provisions of the said cap. 28, repealed.

3. The following section or paragraph shall be substituted for the second subsection of the forty-sixth section hereby repealed, and shall in lieu thereof be read as the second subsection of the forty-sixth section of the said Act :

New provision in lieu of part of section 46.

“ But before any claims under this section, or any other section of this Act shall be arbitrated upon, the claimant thereof shall give security to Her Majesty to the satisfaction of the arbitrators, or any two of them, (or if the claim be referred to one arbitrator then to the satisfaction of such one) for the payment of the costs and expenses incurred by Her Majesty in the arbitration, in the event of the costs of Her Majesty on such arbitration, or any part thereof, being awarded against the claimant.”

Claimant to give security for costs.

4. The following section or paragraph shall be substituted for the fifty-ninth section hereby repealed, and shall in lieu thereof be read as the fifty-ninth section of the said Act :

New provision in lieu of section 59.

“ The Arbitrators, or a majority of them, (or in case any claim shall be referred to one arbitrator, then such one arbitrator shall, in their or his discretion, (and whether the award as to compensation be for or against the claimant,) award by whom the costs of arbitration or any part thereof shall be paid;”

Arbitrators may award as to costs.

2. “ And if the award of such costs or any part thereof be in favor of the claimant, the costs or such part thereof shall be paid by the Commissioner to the claimant; and if the award of such costs, or any part thereof, be against such claimant, the costs or such part thereof shall be paid to the Commissioner by such claimant, and if not so paid, may be retained and deducted by the Commissioner out of any moneys awarded to be paid to the claimant as compensation, or may be recovered by the Commissioner in any Court of jurisdiction, in the name of Her Majesty, as a debt due to Her Majesty; and the award of such arbitrator, majority of them, or of the arbitrators, as the case may be, shall be a *prima facie* evidence of such debt;”

How such costs shall be paid or recovered.

How taxed.

3. "In either case, and whether the costs or any part thereof be payable to or by the claimant, the same or such part thereof, shall be taxed by the arbitrators or arbitrator, but shall in no case exceed the rate or sum that would be taxed in like cases by the Courts in Upper or Lower Canada respectively, according as the case may have been heard in the one or in the other section of the Province."

New form of official oath prescribed.

5. The following oath is hereby substituted for that prescribed in the forty-second section of the said Act, and shall be taken by the arbitrators in lieu thereof :

The oath:

"I, A. B., do swear that I will well and truly hear, try and examine into all claims which may be submitted to me under the provisions of the Act respecting the Public Works ; and that I will observe all such requirements and provisions of the said Act as apply to any such claim, and will give a true judgment and award thereon, to the best of my ability.—So help me God."

## C A P . V .

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

[Assented to 18th May, 1861.]

Preamble.

**W**HEREAS it is expedient further to continue the Acts hereinafter mentioned, which would otherwise expire at the end of the present Session : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Acts of Canada,—

10, 11 V. c. 1.

14, 15 V. c. 159.

Acts of L. C.

2 G. 4, c. 8.

2 G. 4, c. 10.

1. The Act of the Parliament of this Province, passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled : "An Act to enlarge the powers of the Trinity House of Montreal, in certain cases where the Public Health of the City may be endangered;" the Act of the Parliament of this Province passed in the fourteenth and fifteenth years of Her Majesty's Reign, intituled : "An Act to incorporate the Grand Division and Subordinate Divisions of the Order of the Sons of Temperance in Canada West"; the Act of the Parliament of the late Province of Lower Canada, passed in the second year of the Reign of His late Majesty King George the Fourth, and intituled : "An Act for better regulating the Common of the Seigneurie of Laprairie de la Madeleine;" the Act of the said Parliament, passed in the same year of the same Reign, and intituled : "An Act to enable the inhabitants of the Seigneurie of La Baie Saint Antoine, commonly called La Baie du Febvre, to provide for the better regulation of the Common in the said Seigneurie," as amended and extended by the Act

of the said Parliament, passed in the fourth year of the same Reign, and intituled: "An Act to authorize the Chairman and Trustees of the Common of the 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;" the Act of the said Parliament, passed in the ninth year of the same Reign, and intituled: "An Act to alter and amend an Act, passed in the sixth year of His Majesty's Reign, intituled: "An Act to authorize the inhabitants of the Fief Grosbois, in the County of Saint Maurice, to make regulations for the common of the said Fief;" and all and every of the said Acts are hereby continued to the first day of January, one thousand eight hundred and sixty-two, and from thence until the end of the then next ensuing Session of the Provincial Parliament, and no longer.

4 G. 4, c. 26.

9 G. 4, c. 32.

Continued to  
end of Session  
after 1st Jan-  
uary, 1862.

2. The Act of the Parliament of this Province, passed in the seventh year of Her Majesty's Reign, and intituled: "An Act to repeal an Ordinance of Lower Canada, intituled: 'An Ordinance concerning Bankrupts, and the administration and distribution of their estates and effects,' and to make provision for the same object throughout the Province of Canada," and the Act amending the same, passed in the ninth year of Her Majesty's Reign, and intituled: "An Act to continue and amend the Bankrupt Laws now in force in this Province," in so far only as the same are continued by and for the purposes mentioned in the Act passed in the twelfth year of Her Majesty's Reign, and intituled: "An Act to make provision for the continuance and completion of proceedings in Bankruptcy now pending," and the said last mentioned Act; and the Act of the said Parliament, passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled: "An Act to afford relief to Bankrupts in certain cases," shall respectively be and they are hereby continued, and shall remain in force until the said first day of January, one thousand eight hundred and sixty-two, and thence until the end of the then next ensuing Session of the Provincial Parliament, and no longer.

Acts of Can-  
ada.

7 V. c. 10.

9 V. c. 30.

12 V. c. 18.

13, 14 V. c.  
20.Continued to  
the same time  
for certain  
purposes only.

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

Proviso: Act  
not to prevent  
the effect of  
any other Act  
of this Ses-  
sion.

4. The period limited by the Act of the Parliament of this Province, passed in the twelfth year of Her Majesty's Reign, and intituled: "An Act to amend the Acts passed to remedy certain defects in the Registration of Titles in the County of Hastings," as that within which it shall be lawful for the Registrar or Deputy Registrar of the County of Hastings to receive and

Periods limit-  
ed by 12 V.  
c. 97.

and index any memorial, under the authority of the Act of the said Parliament, passed in the ninth year of Her Majesty's Reign, and intituled: "An Act to remedy certain defects in the Registration of Titles in the County of Hastings, in Upper Canada," or of the Act of the said Parliament, passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled: "An Act to alter and amend an Act intituled: 'An Act to remedy certain defects in the Registration of Titles in the County of Hastings, in Upper Canada,' or to endorse any Deed, Conveyance, Will or Probate, to which such memorial relates, shall be and is hereby extended to the said first day of January, one thousand eight hundred and sixty-two, and thence until the end of the then next ensuing Session of the Provincial Parliament, and no longer.

9 V. c. 12.

10, 11 V. c.  
38.Extended to  
end of Session  
after 1st Jan-  
uary, 1862.Savings Bank  
Act and con-  
tinuations  
recited.

4, 5 V. c. 32.

14, 15 V. c.  
55.18 V. c. 96.  
Con. Stat.  
Can., cap. 56,  
s. 70.The Act 4, 5  
V. c. 32, con-  
tinued for five  
years as to  
Banks estab-  
lished under  
it.

5. And whereas certain Provident Institutions or Savings Banks, have been established and are now in operation in this Province, under the conditions, privileges and restrictions, made, granted and imposed by an Act of the Parliament of this Province passed in the Session thereof held in the fourth and fifth years of Her Majesty's Reign, intituled: "An Act to encourage the establishment of, and regulate Savings Banks in this Province"; and whereas the time thereby fixed for the continuance and operation of such Savings Banks was extended for the period of five years by an Act of the Parliament of this Province passed in the Session thereof held in the fourteenth and fifteenth years of Her Majesty's Reign, intituled: "An Act to continue for a limited time an Act intituled: 'An Act to encourage the establishment of, and regulate Savings Banks in this Province'"; and whereas the time thereby limited for the operations of the said Savings Banks was further extended until the thirtieth day of May, one thousand eight hundred and sixty-two, by an Act of the Parliament of this Province passed in the Session thereof held in the eighteenth year of Her Majesty's Reign, intituled: "An Act to regulate Savings Banks, and to repeal the Act now in force for that purpose," and is now so continued by the seventieth section of chapter fifty-six of the Consolidated Statutes of Canada; And whereas it is expedient that the operations of the said Savings Banks should be further continued for a limited time: Therefore, so much of the Acts cited in this section, and of the seventieth section of chapter fifty-six of the Consolidated Statutes of Canada, as limits the duration of the Act first above cited, shall be, and is hereby repealed, and the said first cited Act shall continue and remain in force as regards the Savings Banks mentioned in the said seventieth section, and them only, during five years from and after the passing of this Act and from thence until the end of the next ensuing Session of the Provincial Parliament, and no longer.

## C A P . V I .

An Act to amend chapter eighty-nine of the Consolidated Statutes of Canada, respecting the Extradition of Fugitive Felons from the United States of America.

[Assented to 18th May, 1861.]

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

1. The first, second and third sections of the eighty-ninth chapter of the Consolidated Statutes of Canada, intituled : *An Act respecting the Treaty between Her Majesty and the United States of America, for the apprehension and surrender of certain offenders*, are hereby repealed. Sections 1, 2, 3, of Con-Stat. Can., repealed.

2. The following section, or paragraph, shall be substituted for the first section hereby repealed, and shall, in lieu thereof, be read as the first section of the said Act : New section in place of sect. 1.

“ Upon complaint made under oath, or affirmation, (in cases where affirmations can be legally taken instead of oaths) charging any person found within the limits of this Province, with having committed, within the jurisdiction of the United States of America, any of the crimes enumerated or provided for by the said Treaty, it shall be lawful for any Judge of any of Her Majesty's Superior Courts in this Province, or any Judge of a County Court in Upper Canada, or any Recorder of a City in this Province, or any Police Magistrate, or Stipendiary Magistrate in this Province, or any Inspector and Superintendent of Police, empowered to act as a Justice of the Peace in Lower Canada, to issue his Warrant for the apprehension of the person so charged, that he may be brought before such Judge or other Officer, and upon the said person being brought before him, under the said warrant, it shall be lawful for such Judge or other Officer, to examine upon oath any person or persons touching the truth of such charge, and upon such evidence as according to the laws of this Province, would justify the apprehension and committal for trial of the person so accused, if the crime of which he shall be so accused had been committed herein, it shall be lawful for such Judge or other Officer to issue his warrant for the commitment of the person so charged, to the proper gaol, there to remain until surrendered according to the stipulation of the said Treaty, or until discharged according to law ; and the said Judge or other Officer shall thereupon forthwith transmit or deliver to the Governor, a copy of all the testimony taken before him, that a warrant may issue upon the requisition of the United States, for the surrender of such person, pursuant to the said Treaty.” By whose order and on what evidence persons charged with certain crimes committed in the U. S. may be arrested and detained.

New section  
in place of  
sect. 2.

3. The following section, or paragraph, shall be substituted for the second section hereby repealed, and shall, in lieu thereof, be read as the second section of the said Act :

Certain copies  
of depositions  
may be re-  
ceived in evi-  
dence.

“ In every case of complaint as aforesaid, and of a hearing upon the return of the warrant of arrest, copies of the depositions upon which the original warrant may have been granted in the United States, certified under the hand of the person or persons issuing such warrant, and attested upon the oath of the party producing them, to be true copies of the original depositions, may be received in evidence of the criminality of the person so apprehended.”

New section  
in place of  
sect. 3.

4. The following section, or paragraph, shall be substituted for the third section hereby repealed, and shall, in lieu thereof, be read as the third section of the said Act :

Governor may  
order the de-  
livery of the  
offender on re-  
quisition from  
U. S.

“ It shall be lawful for the Governor, upon a requisition made as aforesaid, by the United States, by Warrant under his hand and seal, to order the person so committed, to be delivered to the person or persons authorized to receive such person, in the name and on behalf of the said United States, to be tried for the crime of which such person stands accused, and such person shall be delivered up accordingly ; and the person or persons, authorized as aforesaid, may hold such person in custody, and take him to the territories of the said United States, pursuant to the said Treaty ; and if the person, so accused, escapes out of any custody to which he stands committed, or to which he has been delivered as aforesaid, such person may be retaken in the same manner as any person accused of any crime against the laws of this Province may be retaken upon an escape.”

Provision in  
case of escape.

## C A P . V I I .

An Act to amend the Law relating to the unlawful administering of Poison.

[Assented to 18th May, 1861.]

Preamble.

WHEREAS the present law has been found insufficient to protect persons from the unlawful administering of poison, except in cases where the intent is to commit murder : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Maliciously  
administering  
poison, &c.,  
and endanger-  
ing life, &c.,  
felony.

1. Whosoever shall unlawfully and maliciously administer to or cause to be administered to, or taken by any other person, any poison or other destructive or noxious thing so as thereby to endanger the life of such person, or so as thereby to inflict upon such person any grievous bodily harm, shall be guilty of felony, and,



and, being convicted thereof, shall be liable to be sentenced to imprisonment for any period not less than two years.

2. Whosoever shall unlawfully and maliciously administer to, or cause to be administered to, or taken by any other person, any poison or other destructive or noxious thing with intent to injure, aggrieve or annoy such person, shall be guilty of a misdemeanor, and, being convicted thereof, shall be liable to be sentenced to imprisonment for any period not more than two years.

Maliciously administering poison, &c., with the intent to injure, &c., misdemeanor.

3. If upon the trial of any person, charged with the felony above mentioned, the Jury shall not be satisfied that such person is guilty thereof, but shall be satisfied that he is guilty of the misdemeanor above mentioned, then and in every such case the jury may acquit the accused of such felony, and find him guilty of such misdemeanor, and thereupon the delinquent shall be liable to be punished in the same manner as if convicted upon an indictment for the misdemeanor.

Offenders indicted for the felony may be convicted of the misdemeanor.

## C A P . V I I I .

An Act to amend and extend the law in respect to persons injured in this Province and dying abroad.

[Assented to 18th May, 1861.]

**W**HEREAS by an Act of the Parliament of the United Kingdom passed in the Session held in the twenty-third and twenty-fourth years of Her Majesty's reign, to enable the Legislatures of Her Majesty's possessions abroad to make enactments similar to the enactments of the Act ninth George Fourth, chapter thirty-one, section eight, it is in effect enacted, that it shall be lawful for the Legislature of any of Her Majesty's possessions abroad to enact, by any law or ordinance, to be by them made in the usual manner, such enactment as is in the said recited Act mentioned and contained, with respect to offences committed within Her Majesty's possessions abroad; And whereas it is desirable that such provision should be made in this Province as in the said recited Act is mentioned: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.  
Imp. Act 23,  
24 V. cited.

1. When any person being feloniously stricken, poisoned or otherwise hurt at any place within the limits of this Province, shall die of such stroke, poisoning or hurt, upon the sea, or at any place out of the limits of this Province, every offence committed in respect of any such case, whether the same shall amount to the offence of murder or of manslaughter, or of being accessory before the fact to murder, or after the fact to murder

When any person dies abroad of hurt received in Canada, all offences with respect to the case may be

or

tried in Canada.

or manslaughter, may be dealt with, inquired of, tried, determined and punished in this Province, in the same manner in all respects as if such offence had been wholly committed within the limits of this Province.

### C A P . I X .

An Act to abolish the mode of procedure in Criminal cases called Recording Sentence of death.

[Assented to 18th May, 1861.]

Preamble.

**W**HEREAS it is expedient to abolish the mode of procedure in Criminal cases, by which Judgment or Sentence of death is entered of record in certain cases : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Sect. 91, 92 of c. 99 Con. Stat. Can. repealed.

1. The ninety-first and ninety-second sections of the ninety-ninth chapter of the Consolidated Statutes of Canada are hereby repealed.

### C A P . X .

An Act to prevent vexatious Indictments for certain Misdemeanors.

[Assented to 18th May, 1861.]

Preamble.

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

Indictments for certain offences not to be presented or found, except under certain circumstances or with certain official sanction.

1. After the first day of September, one thousand eight hundred and sixty-one, no Bill of Indictment for any of the offences following, viz. : Perjury, Subornation of Perjury, Conspiracy, obtaining money or other property by false pretences, keeping a gambling house, keeping a disorderly house, and any indecent assault, shall be presented to, or found by any Grand Jury, unless the prosecutor or other person presenting such indictment had been bound by recognizance to prosecute or give evidence against the person accused of such offence, or unless the person accused has been committed to, or detained in custody, or has been bound by recognizance to appear to answer to an indictment to be preferred against him for such offence, or unless such indictment for such offence, if charged to have been committed in Upper Canada, be preferred by the direction, or with the consent, in writing, of a Judge of one of the Superior Courts of Law, or of Her Majesty's Attorney General or Solicitor General for Upper Canada, or of a Judge of one of the County Courts, or Recorder of a City in Upper Canada, or unless such indictment for such offence, if charged to

to, have been committed in Lower Canada, be preferred by the direction, or with the consent, in writing, of a Judge of the Court of Queen's Bench, or of the Superior Court, or of Her Majesty's Attorney General or Solicitor General for Lower Canada, or (in case of an indictment for perjury in any part of this Province,) by the direction of any Court, Judge or public functionary, authorized by law to direct a prosecution for perjury.

2. Where any charge or complaint shall be made before any one or more of Her Majesty's Justices of the Peace, that any person has committed any of the offences aforesaid, within the jurisdiction of such Justice, and such Justice shall refuse to commit, or to bail the person charged with such offence, to be tried for the same, then, in case the prosecutor shall desire to prefer an indictment respecting the said offence, it shall be lawful for the said Justice, and he is hereby required to take the recognizance of such prosecutor, to prosecute the said charge or complaint, and to transmit such recognizance, information and depositions, if any, in Upper Canada, to the County Crown Attorney, in accordance with "The Local Crown Attorneys' Act," and in Lower Canada, to the Court in which such indictment ought to be preferred, in the same manner as such Justice would have done, in case he had committed the person charged to be tried for such offence.

Provision where a person is charged with any of the said offences, before a Justice who refuses to commit or bail the person charged.

## C A P . X I .

An Act to amend *The Prison and Asylum Inspection Act.*

[Assented to 18th May, 1861.]

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

Preamble.

1. The fourth section, the first and third sub-sections of the eleventh section, and the twenty-fifth section of the one hundred and tenth chapter of the Consolidated Statutes of Canada, intituled : *An Act respecting Inspectors of Public Asylums, Hospitals, the Provincial Penitentiary of Canada, and of all Common Gaols and other Prisons,* are hereby repealed.

Certain portions of c. 110 of Con. Stat. Can. repealed.

2. The following section or paragraph shall be substituted for the fourth section hereby repealed, and shall in lieu thereof be read as the fourth section of the said Act :—

New section substituted for s. 4.

"In case of the absence of the Chairman, the Inspectors present may select one of their number to act in his stead during such absence."

Absence of chairman.

New provision substituted for par. 1 of s. 11.

3. The following section or paragraph shall be substituted for the first sub-section of the eleventh section hereby repealed, and shall in lieu thereof be read as the first sub-section of the eleventh section of the said Act :—

Inspectors to visit the Penitentiary quarterly at least.

“ The said Inspectors shall visit the said Penitentiary jointly, as often as they see fit, but at least four times in each year, namely, once in each quarter, and shall devote as many days as may be necessary, at each such joint visit, to a rigid inspection of the whole affairs, management and condition of the Institution. ”

New provision substituted for par. 3 of s. 11.

4. The following section or paragraph shall be substituted for the third sub-section of the said eleventh section hereby repealed, and shall in lieu thereof be read as the third sub-section of the eleventh section of the said Act :—

Minutes of their visits to be kept by Inspectors.

“ The said Inspectors shall keep regular minutes of all their visits and proceedings, whether individual or joint ; the proceedings at all joint visits shall be entered by the Clerk of the Penitentiary in a book kept for that purpose, and the decisions recorded therein, when signed by the Inspectors present at such visit, shall be the formal action of the Board of Inspectors, and have full force according to the provisions of this Act as such, and nothing which is not therein recorded shall have such authority ; and to the said Minute Book the Warden shall have access at all times, and he shall keep himself acquainted with the contents thereof, and guide himself thereby ; and the said Inspectors shall keep a memorandum book, in which each Inspector on his individual visits to the Prison shall enter any remarks on the state of the Prison, or on the conduct of any Officer, or any suggestions for the better conduct of the Institution, which he may deem it advisable to make. ”

Duty of Warden.

Memorandum Book.

New section substituted for s. 25.

5. The following section or paragraph shall be substituted for the twenty-fifth section hereby repealed, and shall in lieu thereof be read as the twenty-fifth section of the said Act :—

Inspectors to record their proceedings.

“ The said Inspectors shall keep an exact record of all their proceedings. ”

Part of par. 10 of s. 11 repealed.

6. So much of the tenth sub-section of the eleventh section of the said Act, as prescribes the tenth day of February in each year as the period of time when the Inspectors shall make an annual report to the Governor General, as therein mentioned, and so much of the thirty-second section of the said Act as prescribes the tenth day of February in each year as the period of time when the Inspectors shall make an annual report to the Governor as therein mentioned, are hereby respectively repealed, and in lieu thereof the first day of April shall be substituted, taken and read as parts of the said sub-section and of the said section respectively, as the periods of

New period for making Reports.

of time when the said reports required to be made, shall respectively be made in accordance with the said sub-section and section of the said Act.

7. In the construction of the said Act, the word "Board" or "Inspectors" shall be held to mean a *quorum* of the same. Interpretation.

### C A P . X I I .

An Act to amend the one hundred and eleventh Chapter of the Consolidated Statutes of Canada, intituled: *An Act respecting the Provincial Penitentiary of Canada.*

[Assented to 18th May, 1861.]

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

1. The first subsection of the forty-sixth section of the one hundred and eleventh Chapter of the Consolidated Statutes of Canada, intituled: *An Act respecting the Provincial Penitentiary of Canada*, and the seventy-third and seventy-fourth sections of the said Act respectively, are hereby repealed. Certain parts of cap 111 of Con. Stat. Canada, repealed.

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

An Act to amend the one hundred and eighth Chapter of the Consolidated Statutes of Canada, intituled: *An Act respecting a Lunatic Asylum for Criminal Convicts.*

[Assented to 18th May, 1861.]

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

1. The sixth section of the one hundred and eighth chapter of the Consolidated Statutes of Canada, intituled: *An Act respecting a Lunatic Asylum for Criminal Convicts*, is hereby repealed. Sect. 6 of the said cap. 108, repealed.

2. The following section shall be substituted for the sixth section hereby repealed, and shall in lieu thereof be read as the sixth section of the said Act: New section substituted.

"6. The said Criminal Lunatic Asylum shall, unless otherwise specially ordered by the Governor, be made and used as the Lunatic Asylum, or place for the safe-keeping of persons liable to be confined or kept in custody under the first, second, third, fourth, fifth, sixth, eighth and ninth sections of *An Act respecting the confinement of Lunatics whose being at large may be dangerous to the public.*" The said Asylum to be the place for confining Lunatics under cap. 109.

## C A P . X I V .

An Act to abolish the right of Courts of Quarter Sessions and Recorders' Courts to try Treasons and Capital Felonies.

[Assented to 18th May, 1861.]

Preamble.

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

Power of Quarter Sessions or Recorders' Courts to try treasons and capital felonies, revoked.

1. All powers and jurisdictions to try Treasons and Felonies, for conviction whereof the punishment of Death is imposed, and which powers and jurisdictions are, by any law or statute whatsoever, granted or confirmed, or which are in any other manner vested in or exercised by any Court of Quarter Sessions and Recorders' Court of this Province, are hereby absolutely revoked and determined, and every such law and statute is hereby repealed, so far as it may confer such powers and jurisdictions.

## C A P . X V .

An Act to amend the one hundred and second chapter of the Consolidated Statutes of Canada, intituled: *An Act respecting the duties of Justices of the Peace, out of Sessions, in relation to persons charged with indictable offences.*

[Assented to 18th May, 1861.]

Preamble.

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

Sect. 54 of the said cap. 102, repealed.

1. The fifty-fourth section of the one hundred and second chapter of the Consolidated Statutes of Canada is hereby repealed.

New section substituted.

2. The following section or paragraph shall be substituted for the fifty-fourth section hereby repealed, and shall in lieu thereof be read as the fifty-fourth section of the said Act :—

In cases of misdemeanor as well as of felony, County Judge may order a party committed for trial, to be bailed.

“ In Upper Canada, in all cases of felony and of misdemeanor, where the party accused has been finally committed as hereinafter provided, any County Judge, who is also a Justice of the Peace for the County within the limits of which such accused party is confined, may, in his discretion, on application made to him for that purpose, order such accused party or person to be admitted to bail on entering into recognizance with sufficient sureties before two Justices of the Peace, in such amount as the said Judge directs, and thereupon such Justices shall issue a warrant of deliverance (S. 3,) as hereinafter provided, and shall attach thereto the order of the Judge directing the admitting of such party to bail.”

## C A P . X V I .

An Act to give jurisdiction to Canadian Magistrates in respect of certain offences committed in New Brunswick by persons afterwards escaping to Canada.

[Assented to 18th May, 1861.]

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

1. Every person committing an offence against any Law in force in the Province of New Brunswick, or a breach of any Regulation made or to be made under authority of any Act of that Province affecting fisheries in the County of Restigouche, and upon the waters of the Rivers Restigouche and Mistouche forming part of the said Province, who may come within the jurisdiction of Canada, shall be punishable in this Province for such offence in the same manner as if the act had been herein committed, and the Law or Regulation so contravened were actually in force in the Province of Canada ; and every such offender may so be summarily dealt with, convicted and punished before any Justice of the Peace, or Stipendiary Magistrate, having summary jurisdiction in Lower Canada, as in like cases provided by Law with regard to offences committed in Canada.

Offenders against laws or regulations in force in N. Brunswick, touching fisheries, may be convicted and punished in Canada.

2. In prosecutions for any penalty or penalties and forfeitures, incurred under any such Act or Regulation, and recoverable as aforesaid, the Statutes of the Province of New Brunswick, containing the Law so infringed, or a copy thereof purporting to be printed by Her Majesty's Printer for the said Province, or the certificate of the Provincial Secretary of the said Province, certifying the enactment, shall be received as evidence thereof ; and the production of any Regulation or Regulations made under any such Act, authenticated by the Clerk of the Executive Council, or the certificate to the like effect of the Clerk of the General Sessions for the said County of Restigouche, shall be accepted as proof of such Regulation or Regulations having been duly approved by the Governor of the said Province in Council ; and the authority of any Officer charged with the execution of, or authorized under any Law and Regulation or Regulations in force or to be in force in the said Province of New Brunswick, relating to fisheries, may be proved by either documentary or parol testimony ; and neither the signature purporting to be that of any such officer or person as aforesaid, nor his holding such office, shall require proof, but shall *prima facie* be taken to be proved ; and every such Act or Regulation shown as aforesaid to have been in force, shall be taken to be in force until the contrary be proved.

What shall be sufficient proof of such laws or regulations.

And of the authority of any New Brunswick officer, &c.

Act 22 V. c. 62, extended to Rivers as well as Roadsteads.

3. The Act passed in the twenty-second year of Her Majesty's reign, intituled: *An Act for the better regulation of the Harbors and Roadsteads in certain Municipalities in Lower Canada*, is amended by inserting in and reading as part of the said Act the words "Rivers" or "River," respectively, after the word "Roadsteads" or "Roadstead," wherever the same occur in the said Act.

## C A P . X V I I .

### An Act to explain and amend the Railway Act.

[Assented to 18th May, 1861.]

Preamble.

**W**HEREAS doubts are entertained as to whether Rectors in possession of Glebe Lands in Upper Canada, Ecclesiastical and other Corporations, Trustees of Land for Church and School purposes or either, Executors appointed by Wills in which they are not invested with any power over the real estate of the Testator, Administrators of persons dying intestate but at their death seized of real estate, are authorized by the eleventh section of the Railway Act to sell or dispose of any of such lands to any Railway Company for the actual use of and occupation by such Company; And whereas it is desirable to remove such doubts, and to amend the said Railway Act in the particulars hereinafter set forth: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain conveyances to Railway Companies under sect. 11 of the Railway Act, declared valid.

1. The true intent and meaning of the said section of the said Act was and is, that the several persons and parties hereinbefore mentioned, with respect to the lands above in this Act referred to, should and shall exercise all the powers mentioned in the first subsection of the said section eleven of the said Railway Act, with respect to any of such lands actually required for the use and occupation of any Railway Company; and any conveyance made under the said first subsection shall vest in the Railway Company receiving the same, the fee simple in the lands in such Deed described, freed and discharged from all trusts, restrictions and limitations whatsoever.

Sect. 11 of Con. Stat. Can. cap. 66, to apply.

2. All the provisions in the said section and in the said Act contained as to Arbitrations, and obtaining possession and title to such lands, and the disposition of the purchase money, shall apply to all the parties and lands in this Act and in the said subsection mentioned; and no Railway Company shall be responsible for the disposition of any purchase money for lands taken by them for their purposes, if paid to the owner of the land or into Court for his benefit.

Provision when County

3. Whenever any County Judge shall be or is interested in lands taken or required within the County in which he is such Judge,



Judge, by any Railway Company, for Railway purposes, any Judge is interested.  
 Judge of any of the Superior Courts in Upper or Lower Canada shall, on application of such Company, exercise in such case all the powers of the County Court Judge given to him by the said eleventh section of the said Act, in cases in which he the County Judge is not interested.

4. The one hundred and thirty-first section of the Railway Act is hereby amended by adding thereto the following proviso : Sect. 131, amended.

Provided always, that every Railway Company shall, according to their respective powers, afford all reasonable facilities to any other Railway Company for the receiving and forwarding and delivering of Traffic upon and from the several Railways belonging to or worked by such Companies respectively, and for the return of carriages, trucks, and other vehicles ; and no such Company shall give or continue any preference or advantage to or in favor of any particular Company or any particular description of Traffic, in any respect whatsoever, nor shall any such Company subject any particular Company or any particular description of Traffic to any prejudice or disadvantage in any respect whatsoever ; And every Railway Company having or working a Railway which forms part of a continuous line of Railway or which intersects any other Railway, or which has any Terminus, Station or Wharf of the one near any Terminus, Station or Wharf of the other, shall afford all due and reasonable facilities for receiving and forwarding by the one of such Railways, all the Traffic arriving by the other, without any unreasonable delay, and without any such preference or advantage or prejudice or disadvantage as aforesaid, and so that no obstruction may be offered in the using of such Railway as a continuous line of communication, and so that all reasonable accommodation may, at all times, by the means aforesaid, be mutually afforded by and to the said several Railway Companies ; And any agreement between any two or more Railway Companies contrary to the foregoing provisions, made after the passing of this Act, shall be unlawful, null and void.

Railway Companies must afford each other every facility for the forwarding of traffic, without preference or favour.

Agreements made in contravention of this Act, to be void.

5. If any officer, servant or agent of any Railway Company, having the superintendence of the traffic at any Station or Depot thereof, refuses or neglects to receive, convey or deliver at any Station or Depot of the Company for which they may be destined, any passenger, goods or things, brought, conveyed or delivered to him or to such Company, for conveyance over or along their Railway from that of any other Company, intersecting with or coming near to such first mentioned Railway,—or in any way wilfully contravenes the provisions of the next preceding section,—such first mentioned Railway Company or such officer, servant or agent, personally, shall, for each such neglect or refusal, incur a penalty not exceeding fifty dollars, over and above the actual damages sustained ; which penalty may

Penalty on Companies or their officers refusing or neglecting to forward traffic, as above required.

How recover-  
able and how  
to be applied.

may be recovered, with costs, in a summary way, before any Justice of the Peace, by the Railway Company or any other party aggrieved by such neglect or refusal, and to and for the use and benefit of such Company or other party so aggrieved.

Interpretation  
of word  
"Traffic."

Railway,  
Railway Com-  
pany, &c.

6. For the purposes of the two next preceding sections, the word "Traffic" includes not only passengers and their baggage, goods, animals and things conveyed by Railway, but also cars, trucks and vehicles of any description adapted for running over any Railway;—the word "Railway" includes all stations and depots of the Railway;—the expression "Railway Company," includes all parties owning, leasing or working any Railway;—and a Railway shall be deemed to come near another when some part of the one is within one mile of some part of the other.

This Act to  
form part of  
the Railway  
Act.

7. This Act shall form part of the Railway Act, and shall be construed as applying to any Railway Company incorporated or to be hereafter incorporated, to which the provisions of the said Railway Act apply, and shall have effect accordingly.

Interest of  
purchase mo-  
ney or rent of  
property ne-  
cessary for  
working a  
Railway, to  
be deemed  
part of its  
working ex-  
penses.

8. The interest of the purchase money or rent of any real property acquired or leased by any Railway Company and necessary to the efficient working of such Railway, and the price or purchase money of any real property or thing without which the Railway could not be efficiently worked, shall be considered to be part of the expenses of working such Railway, and shall be paid as such out of the earnings of the Railway.

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

### The Joint Stock Companies General Clauses Consolida- tion Act.

[Assented to 18th May, 1861.]

Preamble.

**W**HEREAS it is expedient to provide for the incorporation of certain general clauses into all Acts incorporating Joint Stock Companies for any of the purposes hereinafter mentioned: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

To what Com-  
panies this  
Act shall ap-  
ply.

1. When not otherwise expressly enacted, this Act shall apply to every Joint Stock Company incorporated by any Act hereafter to be passed, for any of the following purposes:

Manufac-  
turing.

1. The carrying on of any kind of manufacturing, ship-  
building, mining, mechanical or chemical business;

Buildings for  
certain pur-  
poses.

2. The erection and maintenance of any building or build-  
ings to be used in whole or part as a Mechanics' Institute, or  
Public Reading or Lecture Room, or as a place for holding  
Agricultural

Agricultural or Horticultural Fairs or Exhibitions, or as a place for Educational, Library, Scientific or Religious purposes, or as a Public Hotel, or as a place for Baths and Bath-houses ;

3. The opening and using of Petroleum, Salt or Mineral Springs; Mineral Springs.

4. The carrying on of any Fishery or Fisheries in this Province, or the waters thereto adjacent, or in the Gulf of St. Lawrence, and the building and equipping of vessels required for such Fishery or Fisheries; Fisheries.

5. The carrying on of any general forwarding business, and the construction, owning, chartering or leasing of ships, steam-boats, wharves, roads, or other property required for the purpose of such forwarding business; Forwarding.

6. The supplying of any place with Gas or Water, or with both Gas and Water; Gas or Water.

7. The constructing of any line or lines of Telegraph; Telegraphs.

8. The acquiring or constructing, and maintaining of any dam, slide, pier, boom or other work necessary to facilitate the transmission of timber down any river or stream in this Province, and the blasting of rocks, the dredging or removing of shoals or other impediments, or the improving otherwise of the navigation of such streams for such purpose; Works for transmission of timber.

9. The acquiring or constructing, and maintaining, of any plank, macadam or gravelled road, or of any bridge, pier, wharf, dry dock, or marine railway; Roads.

And this Act shall be incorporated with every such Act; and all the clauses and provisions of this Act, unless they are expressly varied or excepted by any such Act, shall apply to the Company thereby chartered, so far as applicable thereto, and shall, as well as the clauses and provisions of every other Act incorporated with such Act, form part of such Act, and be construed together therewith as forming one Act. This Act to be incorporated with Special Acts incorporating Joint Stock Companies.

2. For the purpose of incorporating this Act, or any of its provisions with a Special Act, it shall be sufficient in such Act to enact, that the clauses of this Act, or such of them as in such Act may be particularly designated to that end, shall be incorporated with such Act; and thereupon, all such clauses, save in so far as they are expressly varied or excepted by such Act, shall be construed as if the rest of such clauses were formally embodied and reproduced therein. How such incorporation shall be effected.

3. The expression "the Special Act," used in this Act, shall be construed to mean any Act incorporating a Company for any Meaning of expression

"Special Act." any of the above purposes, and with which this Act is in manner aforesaid incorporated,—and also all Acts amending such Act.

Interpretation clause.

4. The following words and expressions, both in this and the Special Act, shall have the meanings hereby assigned to them, unless there is something in the subject or context repugnant to such construction, that is to say :

1. The expression "the Company" shall mean the Company incorporated by the Special Act ;

2. The expression "the undertaking" shall mean the whole of the works and business of whatever kind, which the Company is authorized to undertake and carry on ;

3. The expression "Real Estate" or "Land" shall include all Real Estate, messuages, lands, tenements and hereditaments, of any tenure ;

4. The word "Shareholder" shall mean every subscriber to or holder of Stock in the Company, and shall extend to and include the personal representatives of the Shareholder.

General corporate powers of every such Company.

5. Every Company incorporated for any of the above purposes, under any Special Act, shall be a body corporate under the name declared in the Special Act, and may acquire, hold, alienate and convey, any real estate necessary or requisite for the carrying on of the undertaking of such Company, and shall be invested with all the powers, privileges and immunities necessary to carry into effect the intentions and objects of this Act and of the Special Act, and which are incident to such corporation, or expressed or included in the Interpretation Act.

Powers under Special Act to be subject to this Act.

6. All powers given by the Special Act to the Company shall be exercised, subject to the provisions and restrictions contained in this Act.

Board of Directors.

7. The affairs of every such Company shall be managed by a Board of not less than three, nor more than nine Directors.

First Directors.

8. The persons named as such, in the Special Act, shall be the Directors of the Company, until replaced by others duly named in their stead.

Qualification of Directors.

9. No person shall be elected or named as a Director thereafter, unless he is a Shareholder, owning Stock absolutely in his own right, and not in arrear in respect of any call thereon ; And the major part of the after Directors of the Company shall, further, at all times, be persons resident in this Province, and subjects of Her Majesty by birth or naturalization.

**10.** The after Directors of the Company shall be elected by the Shareholders, in general meeting of the Company assembled, at such times, in such wise, and for such term, not exceeding two years, as the Special Act, or (in default thereof) the By-laws of the Company, may prescribe.

Elective Directors.

**11.** In default only of other express provisions in such behalf, by the Special Act or By-laws of the Company,—

As to elections when not otherwise provided for.

1. Such election shall take place yearly, all the members of the Board retiring, and (if otherwise qualified) being eligible for re-election ;

2. Notice of the time and place for holding general meetings of the Company shall be given at least ten days previously thereto, in some newspaper published at or as near as may be to the office or chief place of business of the Company ;

3. At all general meetings of the Company, every Shareholder shall be entitled to as many votes as he owns Shares in the Company, and may vote by proxy ;

4. Elections of Directors shall be by ballot ;

5. Vacancies occurring in the Board of Directors may be filled for the unexpired remainder of the term, by the Board, from among the qualified Shareholders of the Company ;

6. The Directors shall from time to time elect from among themselves a President of the Company ; and shall also name, and may remove at pleasure, all other officers thereof.

**12.** If at any time an election of Directors be not made or do not take effect at the proper time, the Company shall not be held to be thereby dissolved ; but such election may take place at any general meeting of the Company duly called for that purpose ; and the retiring Directors shall continue in office until their successors are elected.

Provision in case of failure of election.

**13.** The Directors of the Company shall have full power in all things to administer the affairs of the Company, and may make or cause to be made for the Company any description of contract which the Company may by law enter into ; and may from time to time make By-laws not contrary to law, nor to the Special Act, nor to this Act, to regulate the allotment of Stock, the making of calls thereon, the payment thereof, the issue and registration of certificates of Stock, the forfeiture of Stock for non-payment, the disposal of forfeited Stock and of the proceeds thereof, the transfer of Stock, the declaration and payment of dividends, the number of the Directors, their term of service, the amount of their Stock qualification, the appointment, functions, duties and removal of all agents, officers and servants of the

Powers of Directors.

By-laws for divers purposes.

the Company, the security to be given by them to the Company, their remuneration and that (if any) of the Directors, the time at which and place where the Annual Meetings of the Company shall be held, the calling of meetings, regular and special, of the Board of Directors, and of the Company, the quorum, the requirements as to proxies, and the procedure in all things at such meetings, the imposition and recovery of all penalties and forfeitures admitting of regulation by By-law, and the conduct in all other particulars of the affairs of the Company; and may from time to time repeal, amend or re-enact the same; but every such By-law, and every repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a General Meeting of the Company duly called for that purpose, shall only have force until the next Annual Meeting of the Company, and in default of confirmation thereat, shall, at and from that time only, cease to have force; Provided always, that one-fourth part in value of the Shareholders of the Company shall at all times have the right to call a special meeting thereof, for the transaction of any business specified in such written requisition and notice as they may issue to that effect.

How to be confirmed.

Proviso: calling special meetings.

Proof of By-laws.

**14.** A copy of any By-law of the Company, under their seal, and purporting to be signed by any Officer of the Company, shall be received as *prima facie* evidence of such By-law in all Courts of Law or Equity in this Province.

Stock to be personalty. Transfer.

**15.** The stock of the Company shall be deemed personal estate, and shall be transferable, in such manner only, and subject to all such conditions and restrictions as by this Act, or by the Special Act or By-laws of the Company, shall be prescribed.

Allotting stock.

**16.** If the Special Act makes no other definite provision, the Stock thereof shall be allotted, when and as the Directors, by By-law or otherwise, may ordain.

Calling in instalments.

**17.** The Directors of the Company may call in and demand from the Shareholders thereof, respectively, all sums of money by them subscribed, at such time and places, and in such payments or instalments, as the Special Act, or as this Act may require or allow; and interest shall accrue and fall due, at the rate of six per centum per annum, upon the amount of any unpaid call, from the day appointed for payment of such call.

Ten per cent. at least to be called in yearly.

**18.** Not less than ten per centum upon the allotted Stock of the Company shall, by means of one or more calls, be called in and made payable within one year from the incorporation of the Company; and for every year thereafter, at least a further ten per centum shall in like manner be called in and made payable, until the whole shall have been so called in.

**19.** The Company may enforce payment of all calls and interest thereon, by action in any competent Court; and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the Defendant is a holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more upon one share or more, stating the number of calls and the amount of each, whereby an action hath accrued to the Company under this Act; and a certificate under their seal, and purporting to be signed by any Officer of the Company, to the effect that the Defendant is a Shareholder, that such call or calls has or have been made, and that so much is due by him and unpaid thereon, shall be received in all Courts of Law and Equity as *prima facie* evidence to that effect.

Action for calls: what only need to be alleged and proved.

**20.** If, after such demand or notice as by the Special Act or By-laws of the Company may be prescribed, any call made upon any share or shares be not paid within such time as by such Special Act or By-laws may be limited in that behalf, the Directors, in their discretion, by vote to that effect, reciting the facts, and duly recorded in their minutes, may summarily forfeit any shares whereon such payment is not made; and the same shall thereupon become the property of the Company, and may be disposed of as by By-laws or otherwise they shall ordain.

Forfeiture for non-payment.

Forfeited shares to belong to the Company.

**21.** No share shall be transferable, until all previous calls thereon have been fully paid in, or until declared forfeited for non-payment of calls thereon.

Calls must be paid before transfer.

**22.** No Shareholder being in arrear in respect of any call shall be entitled to vote at any meeting of the Company.

Shareholders in arrear not to vote.

**23.** The Company shall cause a book or books to be kept by the Secretary, or by some other Officer specially charged with that duty, wherein shall be kept recorded—

Books to be kept by the Company.

1. The names, alphabetically arranged, of all persons who are or have been Shareholders;

What to contain.

2. The address and calling of every such person, while such Shareholder;

3. The number of shares of stock, held by each Shareholder;

4. The amounts paid in, and remaining unpaid, respectively, on the stock of each Shareholder;

5. All transfers of stock, in their order as presented to the Company for entry, with the date and other particulars of each transfer, and the date of the entry thereof; and—

6. The names, addresses and calling, of all persons who are or have been Directors of the Company; with the several dates at which each ever became or ceased to be such Director.

Directors may disallow transfer of stock in certain cases.

**24.** The Directors may refuse to allow the entry into any such book, of any transfer of Stock whereof the whole amount has not been paid in; and whenever entry is made into such book, of any transfer of Stock not fully paid in, to a person not being of apparently sufficient means, the Directors, jointly and severally, shall be liable to the creditors of the Company, in the same manner and to the same extent as the transferring Shareholder, but for such entry, would have been; but if any Director present when such entry is allowed do forthwith, or if any Director then absent do within twenty-four hours after he shall have become aware thereof and able so to do, enter on the minute book of the Board of Directors his protest against the same, and do within eight days thereafter publish such protest in at least one newspaper published at, or as near as may be possible to, the office or chief place of business of the Company, such Director may thereby, and not otherwise, exonerate himself from such liability.

Their liability if they allow transfers to persons without means: how.

Effect of transfer limited until allowed.

**25.** No transfer of Stock shall be valid for any purpose whatever, save only as exhibiting the rights of the parties thereto towards each other, and as rendering the transferee liable *ad interim* jointly and severally with the transferor, to the Company and their creditors,—until entry thereof has been duly made in such book or books.

Books to be open to Shareholders and creditors of Company.

**26.** Such books shall, during reasonable business hours of every day, except Sundays and statutory and obligatory holidays, be kept open for the inspection of Shareholders and creditors of the Company, and their personal representatives, at the office or chief place of business of the Company; and every such Shareholder, creditor or representative may make extracts therefrom.

Effect as evidence.

**27.** Such books shall be *prima facie* evidence of all facts purporting to be thereby stated, in any suit or proceeding against the Company or against any Shareholder.

Penalty for making untrue entries.

**28.** Every Director, officer or servant of the Company, who knowingly makes or assists to make any untrue entry in any such book, or who refuses or neglects to make any proper entry therein, or to exhibit the same, or to allow the same to be inspected and extracts to be taken therefrom, shall be guilty of a misdemeanor, and being convicted thereof, shall be punished accordingly.

Forfeiture of rights for not keeping.

**29.** Every Company neglecting to keep such book or books open for inspection as aforesaid, shall forfeit its corporate rights.



**30.** The Company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any shares; and the receipt of the Shareholder in whose name the same may stand in the books of the Company, shall be a valid and binding discharge to the Company for any dividend or money payable in respect of such shares, and whether or not notice of such trust shall have been given to the Company; and the Company shall not be bound to see to the application of the money paid upon such receipt.

Company not bound to see to trusts on shares.

**31.** Every contract, agreement, engagement or bargain made, and every bill of exchange drawn, accepted or endorsed, and every promissory note and cheque made, drawn or endorsed on behalf of the Company, by any agent, officer or servant of the Company, in general accordance with his powers as such under the By-laws of the Company, shall be binding upon the Company; and in no case shall it be necessary to have the seal of the Company affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque, or to prove that the same was made, drawn, accepted or endorsed, as the case may be, in pursuance of any By-law, or special vote or order; nor shall the party so acting as agent, officer or servant of the Company, be thereby subjected individually to any liability whatsoever to any third party, therefore; provided, always, that nothing in this section shall be construed to authorize the Company to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money, or as the note of a Bank.

Contracts, bills, notes, &c., by the Company, how to be executed.

Proviso: as to bank-notes.

**32.** No Company shall use any of its funds in the purchase of stock in any other Corporation, unless in so far as such purchase may be specially authorized by the Special Act, and also by the Act creating such other Corporation.

As to holding stock in other Corporations.

**33.** Each Shareholder, until the whole amount of his Stock has been paid up, shall be individually liable to the creditors of the Company, to an amount equal to that not paid up thereon; but shall not be liable to an action therefor by any creditor, before an execution against the Company has been returned unsatisfied in whole or in part; and the amount due on such execution shall be the amount recoverable with costs, against such Shareholders.

Liability of Shareholders.

**34.** The Shareholders of the Company shall not as such be held responsible for any act, default or liability whatsoever, of the Company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever, relating to or connected with the Company, beyond the amount of their respective shares in the capital stock thereof.

Liability of Shareholders.

**35.** No person holding stock in the company as an executor, administrator, tutor, curator, guardian or trustee, shall be personally

As to stock held by per-

sons in a representative capacity.

personally subject to liability as a Shareholder, but the estates and funds in the hands of such person, shall be liable in like manner, and to the same extent, as the testator or intestate, or the minor, ward and interdicted person, or the person interested in such trust fund, would be, if living and competent to act, and holding such stock in his own name; and no person holding such stock as collateral security, shall be personally subject to such liability, but the person pledging such stock shall be considered as holding the same, and shall be liable as a Shareholder accordingly.

Voting on such stock.

**36.** Every such executor, administrator, tutor, curator, guardian or trustee; shall represent the stock in his hands, at all meetings of the Company, and may vote accordingly as a Shareholder; and every person who pledges his stock may nevertheless represent the same at all such meetings, and may vote accordingly as a Shareholder.

Penalty for paying dividends when Company is insolvent, &c.

**37.** If the Directors of the Company declare and pay any dividend when the Company is insolvent, or any dividend the payment of which renders the Company insolvent, or diminishes the capital stock thereof, they shall be jointly and severally liable, as well to the Company as to the individual Shareholders and creditors thereof, for all the debts of the Company then existing, and for all thereafter contracted during their continuance in office, respectively; but if any Director present when such dividend is declared do forthwith, or if any Director then absent do within twenty-four hours after he shall have become aware thereof and able so to do, enter on the minutes of the Board of Directors his protest against the same, and within eight days thereafter publish such protest in at least one newspaper published at, or as near as may be possible to, the office or chief place of business of the Company, such Director may thereby, and not otherwise, exonerate himself from such liability.

How a Director or may exonerate himself.

Penalty for lending Company's money to Shareholders.

**38.** No Loan shall be made by the Company to any Shareholder, and if such be made, all Directors and other officers of the Company making the same, or in any wise assenting thereto, shall be jointly and severally liable to the Company for the amount of such loan,—and also to third parties, to the extent of such loan with legal interest, for all debts of the Company contracted from the time of the making of such loan to that of the re-payment thereof.

Liability of Directors for certain debts of Company.

**39.** The Directors of the Company shall be jointly and severally liable upon any and every written contract or undertaking of the Company on the face whereof the word "Limited" or the words "Limited Liability" are not distinctly written or printed after the name of the Company where first occurring, and also to the laborers, servants and apprentices of the Company, for all debts not exceeding one year's wages, due for service

service performed to the Company whilst they are such Directors respectively ; but no Director shall be liable to an action upon any such contract or undertaking or for recovery of any such debt, unless the Company has been sued upon or for the same within one year after the same became exigible, nor yet unless such Director is sued thereon or therefor within one year thereafter, nor yet before an execution against the Company has been returned unsatisfied in whole or part ; and the amount due on such execution shall be the amount recoverable, with costs, against the Directors.

Limitation of actions.

40. Service of all manner of summons or writ whatever upon the Company, may be made by leaving a copy thereof at the office or chief place of business of the Company, with any grown person in charge thereof, or elsewhere with the President or Secretary thereof ; or if the Company have no known office or chief place of business, and have no known President or Secretary, then, upon return to that effect duly made, the Court shall order such publication as it may deem requisite to be made in the premises, for at least one month, in at least one newspaper ; and such publication shall be held to be due service upon the Company.

Service of process on a Company.

41. Any description of Action may be prosecuted and maintained between the Company and any Shareholder thereof ; and no Shareholder, not being himself a party to such suit, shall be incompetent as a witness therein.

Actions between Company and Shareholders.

42. Whenever this Act is referred to, it shall be sufficient in citing the same, to use the expression *The Joint Stock Companies General Clauses Consolidation Act.*

Short title of this Act.

## C A P. X I X.

An Act to amend the Act chapter sixty-three of the Consolidated Statutes of Canada respecting Joint Stock Companies.

[Assented to 18th May, 1861.]

WHEREAS it is expedient to authorize the formation of Joint Stock Companies for other purposes than those now mentioned in the several Acts in that behalf : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

1. Section one of the Act chapter sixty-three of the Consolidated Statutes of Canada is hereby amended as follows : After the words, " Any kind of Manufacturing, Shipbuilding, Mining, Mechanical, or Chemical business," in the said section, the words,—or for the purchase or erection of any building or buildings, and placing therein machinery of any kind, to be

The said Act extended to Companies formed for certain purposes.

rented

rented to other persons, for carrying on any kind of manufacturing—or for the erection of any building or buildings, to be occupied by others for carrying on any kind of manufacturing—or for the purchase of machinery of any kind to be rented to and used by other persons in manufacturing—or for the renting and operating of any manufactory already erected,”—shall be added.

Section 2 amended, and the acknowledgment of the declaration facilitated.

2. Section two of the said Act is hereby amended by adding at the end thereof the words “ Provided always, that if any such persons cannot conveniently make such acknowledgment in person, any two or more of the Trustees may make oath before such Registrar or his Deputy, that the respective signatures of such persons were by each of them subscribed in presence of such attesting Trustees; and such oath shall serve to all intents as an acknowledgment by such persons under the said Act; and any false swearing therein shall be deemed perjury. ”

## C A P . X X .

### An Act to amend the Joint Stock Companies Judicial Incorporation Act.

[Assented to 18th May, 1861.]

Preamble.

**W**HEREAS it is expedient to amend the Joint Stock Companies Judicial Incorporation Act, in the particulars hereinafter set forth: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

How the declaration required by 23 V. c. 31, may be acknowledged.

1. In place of acknowledging the Declaration of the Company in manner and form as prescribed by the third section of the Joint Stock Companies Judicial Incorporation Act, the parties signing such Declaration may acknowledge the same in duplicate before the Registrar or Deputy Registrar of any City, County or Division wherein the major part of such persons are domiciled, or wherein any operations of the Company are to be carried on, although the same be not that wherein its chief place of business is situated, or before the Prothonotary of the Superior Court in and for any District in Lower Canada, wherein the major part of such persons are domiciled, or wherein any such operations are to be carried on, or the Clerk of the County Court of any County in Upper Canada, wherein the major part of such persons are domiciled, or wherein any such operations are to be carried on; and such Registrar, Deputy Registrar, Prothonotary or Clerk shall receive such acknowledgment and grant certificate thereof.

Registration of the declaration; how effected.

2. In such case, both the duplicates of the Declaration, duly certified by such Registrar, Deputy Registrar, Prothonotary or Clerk, shall forthwith thereafter be exhibited to the Registrar or Deputy Registrar of the City, County or Division wherein the

the chief place of business of the Company is situate, or wherein its operations are to be wholly carried on, as the case may be; and one of such duplicates shall be filed by such last mentioned Registrar or Deputy Registrar, and a transcript thereof shall be made by him in the book kept by him in terms of the said Act; and the other of such duplicates, with a proper further certificate of such filing and registration endorsed thereon, shall forthwith be transmitted to and filed in the office of the Prothonotary of the Superior Court in and for the District wherein such registration has been made, if in Lower Canada,—or of the Clerk of the County Court of the County wherein such registration has been made, if in Upper Canada; And thereafter, all such further proceedings shall be had thereon, as in and by the said Act are prescribed in respect of Declarations acknowledged in terms of the third section thereof.

3. The concluding paragraph of the first section of the said Act is hereby so amended as to read thus : Sect. 1 amend- ed.

“ 6. The names in full, and the address and calling, of each of the persons making the Declaration ; with special mention,— *firstly*, of the amount of stock taken by each, the aggregate thereof not being less than one-half of the total amount of the stock of the Company,—and *secondly*, of the names of not less than three nor more than nine of such persons, who are to be the first Directors of the Company, and the major part of whom must be resident in this Province, and subjects of Her Majesty by birth or naturalization.” Paragraph 6 corrected.

4. The eighteenth section of the said Act is hereby so amended as to read thus : Section 18 amended.

“ No person shall be elected or named as a Director thereafter, unless he is a shareholder, owning stock absolutely in his own right, and not in arrear in respect of any call thereon ;— And the major part of the Directors of the Company shall, further, at all times, be persons resident in this Province, and subjects to Her Majesty by birth or naturalization.” Qualification of Directors.

5. The fifty-third section of the said Act is hereby so amended as to read thus : Section 53 amended.

“ The Directors of the Company shall be jointly and severally liable upon any and every written contract or undertaking of the Company on the face whereof the word “ Limited ” or the words “ Limited Liability,” are not distinctly written or printed after the name of the Company where first occurring, and also to the laborers, servants and apprentices of the Company for all debts not exceeding one year’s wages due for service performed to the Company whilst they are Directors respectively ; but no Director shall be liable to an action upon any such contract or undertaking, or for recovery of any such debt, Liability of the Directors for wages and on contracts where the limited liability is not expressed.

debt, unless the Company has been sued upon or for the same within one year after the same became exigible, nor yet unless such Director is sued thereon or therefor within one year thereafter, nor yet before an execution against the Company has been returned unsatisfied in whole or part; and the amount due on such execution shall be the amount recoverable, with costs, against the Directors."

Act to be construed as one with 23 V. c. 31.

6. This Act shall be construed and applied to all intents, as though embodied in and forming part of the said Act hereby amended; and the expression "*The Joint Stock Companies Judicial Incorporation Act*" shall constitute a sufficient citation as well of this Act as of the said Act hereby amended.

## C A P . X X I .

An Act to amend the Act respecting Trade Marks, and to provide for the Registration of Designs.

[Assented to 18th May, 1861.]

Preamble.

**W**HEREAS it is expedient to make provision for the better ascertaining and determining the right of manufacturers or others to enjoy the exclusive use, within this Province, of trade marks claimed by them: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Act 23 V. c. 27, repealed.

1. The Act passed in the twenty-third year of Her Majesty's reign, intituled: *An Act respecting Trade Marks*, is hereby repealed.

What shall be deemed Trade marks.

2. For the purposes of this Act, all marks, names, brands, labels, packages or other business devices, which may be adopted for use by any person in his trade, business, occupation or calling, for the purpose of distinguishing any manufacture, product or article of any description by him manufactured, produced, compounded, packed or offered for sale, no matter how applied, whether to such manufacture, product or article, or to any package, parcel, case, box or other vessel or receptacle of any description whatever containing the same, shall be considered and known as Trade Marks, and may be registered for the exclusive use of the party registering the same in the manner hereinafter provided; and thereafter he shall have the exclusive right to use the same, to designate articles manufactured or sold by him.

They may be registered.

Secretary of Board of Registration, &c., to keep a Trade Marks Register.

3. The Secretary of the Board of Registrations and Statistics shall keep, at the said Bureau, a book or books, to be denominated the "Trade Marks Register," in which all proprietors of trade marks may cause the same to be registered, by depositing with the said Secretary a drawing and description in duplicate of such trade mark, together with a declaration that such drawing

drawing and description correctly represent the same, and that such trade mark is not in use, to his knowledge, by any other person than himself at the time of his adoption thereof, or application for registration; And the said Secretary, on receipt of the fee hereinafter provided, shall examine the said trade mark to ascertain whether it resembles any other trade mark already registered; and if he find that such trade mark is not identical with or does not so closely resemble as to be confounded with any other trade mark already registered, he shall register the same, and shall return to the proprietor thereof one copy of the drawing and description, with his certificate thereto, that the said trade mark has been duly registered in accordance with the provisions of this Act; And he shall further state in such certificate the day, month and year of the entry thereof in the said Trade Marks Register; and every such certificate shall be received in all Courts of Law or of Equity in Canada as evidence of the facts therein alleged, without proof of the signature of the said Secretary, or of the seal of the Bureau.

In what cases he may register marks.

Particulars of entry.

4. If any person shall make application to register, as his own, any trade mark, which has been already registered, the Secretary shall notify all parties interested therein to appear, in person or by Attorney, before the Minister of Agriculture, with their witnesses, for the purpose of establishing which is the rightful owner of such trade mark, and after having heard the parties and their witnesses, the said Minister shall order such entry or cancellation, or both, to be made as he shall deem just; in the absence of the said Minister, the said Secretary may hear and determine the case and make such entry or cancellation, or both, as to right and justice may appertain.

Cancelling registration improperly made.

5. If any person, other than the party who has registered the same, shall mark any goods or any article of any description whatever with any trade mark registered under the provisions of this Act, or with any part of such trade mark, whether by applying such trade mark or any part thereof to the article itself or to any package or thing containing such article, or by using any package or thing so marked which has been used by the proprietor of such trade mark, or shall knowingly sell or offer for sale any article marked with such trade mark, or with any part thereof, with intent to deceive and to induce persons to believe that such article was manufactured, produced, compounded, packed or sold by the proprietor of such trade mark, he shall be guilty of a misdemeanor, and, on conviction thereof, shall forfeit, for each offence, a sum of not less than twenty dollars and not exceeding one hundred dollars, which amount shall be paid to the proprietor of such trade mark, together with the costs incurred in enforcing and recovering the same; Provided, always, that every complaint under this section shall be made by the proprietor of such trade mark, or by some one acting on his behalf and duly authorized thereto.

Penalty for using another person's Trade Mark.

Proviso.

Penalty on persons registering another's Trade Mark as their own.

Cancelling registration in such case.

Penalty for using Trade Marks of persons not resident in this Province.

Recovery of penalties.

Close imitation of Trade Marks forbidden.

Action of damages for using Trade Mark.

Recital.

6. If any person shall knowingly and wilfully register as his own any trade mark, the property of a person not resident in this Province, he shall be guilty of a misdemeanor, and shall be subject and liable to the penalty mentioned in the preceding section; And the entry of every such trade mark in the Trade Marks Register, shall be cancelled by the said Secretary on receipt of a certificate signed by the Clerk of the Court, or the Justices of the Peace before whom the conviction was had, of any such conviction; and one-half of every such penalty shall be paid to the party prosecuting, and the other half to the Crown.

7. If any person shall counterfeit or use the trade mark of any person, not resident within this Province, with intent to deceive the public and lead to the belief that the articles or package so marked were manufactured or put up by the owner of such trade mark, although the same is not registered in this Province, he shall, on conviction thereof, forfeit a sum of not less than ten dollars nor more than fifty dollars for each offence, with costs, one-half of which penalty shall be paid to the complainant and the other half to the Crown.

8. Complaints under either of the two next preceding sections may be brought by any party or person whatever, and the penalties mentioned in the three next preceding sections shall be enforced and recovered in the same manner, and subject to the same provisions as are provided in the sections of this Act respecting the registration and protection of designs.

9. The use of any trade mark either identical with that of any manufacturer, producer, packer, or vender, or so closely resembling it as to be calculated to be taken for it by ordinary purchasers, shall be held to be a use of such trade mark.

10. Notwithstanding any thing in the preceding sections contained, a suit may be maintained by any proprietor of a trade mark against any person using his registered trade mark, or any fraudulent imitation thereof, or selling articles bearing such trade mark, or any such imitation thereof, or contained in packages being or purporting to be his, contrary to the provisions of this Act.

#### REGISTRATION OF DESIGNS.

11. And whereas it is advisable to make provision for the copy-righting, protecting and registering of new and original designs, whether such designs be applicable to the ornamenting of any article of manufacture, or of any substance, artificial or natural, or partly artificial and partly natural, and that whether such design be so applicable for the pattern, or for the shape, or for the configuration, or for the ornament thereof, or for any two or more such purposes, and by whatever means such design may be so applicable,



applicable, whether by printing or by painting, or by embroidery, or by weaving, or by sewing, or by modeling, or by casting, or by embossing, or by engraving, or by staining, or by any other means whatsoever, manual, mechanical, or chemical, separate or combined: Be it enacted, that the proprietor of every such design, not previously published or made known, shall have the sole right to apply the same to any article of manufacture, or to any such substance as aforesaid, after having duly registered such design on the conditions hereinafter set forth; Provided that such right thus granted shall only exist during the respective terms hereinafter mentioned, to be computed from the time of registration; and every such registration shall be termed a "Copyright," and provided further that the owner of such design is a resident within this Province, and that the subject matters to which such design is applied is manufactured in this Province.

Copyright of designs given.

Proviso.

Proviso.

**12.** In respect of the application of any such design to ornamenting any article of manufacture contained in the first, second, third, fourth, sixth, eighth, eleventh or thirteenth of the classes following, for the term of seven years:

Duration of copyright.

In respect of the application of any such design to ornamenting any article of manufacture contained in the fifth, seventh, ninth, tenth, twelfth or fourteenth of the classes following, for the term of three years:

Duration of copyright.

- CLASS** I. Articles of manufacture wholly or chiefly composed of metals or mixed metals.
- " II. Articles of manufacture wholly and chiefly composed of wood; or to the ornamenting of ivory, bone, papier maché, and other solid substances not enumerated.
- " III. Articles of manufacture wholly or chiefly composed of glass.
- " IV. Articles of manufacture wholly or chiefly composed of earthenware.
- " V. Paperhangings.
- " VI. Carpets, Floor or Oilcloths.
- " VII. Shawls, if solely by printing or colors upon tissue or textile fabrics.
- " VIII. Shawls other than those in class VII.
- " IX. Yarn, Thread or Warp, if the design be applied by printing or other process by which colors are or may be hereafter produced.

**CLASS**

- CLASS X. Woven fabrics, composed of Linen, Cotton, Wool, Silk, or Hair, or of any two or more such materials, if design be by printing, or by any other process by which colors are or may be hereafter produced upon tissue or textile fabrics, excepting articles included in class XI.
- “ XI. Woven fabrics, composed of Linen, Cotton, Wool, Silk, or Hair, or of any two or more such materials, if design be by printing, or by any other process by which colors are or may be hereafter produced upon tissue or textile fabrics, such woven fabrics being or coming within the description called furniture, and the repeat of the design whereof shall be more than 12 x 8 inches.
- “ XII. Woven fabrics not included in any preceding class.
- “ XIII. Lace and any article of manufacture and substance not comprised in any preceding class.
- “ XIV. Articles of manufacture having reference to some purpose of utility, so far as such designs shall be for the shape or configuration of such article, and whether it be for the whole or part of the shape or configuration thereof.

Registration  
of design and  
how made,  
&c.

**13.** Every design to be protected must be registered before publication, and, at the time of the registration, applied to some article in the above mentioned classes, by specifying the number of the class; The name of the person registering must be registered as the proprietor of the design; and, after publication, the name of the proprietor shall appear upon the article to which his design applies: if the manufacture be a woven fabric, by printing upon one end; if another substance, at the edge or upon any convenient parts, the letters Rd., with the number of letter, or number and letter, corresponding with the date of the registration; the mark may be put upon the manufacture by making it on the material itself, or by attaching thereto a label containing the proper marks.

Author to be  
proprietor:  
exceptions.

**14.** The author of the design shall be considered the proprietor thereof, unless he has executed the design for another person, for a good or valuable consideration, then such other person shall be considered the proprietor, and shall alone be entitled to register it; but his right to the property shall only be co-extensive with the right which he may have acquired.

Register of  
designs.

**15.** The Secretary of the Board of Registration and Statistics shall keep at the said Bureau a book or books to be called the “Register of Designs,” and another or others to be called the “Register of Proprietors.”

**16.** Every design shall be assignable in law, either as to the whole interest or any undivided part thereof, by an instrument in writing, which assignment shall be recorded in the office of the Secretary of said Bureau on payment of the fees hereinafter provided, in the Register of Proprietors hereinbefore provided, within thirty days from the execution thereof, otherwise such assignments shall not be valid; And every proprietor of a design may grant and convey an exclusive right, under any copyright, to make, use and vend, and to grant to others to make, use and vend such design within and throughout this Province, or any part thereof, for the unexpired term thereof or any part thereof; which exclusive grant and conveyance shall be called a license, and shall be recorded in the same manner and within the same delay as assignments.

Designs to be assignable, and in what manner.

And so of a right to use or vend the design.

**17.** During the existence of the right (whether it be of the entire or partial use of such design,) no person shall, without the license in writing of the registered proprietor, apply such design, or a fraudulent imitation thereof, to the ornamenting of any article of manufacture, &c., for the purposes of sale, or publish, sell, or expose for sale or use any article of manufacture, &c., to which such design, or fraudulent imitation thereof, shall have been applied, under penalty of not less than twenty dollars, and not exceeding one hundred and twenty dollars, to the proprietor of the design, and costs—to be recovered by the registered proprietor, or his assignee, by suit in any Court, having jurisdiction in suits of a like amount.

No person to use a registered design without license.

Penalty for contravention.

**18.** Every person placing the words "registered," or the letters "Rd.," upon any unregistered article, or upon any article the copyright of which has run out, or advertising the same for sale as a registered article, or unlawfully selling, publishing, or exposing for sale such article, knowing the same to have been fraudulently stamped or that the copyright thereof has expired, shall forfeit for every offence a sum not less than four dollars and not exceeding thirty dollars, to be recovered in the same manner as penalties under the preceding section, and that by any person whatever, who shall receive one-half the amount of the said last mentioned penalty, on the recovery of the amount which the offender may have been condemned to pay.

Penalty for marking an unregistered article as "registered"

**19.** A suit may be maintained by the proprietor of any design for the damages he has sustained by the application or imitation of the design, for the purpose of sale, against any person so offending, he (the offender) knowing that the proprietor of the design had not given his consent to such application.

Action in damages for using without license.

**20.** If any person, not being the lawful proprietor of a design, be registered as proprietor thereof, the rightful owner may, if he reside in Lower Canada, institute an action in the Superior Court,

How the true proprietor may proceed

Court,

against a person having fraudulently registered a design as his own.

Court, or, if he reside in Upper Canada, institute proceedings in any County Court on the equity side thereof, and the Court having cognizance of such suit may, if it appear that the design has been registered in the name of a wrong person, either direct the registration to be cancelled, or that the name of the lawful proprietor shall be substituted for the name in the Register, with costs in its discretion, and on application by the Plaintiff supported by affidavit, it shall be lawful for any such Court, pending such action or proceedings, at its discretion, to issue an order upon the defendant prohibiting the use of such design, pending such suit or proceedings, under pain of being held in contempt of such Court.

Alteration in the Register by order of Court.

**21.** The Secretary of said Bureau, after due service of such order and payment of the fee hereinafter provided, shall make such alteration in the Register as shall in said order be directed.

Limitation of suits under this Act.

**22.** All proceedings, under the preceding sections of this Act, shall be brought within twelve months from the commission of the offence, and not after; nor shall any of the clauses of this Act apply to protect any design which does not belong to a person resident within this Province and is not applied to a subject matter manufactured in this Province.

Duplicate drawings to be furnished to the Secretary before he registers a design.

**23.** The Secretary of said Board shall not register any design unless he is furnished, in respect of each application, with duplicate drawings of such design, accompanied with the name of the person who shall claim as proprietor, with his place of abode, or place of carrying on business, or other place of address, and the number and class in respect to which the registration is made; he must register all such drawings in the order in which they are received, and on every such drawing affix a number corresponding to such succession; He shall retain and file one drawing, and return the other to him from whom he received it; he shall also class such drawings and keep an index of them; The size of the sheet on which such drawings shall be made not to exceed twenty-four inches by thirteen inches; and on the side of the sheet where the drawing is, there shall be left a blank space six inches by four inches, for the Secretary's certificate; the prints or drawings to be on a proper geometric scale, and the parts of the design which are not new shall be set forth.

Description of such drawings: how they shall be dealt with.

**24.** On the copy returned to the person registering, the Secretary shall certify, under the seal of the said Bureau, that the design has been registered, the date of registration, the name of the registered proprietor, his address, the number of such design, and the number or letter employed to denote or correspond with the registration, which said certificate, in the absence of proof to the contrary, shall be sufficient proof of the design, of the name of the proprietor, of the registration, of the commencement

Certificate on copy returned to the owner. Its effect.

commencement

commencement and period of registry, of the person named as proprietor being proprietor, of the originality of the design, and of compliance with the provisions of this Act; and generally the writing shall be received as evidence of the facts therein stated, without proof of the signature of the Commissioner, or of the seal of the Bureau.

25. Copies of all registered trade marks and copies of the index of the titles of the designs, and copies of expired copyrights, shall be forwarded with the least possible delay, from time to time, to the Board of Arts and Manufactures for Upper and Lower Canada, respectively; and the same shall be open to the inspection of the public in the offices of such Boards, during the usual office hours of each day, free of charge.

Copies of registered Trade Marks and expired copyright designs to be open to the public.

26. Any person may, on payment of the appointed fee, inspect any design whereof the copyright shall have expired; but no inspection of any unexpired copyright shall be allowed unless by the proprietor of the design; The Secretary of said Bureau shall, however, on the receipt of the fee hereinafter provided, give a certificate to any person producing a design having thereon the registration mark, or producing the registration mark only, stating in such certificate whether any copyright of such design exists, to what particular manufacture such copyright applies, the term of the copyright, the date of the registration, and the name and address of the registered proprietor.

Expired copyright designs may be inspected but not others: but a certain certificate may be obtained.

27. The said Secretary shall have power to refuse to register such designs as do not appear to him to be within the provisions of this Act, as of a thing not intended to be applied to an article of manufacture, but only as a wrapper, label or covering, in which an article might be exposed for sale, or when the design is contrary to public morality or order, subject, however, to appeal to the Governor in Council.

Secretary may refuse to register certain designs.

28. The Minister of Agriculture shall, from time to time, cause to be published in the *Canada Gazette* the titles of the designs registered and the names and places of abode of the registered proprietors.

Publication of titles of registered designs.

29. Nothing herein contained shall be construed as a declaration that any act hereby made a misdemeanor, was or was not a misdemeanor before its passing, or that any such suit as aforesaid could or could not heretofore have been maintained in either section of the Province, nor shall any thing herein prevent any offence being dealt with as forgery, or as a fraud or other offence, if without this Act it could be so dealt with.

Act not to be construed to have certain effects.

30. The following fees shall be payable by every applicant for a copyright, or for the registration of a trade mark, to wit:—

Fees under this Act.

On every application to register a design or trade mark, including certificate, five dollars ;

On each inspection of any design or trade mark, fifty cents ;

For each certificate of registration not already provided for, one dollar ;

For each certified copy of any document or extract from the Registers, seven cents per hundred words ;

For each copy of any drawing, the reasonable expenses of preparing the same ;

For recording any assignment or other writing of three hundred words or under, one dollar ;

For recording any assignment or other writing above three hundred words, but not exceeding one thousand words, one dollar and fifty cents ;

For recording any assignment or other writing above one thousand words, two dollars and fifty cents ;

All of which fees shall be paid over by the person receiving the same to the Receiver General of this Province.

## C A P. X X I I.

### An Act to amend the Act respecting the Inspection of Sole Leather.

[Assented to 18th May, 1861.]

#### Preamble.

**W**HEREAS the Act intituled : *An Act respecting the Inspection of Sole Leather*, being chapter fifty-one of the Consolidated Statutes of Canada, authorizes, among other things, the appointment of an Inspector of Sole Leather in any Incorporated City or Town in this Province, in manner therein set forth ; and whereas it is expedient to extend the same to the Judicial Districts in Lower Canada : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Sect. 2 of Con. Stat. Can. c. 51, repealed, and new section substituted.

1. The second section of the said Act is hereby repealed, and instead thereof, the following shall stand as the second section thereof : " Upon the receipt of any requisition, signed by not less than ten persons engaged in the manufacture or consumption of Sole Leather, in any Incorporated City or Town in this Province, or in any of the Judicial Districts in Lower Canada, setting forth the necessity of the appointment of an Inspector of Sole Leather in such City or Town, or District, the Governor in Council may appoint an Inspector of Sole

Sole Leather for the said City or Town, or District, and may, from time to time, remove the said Inspector, and appoint another in his stead; but no person shall be appointed Inspector of Sole Leather, who has not, before his appointment, passed an examination before one of the said Boards of Examiners, and obtained a certificate of his fitness, character and capacity.”

Inspectors may be appointed for judicial districts in L. C. as well as for cities and towns.

C A P . X X I I I .

An Act to amend chapter fifty-four of the Consolidated Statutes of Canada, intituled: *An Act respecting Incorporated Banks.*

[Assented to 18th May, 1861.]

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

Preamble.

1. The following section or paragraph shall be inserted at the end and read as part of the eighth section of the fifty-fourth chapter of the Consolidated Statutes of Canada, intituled: *An Act respecting Incorporated Banks.*

New provision added to sect. 8 of cap. 54, Con. Stat. Canada.

“ Provided that where any person engaged in the calling of warehouseman, miller, wharfinger, master of a vessel or carrier, by whom a receipt may be given in such his capacity, as hereinbefore mentioned, for cereal grains, goods, wares or merchandize, is at the same time the owner of or entitled himself (otherwise than in his capacity of warehouseman, miller, wharfinger, master of a vessel or carrier,) to receive such cereal grains, goods, wares or merchandize,—any such receipt, or any acknowledgment or certificate intended to answer the purpose of such receipt, given and indorsed by such person, shall be as valid and effectual for the purposes of this Act, as if the person giving such receipt, acknowledgment or certificate, and indorsing the same, were not one and the same person; and the wilfully making any false statement in any such receipt, acknowledgment or certificate, or the wilfully alienating or parting with, or not delivering to the holder or endorsee any cereal grains, goods, wares or merchandize mentioned in such receipt, acknowledgment or certificate, contrary to the undertaking therein expressed or implied,—shall be a misdemeanor, punishable in like manner as any misdemeanor mentioned in section sixty-eight of chapter ninety-two of the said Consolidated Statutes.”

Warehouseman, &c., owning or being entitled to the goods, may give a certificate of the fact and indorse it to a Bank.

Penalty for false statement, &c.

2. All advances made on the security of any Bill of Lading, specification, receipt, acknowledgment or certificate shall give and be held to give to the person, Bank or other Body corporate making such advances a claim for the re-payment of such advances on the grain, goods, wares or merchandize therein mentioned prior to and by preference over the claim of

Advances on Bills of Lading, &c., to give a first lien on the goods.

any unpaid vendor, any law, usage or custom to the contrary notwithstanding.

Sect. 11 of cap. 54, Con. Stat. Can., repealed.

Certain others to apply to all Banks.

**3.** And for the avoidance of doubts,—the eleventh section of the said fifty-fourth chapter of the Consolidated Statutes of Canada is hereby repealed ; and it is declared and enacted that the fourth, fifth, sixth, seventh, eighth, ninth, tenth, twelfth and thirteenth sections of the said chapter, have applied and shall apply to all Banks chartered before, during, or after the Session of the year one thousand eight hundred and fifty-nine ; except only in so far as it may be otherwise provided in any charter or amendment to a charter granted or made after the said year, and notwithstanding any thing to the contrary in any charter or amendment to a charter granted or made before or during the said year.

## C A P . X X I V .

An Act to provide for the more general adoption of the practice of Vaccination.

[Assented to 18th May, 1861.]

Preamble.

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

No public money to be paid to any Hospital unless it has a Small Pox Ward.

**1.** No warrant shall hereafter issue for the payment of any sum of money granted by the Legislature to any Hospital, unless, nor until, a certificate, signed by a medical officer of such Hospital to the effect that there is in such Hospital a distinct and separate ward set apart for the exclusive accommodation of patients afflicted with Small Pox, has been filed with the Clerk of the Executive Council.

Certain Cities may employ Medical Practitioners to vaccinate the Citizens, &c.

**2.** From and after the passing of this Act, it shall be lawful for the Council of each of the Cities of Quebec, Three-Rivers, St. Hyacinth, Montreal, Ottawa, Kingston, Toronto, Hamilton and London, and the Town of Sherbrooke, and they are hereby respectively empowered and required, to contract with some legally qualified and competent medical practitioner or practitioners, for the period of one year, and so from year to year, as such contract may expire, for the Vaccination, at the expense of the City, of all poor persons, and, at their own expense, of all other persons, resident in such City, who may come to such medical practitioner or practitioners for that purpose ; Provided, always, that it shall be a condition of every such contract, that the amount of the remuneration to be received under the same shall depend on the number of persons who, not having been previously successfully vaccinated, shall be successfully vaccinated by such medical practitioner or medical practitioners, respectively so contracting.

Proviso.



3. Within three months after the passing of this Act, the Council of each such City shall appoint a convenient place in each ward of such City for the performance, at least once in each month, of such vaccination, and shall take effectual means for giving, from time to time, to all persons resident within each such ward, due notice of the days and hours at which the medical practitioner or one of the medical practitioners contracted with for such purpose will attend, once at the least in each month, at such place, to vaccinate all persons not successfully vaccinated who may then appear there, and also of the days and hours at which such medical practitioner will attend at such place to inspect the progress of such vaccination in the persons so vaccinated.

City to appoint a convenient place in each Ward for the purpose.

4. The father or mother of every child born in any of the said cities, after the first day of January, in the year of Our Lord, one thousand eight hundred and sixty-two, shall, at some such appointed time, within three calendar months after the birth of such child, or in the event of the death, illness, absence, or inability of the father and mother, then the person who has the care, nurture or custody of the child, shall at some such appointed time, within four calendar months after the birth of such child, take or cause to be taken the said child to the medical practitioner in attendance at the appointed place in the ward in which the said child is resident, according to the provisions of the preceding sections of this Act, for the purpose of being vaccinated, unless such child have been previously vaccinated by some legally qualified medical practitioner and the vaccination duly certified; and the said medical practitioner so appointed shall, and he is hereby required, thereupon, or as soon after as it may conveniently and properly be done, vaccinate the said child.

Parents, &c., bound to take children to be vaccinated.

5. Upon the eighth day following the day on which any child has been vaccinated as aforesaid, the father or mother, or other person having the care, nurture or custody of the said child as aforesaid, shall again take or cause to be taken the said child to the medical practitioner by whom the operation was performed, or other similarly appointed medical practitioner in attendance as aforesaid, in order that such medical practitioner may ascertain by inspection the result of such operation.

And exhibit them to the Medical Practitioner on the eighth day.

6. Upon and immediately after the successful vaccination of any child born in any of the said Cities, after the said first day of January, one thousand eight hundred and sixty-two, the medical practitioner who performed the operation shall deliver to the father or mother, or other person having the care, nurture or custody of the said child as aforesaid, a certificate under his hand, according to the form A, in the Schedule to this Act, that the said child has been successfully vaccinated, and shall also transmit a duplicate of the said certificate to the Clerk of the

Certificate of successful vaccination to be given.

the

the City in which the operation was performed; and such certificate shall, without further proof, be admissible as evidence of the successful vaccination of such child in any information or complaint brought against the father or mother of such child, or against the person who shall have had the care, nurture or custody of such child as aforesaid, for non-compliance with the provisions of this Act.

If the child be found unfit for vaccination.

Certificate.

Re-presentation of the child to be repeated until successful vaccination.

Certificate.

Effect of certificate.

7. If any medical practitioner appointed as aforesaid shall be of opinion that any child brought to him as aforesaid is not in a fit and proper state to be successfully vaccinated, he shall deliver to the father or mother of such child, or the person having the care, nurture or custody of such child as aforesaid, on demand and without fee or reward, a certificate under his hand, according to the form B, in the Schedule to this Act, that the child is in an unfit state for successful vaccination; and such certificate, or any similar certificate of a legally qualified medical practitioner, respecting any child born as aforesaid, shall remain in force for two months from its delivery as aforesaid; and the father or mother of the said child, or the person having the care, nurture or custody of the said child as aforesaid, shall, (unless they have within each succeeding period of two months obtained from a legally qualified medical practitioner a renewal of such certificate) within two months after the delivery of the said certificate as aforesaid, and if the said child be not vaccinated at or by the termination of such period of two months, then during each succeeding period of two months until such child has been successfully vaccinated, take or cause to be taken to the said medical practitioner, so appointed as aforesaid, such child to be vaccinated by him; and if the said medical practitioner deem the said child to be then in a fit and proper state for such successful vaccination, he shall forthwith vaccinate it accordingly, and shall, upon or immediately after the successful vaccination of such child, deliver to the father or mother of such child, or person having the care, nurture or custody of such child, as aforesaid, a certificate under his hand according to the form A, in the schedule to this Act, that such child has been successfully vaccinated; but if the said medical practitioner be of opinion that the said child is still in an unfit state for successful vaccination, then he shall again deliver to the father or mother of such child, or to the person having the care, nurture or custody of the said child, as aforesaid, a certificate under his hand, according to the form B, in the Schedule to this Act, that the child is still in an unfit state for successful vaccination; and the said medical practitioner, so long as such child remains in an unfit state for vaccination and unvaccinated, shall, at the expiration of every succeeding period of two months, deliver, if required, to the father or mother of such child, or to the person having the care, nurture or custody of such child, a fresh certificate under his hand, according to the said form B, in the Schedule to this Act; and the production of such certificate, or of any similar certificate from

from any legally qualified medical practitioner, shall be a sufficient defence against any complaint brought against the father or mother, or person having the care, nurture or custody of such child, for non-compliance with the provisions of this Act.

8. In the event of any medical practitioner employed under the provisions of this Act, or any other duly qualified medical practitioner being of opinion that any such child as aforesaid, that has been vaccinated by him, is insusceptible of the vaccine disease, he shall deliver to the father or mother of such child, or to the person having, as aforesaid, the care, nurture or custody of such child, a certificate under his hand, according to the form C, in the Schedule to this Act; and the production of such certificate shall be a sufficient defence against any complaint which may be brought against the father or mother, or person having the care, nurture or custody of such child, for non-compliance with the provisions of this Act.

If the child be found insusceptible of vaccine disease.

9. In all contracts to be made under the provisions of this Act, the sums contracted to be paid shall not be more than twenty-five cents for every person successfully vaccinated, including all or any of the certificates required by this Act.

Fees under this Act.

10. If any father or mother, or person so having as aforesaid the care, nurture or custody of any such child as aforesaid, shall not cause such child to be vaccinated within the periods prescribed by this Act, or shall not, on the eighth day after the vaccination has been performed, take or cause to be taken such child for inspection, according to the provisions in this Act respectively contained, then such father or mother, or person having the care, nurture or custody of such child as aforesaid, so offending, shall be liable to a penalty not exceeding five dollars, recoverable on summary conviction before the Inspector and Superintendent of Police, Police Magistrate, or Stipendiary Magistrate appointed for the City in which the offence was committed, or if there be no such officer, then before any two Justices of the Peace sitting and having jurisdiction in such City; and the provisions of the one hundred and third chapter of the Consolidated Statutes of Canada shall be applicable to the recovery of such penalties.

Penalty for non-compliance with the requirements of this Act.

Recovery.

11. After the expiration of two months from the conviction of any person for an offence against this Act, in respect of any child, no plea of such conviction shall be a sufficient defence against any complaint which may then be brought against the same or any other person for non-compliance with the provisions of this Act in respect of the same child; but the production of a certificate under the hand of a legally qualified medical practitioner, according to any of the forms in the Schedule to this Act, shall be a sufficient defence against any such complaint; provided always, that if the certificate produced be

How far and when plea of conviction shall avail.

in the form B, the production thereof shall not be a sufficient defence, unless the vaccination be thereby postponed to a day subsequent to that on which the complaint is brought.

### SCHEDULE.

#### FORM A.

I, the undersigned, hereby certify that \_\_\_\_\_, the child of \_\_\_\_\_, aged \_\_\_\_\_, of \_\_\_\_\_ Ward, in the City of \_\_\_\_\_, has been successfully vaccinated by me.

(Signed,) \_\_\_\_\_ A. B.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 186 .

#### FORM B.

I, the undersigned, hereby certify that I am of opinion that \_\_\_\_\_, the child of \_\_\_\_\_, of \_\_\_\_\_ Ward, in the City of \_\_\_\_\_, aged \_\_\_\_\_, is not now in a fit and proper state to be successfully vaccinated, and I do hereby postpone the vaccination until the \_\_\_\_\_ day of \_\_\_\_\_.

(Signed,) \_\_\_\_\_ A. B.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 186 .

#### FORM C.

I, the undersigned, hereby certify that I am of opinion that \_\_\_\_\_, the child of \_\_\_\_\_, of \_\_\_\_\_ Ward, in the City of \_\_\_\_\_, is insusceptible of the vaccine disease.

(Signed,) \_\_\_\_\_ A. B.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 186 .

### C A P . X X V .

An Act to amend chapter six of the Consolidated Statutes of Canada, respecting Elections of Members of the Legislature, for the removal of all doubts as to the right of appeal in the case hereinafter mentioned.

[Assented to 18th May, 1861.]

Preamble.

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

Proviso added to s. 14 of cap. 6, of Con. Stat. Canada.

1. The following proviso is hereby added to the first paragraph of the fourteenth section of the sixth chapter of the Consolidated Statutes of Canada :

“ Provided,

“Provided that if the Board or authority for revising the lists of Voters, hereafter to be made according to Law in any part of Lower Canada, does not sit or has not given any decision on any such complaint as aforesaid, the party, who has filed such complaint, may, if he deems himself aggrieved by the absence of such decision, appeal in the same manner as if a decision had been rendered, observing the requirements hereinbefore made, so far as applicable; Provided also, that if no such complaint is made as aforesaid within the thirty days during which any of the said lists is required to be publicly posted up for the information of all parties concerned, then any such list or lists shall be considered as having been and as being legally revised and corrected to all intents and purposes and shall be in force.”

Appeal given when no decision has been given on an objection.

If no complaint made in 30 days, List to be deemed correct.

C A P . X X V I .

An Act to amend and consolidate the laws respecting the Recorder's Court of the City of Quebec.

[Assented to 18th. May, 1861.]

**W**HEREAS it is necessary to amend and consolidate the Acts relating to the Recorder's Court of the City of Quebec: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

**1** There shall be a Court of Record in the said City of Quebec, to be called the “Recorder's Court of the City of Quebec.”

Court established.

**2** The said Court shall be held by the Recorder, as herein-after mentioned, or in case of his absence or inability to act, through any cause whatever, or in case there be no Recorder, by the Mayor of the said City, with one Councillor, or in the absence of the Mayor, by two Councillors of the said City.

To be held by Recorder.

**3** The said Court shall have original jurisdiction over, and shall hear and decide summarily;—

Its jurisdiction.

**1.** Any action brought by the Corporation of the said City, for the recovery of any sum or sums of money due to the said Corporation, for any tax, assessment, impost or duty whatsoever, legally imposed by any By-law now in force in the said City, or that may hereafter be passed by the Council of the said City;

City taxes.

**2.** Any action for the recovery of any sum or sums of money due to the said Corporation, for the rent, use or occupation of any butcher's or huckster's stall, or other stall or stand whatsoever, in or upon any of the public markets in the said City, in

City rents, &c.

virtue

virtue of any By-law now in force, or to be hereafter passed by the Council of the said City ;

Market dues.

3. Any action for the recovery of any sum, tax, assessment, impost or duty now imposed, or to be hereafter imposed or levied in and upon the said markets ;

Water taxes.

4. Any action for the recovery of any sum of money or revenue whatsoever, which may be due and payable to the said Corporation, for any supply of water, given or furnished by the Quebec Water Works, in or to any house, buildings or dependencies, or given or furnished, to or for the use of any person or persons in the said City ;

Dues for introducing water.

5. Any action for the recovery of the costs of introducing any pipe or pipes from the said Water Works, into any house, building or dependency in the said City, and at the instance of, or for the use and benefit of any person or persons in the said City ;

Dues for altering pipes, &c.

6. Any action for enlarging, maintaining and repairing, altering or removing any such pipe, in any such house, building or dependency ;

Taxes paid by owner for lessee.

7. Any action for the recovery of any sum or sums of money paid by the owner or proprietor of any immovable property within the said City for water rate or for any other tax, assessment, impost or duty whatsoever for and on account of his Lessee, or agreed to be paid or satisfied by the said Lessee according to the terms of his lease or otherwise.

Take recognizance of certain offences under Police Acts.

4. The said Court may take cognizance of and determine in a summary manner, all offences against the provisions of the Act, chapter one hundred and two, of the Consolidated Statutes for Lower Canada, in so far as the provisions of the said Act are applicable to the said City, and also all offences against the provisions of the Act, twentieth Victoria, chapter one hundred and twenty-three, intituled: *An Act to authorize the Corporation of the City of Quebec to establish a Police Force for the said City*, and also—

Penalties under certain Acts or By-laws.

2. Any suit for the recovery of any fine or penalty imposed in virtue of any Act or By-law, rule or order, now in force or to be hereinafter in force in the said City, concerning the Markets in the said City, any suit for the recovery of any fine or penalty imposed by any other Act or By-law, rule or order whatsoever, now in force or to be hereafter in force in the said City, and incurred for any infraction or contravention by any person whatsoever of the provisions of the said Acts, By-laws, rules or orders.

5. The said Court shall, for the purposes aforesaid, be held daily in the Town Hall of the said City, or in such other building or place as shall be set apart for the purpose by the Council of the said City. Where the Court shall be held.

6. The Recorder of the City of Quebec shall be a Barrister of Lower Canada of at least five years standing, and shall be appointed by the Crown during pleasure; He shall be *ex officio* a Justice of the Peace in and for the City and District of Quebec: Qualification of Recorder.

2. His salary shall not be less than three hundred pounds nor more than five hundred pounds per annum, payable monthly out of the funds of the said City; His salary.

3. In case of the sickness or absence of the Recorder, the Crown, on the application of the Council of the said City, shall appoint a Deputy-Recorder, who shall also be a Barrister of Lower Canada of at least five years standing; Deputy.

4. The said Deputy, while acting as such, shall have and possess in all respects, all the powers and authority conferred upon the Recorder by this Act. His powers.

7. Every summons, order, writ or warrant of any nature whatsoever, issued out of or by the said Court, shall run and be in the name and style of Her Majesty, Her Heirs or Successors; they shall be sealed with the seal of the said Court and be signed by the Clerk of the said Court. Form of writs. &c.

8. The said Court may by writ as aforesaid summon any person accused of any offence against the provisions of any Act or By-law, rule or order as aforesaid, or from whom any sum of money is claimed for any one or more of the causes aforesaid, and such writ of summons shall set out the grounds of the action or complaint, in a succinct and explicit manner, and shall be served upon the Defendant by a Bailiff or constable as hereinafter provided, by leaving a certified copy of such writ either with the Defendant personally or at his domicile, speaking to some grown member of the family of the said Defendant, but no service shall be valid after five of the clock in the afternoon. Summoning of offenders. Service of summons.

9. In any civil action there shall be an interval of at least two clear days between the service of the writ of summons and the day of its return into Court. Delay.

10. If any person summoned to appear before the said Court, either for any debt or claim, or for the commission of any offence, as mentioned in section eight, does not appear either in person or by his Attorney, then upon proof of the service of the writ of summons, proceedings by default shall be taken against Default to appear and proceedings thereon.

against such person, and upon proof by the Plaintiff of the allegations of the action or complaint, the Court shall render the proper judgment in the matter, with costs :

If defendant appears.

2. If the Defendant appears, the Court shall cause the plea put in by him to the action or complaint to be entered ; it shall hear the witnesses produced by the parties, and shall decide in conformity to law and justice, awarding costs to the successful party ;

Confession of judgment.

3. If the Defendant confesses judgment either in person or by Attorney, the Court, if the confession of judgment is accepted by the Plaintiff, shall cause judgment to be entered in conformity with such confession, in case of prosecution or complaint for any offence against the provisions of any Act or By-law as aforesaid ; if the Defendant pleads guilty the Court shall declare the Defendant convicted ;

Delay on confession.

4. The said Court may grant a delay of not less than one month nor more than three months, to any Defendant who confesses judgment after the return of the action brought against him.

Summoning witnesses.

11. The said Court shall have power to compel witnesses to appear in any action, prosecution or complaint, pending before the said Court, and answer all legal questions put to them.

Faits et articles, &c.

12. The Court may permit and require interrogatories on *faits et articles* or the *serment décisoire* or *judiciaire* to be put to any party to a cause, in all cases in which such interrogatories or oath are allowed by law in the ordinary Courts of civil jurisdiction in Lower Canada :

Execution powers.

2. The Court shall have power to compel the execution of and to force obedience to any writ, order, warrant, or summons issued as aforesaid by the said Court, and to that end it shall be invested with all the powers and authorities enjoyed in that respect by the ordinary Courts of civil and criminal jurisdiction in Lower Canada.

Evidence.

13. In any civil action the said Court shall, as regards the admissibility of oral testimony and the competency and the number of witnesses, follow the rules prescribed in that respect by the law in relation to civil matters, unless it be otherwise provided by this Act.

Who may be a witness.

14. In any civil action or proceeding, or in any prosecution or complaint for any offence committed against any By-law of the said City, or against the provisions of the Acts hereinbefore cited, any Councillor of the said City, (excepting the Mayor or Councillors sitting in the said Court,) and any employee, officer



or servant of the said Corporation shall be a competent witness, provided he has no direct interest in the result of such action, prosecution or complaint, or is not incompetent from any other cause :

2. Any assessment, tax, duty or sum of money due to the said Corporation as aforesaid, and any penalty or fine which may be claimed or sued for in the said Court, shall be recoverable on the oath of one competent witness, and any person accused in the said Court, of any offence within the cognizance of the said Court, may also be condemned on the oath of one credible witness ;

One witness in certain cases.

3. Any person examined before the said Court as a witness or as a party, who shall wilfully and knowingly give false testimony, or make a declaration knowing it to be false, in any cause pending in the said Court, or in any proceeding whatsoever had in the said Court, shall be guilty of perjury, and shall be liable to the pains and penalties of wilful and corrupt perjury.

False swearing, how punished.

15. The depositions of the parties or of the witnesses, both in civil cases and in cases of complaint or prosecution for offences as aforesaid, shall not be reduced to writing, but the said Court shall take such notes of the said depositions as it shall consider requisite and necessary ; and an appeal may be taken from any judgment rendered in the said Court to the Court of Queen's Bench, when under similar circumstances an appeal lies from a judgment of the Circuit or Superior Court to the said Court of Queen's Bench, subject to the same conditions as to security for costs and otherwise.

Notes of evidence.

16. The said Court shall cause order to be maintained during its sittings, and may punish by fine or imprisonment, or by both, any person guilty of contempt of the said Court during the sittings and in the presence of the said Court.

Maintenance of order.

17. All fines and penalties which by law belong to the said Corporation, shall be sued for and recovered in the name of the Mayor, Councillors and Citizens of the City of Quebec :

Recovery of fines.

2. The Council of the said city may remit the whole or any part of any fine or penalty incurred, whether there shall have been a prosecution or not.

Their remission.

18. The Clerk of the said Recorder's Court shall be appointed by the Council of the said city during pleasure :

Appointment, &c., of Clerk.

2. The person so appointed shall be a barrister of Lower Canada ;

Qualification.

3. The said Clerk shall appoint a deputy whom he may dismiss and replace at pleasure, and such deputy shall be a person

Deputy.

person competent to act as such, and subject to the approval of the Mayor ;

Duties and powers of Deputy.

4. So long as he holds office the said deputy shall fulfil all the duties, and shall be invested with all the powers imposed or conferred by this Act on the Clerk of the said Court :

Appointment to be in writing.

5. The writing containing the appointment of such deputy shall be acknowledged before the Recorder or before the Mayor of the said city, and shall be deposited and remain of record in the office of the Clerk of said Court :

Duties of the Clerk.

19. The Clerk of the said Court shall prepare and make out all the summonses, orders, writs and warrants whatsoever, which shall be issued out of or by the said Court :

Register of proceedings.

2. He shall enter daily, and in a succinct manner, in a Register which shall be kept for that purpose, the proceedings had in each cause or complaint brought in the said Court, and he shall register at length the judgments, orders and convictions rendered and pronounced by the said Court.

Bailiffs.

20. The Council of the said city shall appoint from time to time, by resolution, a sufficient number of persons competent to fulfil the duties of Bailiffs of the said Recorder's Court, and the said Council may dismiss such persons at any time, and appoint others in their stead :

Their commission.

2. Upon such appointment being made, the Mayor of the said city, shall issue commissions appointing such persons Bailiffs of the said Court, under the seal of the city, and signed by himself and by the Clerk of the said city ;

Oath.

3. Every Bailiff shall take an oath of office in the said Recorder's Court ;

Returns by Bailiff.

4. Every Bailiff, the bearer of a writ of summons, or writ of execution, or of any other writ issued out of the said Court, shall make a return under his oath of office of all proceedings taken by him in relation to such writ, and such return shall suffice for all purposes whatsoever.

Proof of service.

21. The service of any summons in cases of prosecutions for offences as above mentioned, shall be proved in open Court by the oath of the Bailiff, Constable, or Peace Officer who shall have made such service ; and the service of summonses to witnesses, or of any other order of the said Court requiring to be served, shall be proved in the same manner.

Execution of judgments.

22. The execution of any judgment rendered in any civil action as above mentioned, shall be levied by the seizure and sale of the goods, moveables and effects of the Defendant :

2. The Bailiff, the bearer of the writ of execution, shall proceed to the seizure and sale in the manner prescribed and practised in cases of seizure and sale under execution issued by any ordinary Court of civil jurisdiction in Lower Canada ;

Seizure and

3. The sale of the moveables and effects seized shall only take place on the Tuesday next after the second Sunday on which public notice of such sale shall have been posted up at the door of the Church of the parish in which the Defendant has his domicile, and in which the moveables and effects shall have been seized.

Time and notice of sale.

23. If the property of the Defendant is already under seizure in virtue of any writ of execution issued by any other Court, in such case, the Bailiff, the bearer of the writ of execution issued by the said Recorder's Court, shall not make any seizure, and upon production to him of the *procès-verbal* of the said seizure, he shall hand over the writ issued by the said Recorder's Court to the Sheriff of the District, or to the Bailiff who shall have made the seizure (as the case may be) :

If there be a previous seizure.

2. The delivery of the said writ of execution shall have the effect of an opposition *afin de conserver*, and shall be sufficient to secure to the said Corporation by privilege, (in cases in which such privilege exists) the payment of the sum due, including principal, interest and costs.

Effect of delivery of writ.

24. In case the Defendant does not possess any goods or chattels within the District of Quebec, or in case they are not sufficient to satisfy the amount of the judgment obtained, or in case after the sale of the said goods and chattels of the Defendant a balance on such judgment still remains due to the said Corporation, in all such cases, if the sum due exceeds forty dollars, and the Defendant possesses any immovable property, lands or tenements within any district in Lower Canada, then the said Recorder's Court may issue a writ *de terris*, sealed and signed as aforesaid, and addressed to the Sheriff of the District in which the said immovables are situated :

In case defendant has no moveables.

Writ de terris.

2. The said writ shall be returnable into the Superior Court for the District of Quebec, sitting in the said City of Quebec ;

Where returnable.

3. Upon the receipt of the writ, the Sheriff to whom it is directed shall act and proceed in all respects as regards the said writ as if it had been issued by the Superior Court, and he shall make a return thereon, and of his proceedings in respect of its execution, to the said Superior Court at Quebec as above provided ;

Duty of Sheriff.

4. And all ulterior proceedings of what kind soever, consequent upon the issuing of such writ, or necessary to the execution thereof, as well with regard to the plaintiff and defendant,

Ulterior proceedings.

as

as with regard to other parties who, in due course of law, may intervene, by opposition or otherwise, shall be had in the said Superior Court, in the same manner as if the said action had been originally brought and determined in the said Superior Court.

*Saisie-arrêt*  
after judgment.

**25.** The said Recorder's Court may issue writs of *saisie arrêt* after judgment, in the same manner as the ordinary Courts of civil jurisdiction; and shall follow in relation thereto the rules and procedure prescribed in such Courts in relation to the issuing, return, and judgment, in matters of *saisie arrêt*.

Recovery of  
fines.

**26.** The recovery of all fines adjudged in the said Recorder's Court shall be proceeded with in pursuance of the by-law, rule, regulation or order imposing such fine, by writ of *saisie exécution*, against the goods and chattels of the defendant, or by the imprisonment of the defendant, as the case may be, and such writ and warrant shall be issued in the manner above stated.

Special Act or  
By-law need  
not be cited.

**27.** In any suit, action or prosecution brought by the said Corporation, it shall not be necessary to specify or recite the Act or By-law under which such suit, action or prosecution shall be brought :

Authority of  
By-laws, &c.

**2.** The by-laws, rules, regulations or orders now in force in the said City, and those which shall hereafter be made by the Council of the said City, shall be held and taken to be public laws within the limits of the said City; and as such shall be judicially taken notice of by all Judges, Justices and other persons whomsoever, without being specially pleaded.

Punishment  
of offences.

**28.** The said Recorder's Court shall have the power of proportioning the punishment to the gravity or frequency of the offence, within the limitations mentioned in the Acts for the government of the said City.

Tariff of fees.

**29.** The Council of the said City may make and settle a tariff of the fees which may be exacted by the Clerk and Bailiffs, and change the said tariff from time to time; but neither the said tariff nor any changes made therein shall have force and effect until the same shall be approved by the Governor in Council.

Sittings of  
the Court.

**30.** The said Recorder's Court may be held and may sit daily, and may sit as many times as it may be necessary each day, without previous notice, and may fix any time for the summary hearing and determination of offences committed by any persons, against the provisions of chapter one hundred and two of the Consolidated Statutes for Lower Canada, hereinbefore mentioned, or the provisions of any Act or By-law now in force, or that may hereafter be in force in the said City; and for summarily hearing and determining the case of any vagrant,  
loose,

loose, idle or disorderly person, and other offenders arrested by or in charge of the Police of the said City; and the cases of persons arrested on view or immediately after the commission of any offence as aforesaid, or by warrant issued out of the said Court, or by the said Recorder, or by any Justice of the Peace for the said District of Quebec :

2. The Police of the said City, or any other Peace Officer or Constable, may bring before the said Court, or before the said Recorder, or his Deputy in the absence of the Recorder, and if he has no Deputy, before the Mayor or the Councillor discharging the duties of Mayor of the said City, in the absence of the Recorder or his Deputy as aforesaid, any person offending as aforesaid against any of the provisions or of the By-laws aforesaid, and any vagrant, loose, idle or disorderly person, and any person arrested as aforesaid, to be then and there dealt with according to law, as the said Recorder's Court, the said Recorder, or his Deputy, respectively, or the Mayor or Councillor aforesaid, may adjudge and determine. Powers of Police.

31. Nothing in this Act contained shall in any manner derogate from or affect, or be construed to derogate from or affect the rights of Her Majesty, Her Heirs and Successors, except in so far as the same may be specially derogated from or affected by the provisions of this Act. Rights of Her Majesty, saved.

32. The Act passed in the session held in the nineteenth and twentieth years of Her Majesty's reign, chapter one hundred and six, intituled : *An Act to establish a Recorder's Court in the City of Quebec*, is hereby repealed; but any appointment or proceeding made or had in virtue of the provisions of that Act, shall be and remain in full force and effect, in the same manner as if this Act had not been passed; and all Acts or parts of Acts containing, in relation to the said Recorder's Court, any provisions incompatible with, or in any way contrary to the provisions of this Act, are also hereby repealed. 19, 20 V. c. 106, repealed. Proviso.

33. Chapter five of the Consolidated Statutes of Canada, in so far as it relates to interpretation, shall apply to this Act : Interpretation.

2. The words "Councillor" and "Councillors" shall signify any or all the Members of Council of the City of Quebec, unless the context should clearly indicate another meaning ;

The words "Corporation of the City of Quebec," "the said Corporation," and "the Corporation of the said City," shall mean the Corporation of the Mayor, Councillors and Citizens of the City of Quebec.

34. The words "last preceding section" in the fifteenth section of chapter one hundred and five of the Consolidated Statutes of Canada, are hereby repealed and the words "first section of this Act" substituted therefor. Sect. 15 of Con Stat. Can. c. 105, amended.

Recorders declared Stipendiary Magistrates under all Imperial Acts in force in Canada.

**35.** And for the avoidance of doubt it is declared and enacted, that the Inspector and Superintendent of Police of and in each of the Cities of Quebec and Montreal respectively, has been and shall be a stipendiary Magistrate within the intent and meaning of every Act of the Imperial Parliament passed or to be passed and in force in this Province.

After 1st September, 1861, indictments for certain offences to be presented only in certain cases or with certain sanction.

**36.** After the first day of September, one thousand eight hundred and sixty-one, no Bill of Indictment for any of the offences following, viz: Perjury, Subornation of Perjury, Conspiracy, obtaining money or other property by false pretences, keeping a gambling house, keeping a disorderly house, and any indecent assault, shall be presented to, or found by any Grand Jury, unless the prosecutor or other person presenting such indictment had been bound by recognizance to prosecute or give evidence against the person accused of such offence, or unless the person accused has been committed to, or detained in custody, or has been bound by recognizance to appear to answer to an indictment to be preferred against him for such offence, or unless such indictment for such offence, if charged to have been committed in Lower Canada, be preferred by the direction, or with the consent, in writing, of a Judge of the Court of Queen's Bench, or of the Superior Court, or of Her Majesty's Attorney General or Solicitor General for Lower Canada, or Inspector and Superintendent of Police or Recorder or (or in case of an indictment for perjury in any part of this Province,) by the direction of any court, Judge or public functionary, authorized by law to direct a prosecution for perjury.

Public Act.

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

## C A P. XXVII.

An Act to amend the Act twenty-third Victoria, chapter twenty-five, and chapter eighty-five of the Consolidated Statutes for Lower Canada, as respects the exemption of certain articles from seizure in satisfaction of debts.

[Assented to 18th May, 1861.]

Preamble.

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

Sect. 4 of Con. Stat. L. C. c. 85, amended.

**1.** The fourth section of the Act twenty-third Victoria, chapter twenty-five, and the third section of chapter eighty-five of the Consolidated Statutes for Lower Canada, are amended as follows:--in sub-section four of the said sections, the word "twenty" is substituted for the word "forty"; and in sub-section six of the said sections the word "thirty" is substituted for the word "sixty."

2. Notwithstanding any thing contained in the said eighty-fifth chapter of the Consolidated Statutes for Lower Canada, or in the twenty-fifth chapter of the Acts passed in the twenty-third year of Her Majesty's Reign, intituled: *An Act to exempt certain articles from seizure in satisfaction of debts*, the various goods and chattels which were, prior to the passing of the last mentioned Act, liable to seizure in execution for debt in either Upper or Lower Canada shall, as respects debts contracted before the nineteenth day of May, one thousand eight hundred and sixty, remain liable to seizure and sale in execution, provided that the writ of execution under which they are seized, shall have endorsed upon it a certificate, signed by the Judge of the Court out of which the writ issues, certifying that it is for the recovery of a debt contracted before the date above named.

Notwithstanding 23 V. c. 25, goods theretofore liable to seizure to continue so for debts contracted before its passing.

3. This Act shall come into force on the first day of July one thousand eight hundred and sixty-one (1861), and not before, and the provisions in the first section contained shall apply to Lower Canada only.

Commencement and extent of Act.

## CAP. XXVIII.

An Act to amend chapters eighteen and twenty of the Consolidated Statutes for Lower Canada, respecting the erection of Parishes, and the registration of Marriages, Baptisms and Burials.

[Assented to 18th May, 1861.]

**W**HEREAS it is expedient to amend chapters eighteen and twenty of the Consolidated Statutes for Lower Canada, in the particulars hereinafter set forth: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. Registers of Baptisms, Marriages and Burials, shall be kept by the Priest being then the Vicar of the Parochial subdivision of St. Hubert, in the Parish of Longueuil, in the County of Chambly, and having, under the control of the Curé of Longueuil, the charge of the chapel of ease in the said parochial subdivision, and ministering unto the congregation thereof, according to the rites of the Roman Catholic church, and by appointment of the ecclesiastical authorities thereof, in which Registers he and his successors shall enregister regularly and successively all Baptism, Marriages and Burials, so soon as the same have been by him or them performed.

Registers to be kept by the Priest-Vicar of St. Hubert.

2. All the enactments, provisions, requirements and penalties, of the Act respecting Registers of Marriages, Baptisms and Burials (chapter twenty of the Consolidated Statutes for Lower Canada,) shall apply to the Registers to be kept under

Enactments of cap. 20, Con. Stat. L. C. to apply.

this Act, and to the Priest keeping or having the custody of the same, and to all entries therein or extracts therefrom made or certified by such Priest as aforesaid, or by his successors in office, or by the Prothonotary having the custody of any duplicate thereof,—and such entries and certified extracts shall be received as evidence in all Courts, as fully to all intents and purposes as if the said Parochial subdivision of St. Hubert were a Roman Catholic Parish, and the Priest ministering as aforesaid were the Priest or Curé thereof.

Provision if St. Hubert becomes a parish.

**3.** Whenever the said Parochial subdivision shall become a Parish, the Registers kept under this Act shall become the Registers thereof, and shall be continued and kept by the priest thereof for the time being, as the successor of the Priest-Vicar hereby authorized to keep the same, and shall be considered and dealt with in all respects as Registers of such parish kept under the Act above cited.

Registers to be kept in the R. C. Cathedral at Montreal tho' not a Parish Church.

**4.** The Roman Catholic Bishop of Montreal, or any Priest being a member of the chapter, or ministering in the Roman Catholic Cathedral in the city of Montreal, may keep Registers of Baptisms, Marriages and Burials performed in the said Cathedral, when it is not the Parish church, in the same manner and with the same effect as if the said Cathedral were *suc-cursale* to the said Parish church; and to such Registers all the provisions of the Act eighteenth Victoria, chapter one hundred and sixty-three, and of chapter twenty of the Consolidated Statutes for Lower Canada, shall apply in so far as they are consistent with this Act.

Certain parishes confirmed as such tho' proof of erection be wanting.

**5.** Every Parish in Lower Canada to and in which a Rector (Curé) has been appointed to minister during ten years before the passing of this Act, and in which, as a Parish, Registers have been kept during the same period for the registration of Marriages, Baptisms and Burials, is declared to be and to have been a Parish within its recognized limits, notwithstanding the absence of proof of the canonical or civil erection of such Parish.

Public Act.

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

## C A P . X X I X .

### An Act to amend the Lower Canada Consolidated Municipal Act.

[Assented to 18th May, 1861.]

Preamble.

**I**N amendment of the Lower Canada Consolidated Municipal Act, chapter twenty-four of the Consolidated Statutes for Lower Canada: Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:



SESSIONS OF COUNTY COUNCILS—ELECTION OR APPOINTMENT OF WARDEN, &c.

1. After paragraph six of section seventeen, the following paragraph shall be added : Section 17 amended.

“ 7. In case of the death of the Warden, the County Council, on special notice to be given by the Secretary-Treasurer, not later than twenty days after such death, shall meet for the purpose of electing from among its members another Warden ; and the Warden so elected shall have the same powers and perform the same duties, as the Warden in whose place he is elected, and shall remain in office for the term during which the deceased Warden would have so remained.” Provision in case of the death of a Warden.

APPOINTMENT OF CERTAIN OFFICERS BY LOCAL COUNCILS.

2. The third paragraph of the twenty-second section is repealed. Par. 3 of Sect. 22, repealed.

POWERS COMMON TO ALL MUNICIPAL COUNCILS.

3. After paragraph twenty-seven of the twenty-fourth section, the following paragraph shall be added : Sect. 24 amended.

“ 28. Every Municipal Council may grant licenses to all public carters, residing within the limits of its Municipality, for the carriage and transport of stone, lime, sand and other articles within such limits ; and any person, who shall have obtained from the Council of the Municipality in which he resides, a carter’s license, may convey and transport stone, lime, sand and other articles, taken from any place within the limits of the Municipality in which he resides, and from which he holds his license, within the limits of any neighboring Municipality, Town or City, without being compelled to pay to any such neighboring Municipality, Town or City, any taxes, charges or impositions whatsoever, by reason of such transport or carriage.” Municipal Councils may license carters. Effect of such license.

POWERS COMMON TO ALL LOCAL COUNCILS.

4. After paragraph eighteen of section twenty-seven the following paragraphs shall be added :— Sect. 27 amended.

“ 19. Every Local Municipal Council in Lower Canada, shall have power, at a meeting or meetings composed of a majority of the members thereof, to make By-laws which shall be binding on all parties concerned, for the following objects, that is to say : Local Councils may pass By-laws for certain purposes.

First. For preventing merchants, traders, pedlars, shop-keepers, hotel-keepers, tavern-keepers, and other persons keeping houses or places of entertainment within the limits of any Municipality, Preventing sale of liquors on Sundays.

Municipality, and all other persons, from selling or retailing on Sunday any goods, wares, or merchandise, wines, spirits or other intoxicating liquors, or purchasing and drinking the same in any hotel, tavern, house, or place of public entertainment, and also for the closing of all saloons and taverns from seven in the evening on Saturday, until the following Monday morning; and every such Council may by such By-laws, give power and authority to enter any shops, stores, hotels, taverns, or houses whatsoever, within the limits of their jurisdiction, for the purpose of arresting, or causing to be arrested in the act, any persons so selling, retailing, offering or exposing, or buying, and drinking, or suspected of so selling, retailing, offering or exposing, or buying and drinking, as aforesaid;

Suppressing  
cruel amuse-  
ments.

*Secondly.* For preventing and suppressing dog-fights, cock-fights, and other cruel amusements, within the limits of their municipalities at any time, with power to arrest, or cause to be arrested in the act, all persons who shall be found taking part in, assisting at or directing, or who shall be suspected of taking part in, assisting at, or directing the same;

Suppressing  
horse racing,  
&c., on Sun-  
day.

*Thirdly.* For preventing and suppressing, on Sunday, all races with horses or other animals, on any race course, or other places specially set apart for horse racing, or in any other place whatsoever; and also, the training of horses, either in pacing, trotting, galloping or otherwise, on such race courses or other places appropriated to that purpose; with power to every such Council to impose a tax on all proprietors, tenants or other occupants of such race-courses or other places appropriated or used for that purpose, for every day on which races shall take place, other than Sunday.

Taxing race-  
courses.

Councils may  
prosecute per-  
sons selling  
without li-  
cense, in place  
of the Reve-  
nue Inspector.

20. Any Local Council may prosecute before any Justice of the Peace any person selling by retail without license spirituous, vinous or alcoholic or intoxicating liquors, and also any person having a license who sells or retails such liquors on a Sunday, at any place within the Municipality; and for this purpose such Local Council is substituted for the Revenue Inspector of the district, and the judgment and the penalty imposed shall be the same and the penalty shall be distributed in the same manner, as if the Revenue Inspector was himself the prosecutor; and all laws respecting such suits shall apply in the same manner as if the prosecution were brought by the Revenue Inspector;

May pass By-  
laws respect-  
ing the sto-  
rage and cart-  
ing of gun-  
powder.

21. Every Local Municipal Council shall have power to make By-laws for limiting the quantity of Gunpowder to be kept in any building or in any description of building, or within any extent of ground, in any part of the Municipality, whether such building be a magazine or otherwise, and for regulating the manner in which such Gunpowder shall be kept in any quantity and in any description of building, and for prescribing the

the construction of magazines or buildings in which any quantity greater than twenty-five pounds may be kept at one time, and the walls or fences by which they shall be surrounded and the distance thereof from such building; and the precautions which shall be taken by persons entering any such magazine or building, or conveying gunpowder to or from the same, or along any road within the Municipality, and for compelling the removal of any Gunpowder kept in any building or magazine contrary to any such By-law, or for authorizing the removal thereof by the officers of the Municipality,--and by any such By-law as aforesaid any such Municipality may impose a penalty not exceeding fifty nor less than twenty dollars for any offence against any such By-law or any contravention thereof, and may make such penalty payable for each day on which any such offence or contravention shall be committed or continue, and every such penalty shall be recoverable and applied in the manner provided by the said Act, with regard to other penalties imposed by By-laws of Municipal Councils; Provided that nothing in this provision shall apply to any Gunpowder or magazine belonging to Her Majesty.

Penalties.

Proviso.

**SPECIAL POWERS OF TOWN AND VILLAGE COUNCILS.**

5. After the paragraph twenty-seven of the twenty-eighth section the following paragraph shall be added,--

Sect. 28 amended.

“ 28. The Municipal Council of any Town or Village may make By-laws for obliging the proprietors of lots to construct and maintain foot-paths, either of plank or of stone, in front of their respective properties, and also underground drains and other works required for maintaining the streets in proper order.”

Foot-paths.

**ERECTION OF TOWNS AND VILLAGES.**

6. Section thirty-six of the said Act is hereby amended by the addition thereto of the following, as the twenty-second, twenty-third and twenty-fourth paragraphs thereof :

Section 36 amended.

22. No erection of an incorporated village, past or future, whether effected by proclamation in ordinary course or by any special Act, shall be held to have liberated, or shall liberate, any land therein from liability for any assessment theretofore legally imposed and then due thereon, or by reason of any indebtedness whatsoever theretofore incurred and then subsisting, of the parish or township from which such village is detached;

Erection of an incorporated village not to liberate the land in it from any municipal debts.

23. The local councils of such parish or township, and of such village, respectively, by mutual agreement, may ascertain and fix the total amount for which the lands within such village are so liable by reason of such indebtedness of the parish or township; and in default of such agreement, such

How the proportion of such debt, to be paid by the village, shall be fixed.

such total amount shall be taken and shall stand as fixed by the values set upon the lands within the village and upon those within the remainder of the parish or township respectively; by the valuation roll of the parish or township then in force; and the council of the parish or township may by suit recover from that of the village such amount; and upon payment by the village to the parish or township, of such amount, whether fixed by agreement or otherwise, the lands within such village shall be wholly and for ever liberated from such liability;

Division of surplus funds.

24. In like manner, if at the time of such erection, the parish or township has any surplus property or funds, the same may be divided between the parish or township on the one hand, and the village on the other, by mutual agreement, or in default of agreement shall be divided between them, according to the rule in the foregoing paragraph laid down.

#### WINTER ROADS.

Sect. 42 amended.

7. After the words "removal of the same," in the last lines but one of the first paragraph of the forty-second section, the following words shall be inserted: "or declaring that the parties bound to keep up the roads shall take down and replace such fences."

Winter roads across the St. Lawrence.

8. The eighth paragraph of the forty-second section is hereby repealed and the following substituted therefor: "every such road across the St. Lawrence shall be traced out and maintained at the expense of and by the local municipalities lying along the St. Lawrence, and the said local municipalities may recover from the County Council, the expenses incurred for the maintaining of the said roads, upon presentation of a certified statement of such expenses by the Secretary-Treasurer of each such local municipality."

#### NEW PROCÈS-VERBAUX AND REPARTITIONS.

Sect. 46 amended.

Ballot for Chairman of delegates.

9. After the word "meeting," in the last line of the thirteenth paragraph of section forty-six, the following words shall be added: "but if the delegates, so forming a *quorum*, cannot agree upon the choice of a President, the Secretary-Treasurer attending the meeting, after having written on as many tickets as there are delegates present, the names of all the said delegates, (writing one name on each ticket,) shall ballot the said tickets, and the delegate whose name is first drawn shall be the President.

#### APPORTIONMENTS.

Sect. 47 amended.

10. After paragraph seven of the forty-seventh section, the following paragraph shall be added:

“ 8. Any *procès-verbal* made under this Act may also be amended, altered or explained by a By-law of the Municipal Council; provided that such amendment, alteration or explanation be demanded by some party interested, and that public notice of the passing of such By-law has been previously given; and in case any such By-law be passed, it shall be the duty of the Secretary-Treasurer to register it in the same Roads Register in which the *procès-verbal* to which it relates is registered, and to note on the page which contains such *procès-verbal*, the fact that such *procès-verbal* is amended, altered or explained by a By-law entered at such a page.

*Procès-verbal* may be amended by By-law.

Proviso.

Registration of By-law.

PUBLIC WORKS MADE BY ASSESSMENT.

11. All the words in the first paragraph of the fifty-third section, after the word “Huntingdon” in the third line of the said paragraph, as far as, but not including, the word “and” in the fourth line of the said paragraph, shall be struck out and shall be deemed to have never been inserted, so as to place the Local Municipalities in the County of Bagot, composed of townships or parts of townships, on the same footing as other Municipalities which were not specially mentioned in the said section, and to the end that the said Municipalities may be deemed to have only been subject to the provisions of the second paragraph of the said fifty-third section of the said Act.

Sect. 53 amended as to municipalities in Bagot.

12. The said first paragraph of the said fifty-third section shall be further amended by striking out all the words after “next,” in the eighth line thereof, and substituting the following: “be made and maintained by moneys to be raised for that purpose by assessment; provided, however, that the Councils of any of the local Municipalities above mentioned may at any time pass a By-law enacting that it shall be at the option of the parties whose properties shall have been assessed for the purposes above mentioned, either to pay the amount of such assessment in money or to compound therefor by the contribution of labor to the amount for which they are liable; and such By-law shall fix a scale or tariff of prices, in conformity with which the amount of labor to be performed in composition for the said assessment shall be calculated and ascertained.”

Sect. 53 amended.

Payment of assessments in labour.

13. The eleventh, twelfth, thirteenth and fourteenth paragraphs of the said fifty-third section are hereby repealed.

Certain para. of sect. 53, repealed.

VALUATORS AND VALUATION.

14. Instead of the words “within two months after the date of their appointment,” in the first paragraph of the fifty-sixth section, the following words shall be substituted: “in the month of March or of April of the year appointed by this Act for making the Valuation Roll.”

Sect. 56, amended.

The same. 15. Instead of the words "within two months from the date of their appointment," in the tenth paragraph of the fifty-sixth section, the following words shall be substituted: "in the month of March or of April."

SALES OF PROPERTY.

Sectt 61 amended. 16. After paragraph fifteen of the sixty-first section the following paragraph shall be added :

Form of deed of sale of socage lands for taxes. " 16. Such deed of sale of lands in free and common socage may be in the following form :

Province of Canada, }
County of . }

These are to witness, that in consideration of the sum of , paid to the Secretary-Treasurer of the Municipal Council of the County of , by , being the purchaser at Public Auction of the parcel or tract of land hereinafter mentioned, sold by such Secretary-Treasurer to pay assessments, on the day of in the year of our Lord, one thousand eight hundred and , according to the law in that behalf, the said corporation of the County of , doth grant, bargain and sell, confirm and convey unto the said , his heirs and assigns for ever, all and singular that parcel or tract of land situate in the of , in the said County of , (insert here a description of the property) ; To have and to hold the premises hereby sold and conveyed, with their and every of their appurtenances, unto and to use of the said , his heirs and assigns for ever.

In witness whereof, I , Secretary Treasurer of the Municipal Council of the said County of have hereunto set my hand and affixed the seal of the said corporation, this day of , in the year of our Lord, one thousand eight hundred and

Signed, sealed and delivered }
in the presence of }
A. B. }
C. D. }

Secretary-Treasurer.

PENALTIES.

Sect. 62 amended. 17. Instead of the words "twelve dollars," in the ninth paragraph of the sixty-second section, the words "from one to ten dollars," shall be substituted.

## RECOVERY OF PENALTIES, TAXES, &amp;C.

**18.** After the words "*such suit as aforesaid shall,*" in the eighth paragraph of the sixty-third section, the following words shall be inserted,—"*unless it is otherwise provided in this Act.*" Sect. 63 amended.

## SUITS UNDER THIS ACT, DECLARATORY, TEMPORARY AND SPECIAL PROVISIONS.

**19.** The fourth subsection of the sixty-fourth section of the Act is hereby so amended as to read as follows, and shall be interpreted and applied as if it had been originally so enacted : Sect. 64 amended

" 4. That according to the true intent and meaning of the said Act, of the Acts amending the same, and of this Act, no lot, in respect of which any such work shall be so performed, or materials furnished as aforesaid can hereafter be legally sold for the recovery of the value of any such work or materials, unless the person bound to perform or furnish the same shall have been specially notified and required to perform such work, or furnish such materials, or unless judgment had, or shall have been obtained against him for the amount of such value ; and no person bound to make or repair any front road, shall be liable to any suit or action in respect of the making or maintaining of such front road except for the penalties imposed by the fifty-eighth section of the said Lower Canada Municipal and Road Act, and no part of the property of any such person shall be liable to seizure or sale on account of his default to make or maintain any such road, unless he shall have been specially notified and required, by an Inspector or Overseer of Roads, or some other Municipal Officer, to perform such work and furnish such materials." In what cases only land can be sold for work done in default of owner.

**20.** The following provision shall be added to paragraph ten of the said sixty-fourth section : To what penalty only persons are liable for not doing work on front roads.

" Suits for rates, taxes, or fines, against non-residents, may be instituted either within the limits of the Municipality in which they shall have been imposed, or in any court of justice having competent jurisdiction."

## EXECUTION OF JUDGMENTS AGAINST MUNICIPALITIES.

**21.** After paragraph four of the sixty-fifth section the following paragraphs shall be added : Par. added to par. 10 of sect. 64.

5. And if there be no valuation roll then in force for the municipality, the Sheriff may require the valuator to make one, which they shall be bound to do within two months after such requisition,—and if there be no valuator or if the valuator do not Sect. 65 amended.

Provision if there be no valuation roll.

not make the valuation roll within the delay aforesaid, the Sheriff may inform the Governor of the fact by letter to the Provincial Secretary, stating also that he has a judgment to execute against the municipality, and the Governor may then appoint valuator for such municipality, who shall make a valuation roll for the same within two months after being required by the Sheriff so to do ;

If there were  
Valuators.

6. And if there are valuator for the municipality but they do not make the valuation roll within the delay aforesaid, then the valuator to be appointed by the Governor shall make it at the cost of the valuator in default, as provided in like cases by this Act ; but if there were no valuator, then the valuator appointed by the Governor shall make the valuation roll at the cost of the municipality ;

If there were  
none.

Costs.

7. Any costs incurred by the Sheriff in carrying the two next preceding paragraphs into effect, shall form part of his disbursements in the case and be levied accordingly.

#### APPEALS,—FROM LOCAL TO COUNTY COUNCILS.

Sect. 66  
amended.

**22.** After the word "petition" in the last line of the first paragraph of the sixty-sixth section, the following words shall be added,—“but it shall, nevertheless, be lawful for the County Council of any of the Counties mentioned in the first paragraph of the fifty-third section of this Act, to revise and amend a Valuation-Roll or *Procès-Verbal*, or to amend or disallow a By-law, at any one of its quarterly sittings, notwithstanding any provision to the contrary, and the notices shall in such case be given accordingly:”

County Councils may  
amend or dis-  
allow Roll or  
*P.-V.* at its  
quarterly  
sittings.

Par. 8 of s. 66,  
repealed.

2. The eighth paragraph of the said sixty-sixth section is repealed.

#### LOCALITIES DECLARED TO BE MUNICIPALITIES.

Recital.

**23.** Whereas the tracts of land hereinafter mentioned were, by Proclamation under the Great Seal of this Province, bearing date the eighteenth day of June, in the year of our Lord one thousand eight hundred and forty-five, issued under the authority of the Act passed in the eighth year of Her Majesty's reign, and chaptered forty, declared to be and constituted municipalities under the said Act ; and whereas the inhabitants of the said tracts have held the same to be municipalities under the provisions of the Lower Canada Municipal and Road Act of 1855, and under the said Lower Canada Consolidated Municipal Act now in force, and have elected municipal councillors and otherwise acted under the said Acts as local municipal corporations ; and whereas doubts have arisen whether the  
said



said tracts did constitute local municipalities, inasmuch as they were not strictly townships nor parishes, and it is expedient to remove the said doubts and to confirm the said tracts as local municipalities : Therefore, it is declared and enacted as follows :

1. The tract of land which, at the date of the Proclamation last above mentioned, formed and comprised the Seigniorship of Grand River, in the county of Gaspé, is and shall be a local municipality, by the name of the Municipality of Grand River ;

Grand River.

2. The tract of land which, at the date of the said Proclamation, formed and comprised the Seigniorship of Pabos and Township of Newport, both in the said County of Gaspé, is and shall be a local municipality, by the name of the Municipality of Newport ;

Pabos and  
Newport.

3. The tract of land which, at the date of the said Proclamation, formed and comprised part of the Seigniorship of Shoolbred, and the Township of Nouvelle, in the county of Bonaventure, is and shall be a local municipality, by the name of the Municipality of Shoolbred ;

Shoolbred and  
Nouvelle.

4. The said tracts of land shall be held to have been local municipalities from the time of the coming into force of the Lower Canada Municipal and Road Act of 1855, and shall continue to be such for all the purposes of the Lower Canada Consolidated Municipal Act, as if they were Township Municipalities, and their limits as such shall not be affected by the erection of any parish or parishes made, or hereafter to be made, except only in so far as any parish or part of a parish may, under the provisions of the Act last cited, be annexed to either of the said municipalities ; and every by-law of either of such local municipalities, and every act done by either of them, shall be good and valid, provided it would have been good and valid if made or done by any other township municipality.

The said tracts  
declared Mu-  
nicipalities.

24. The tract of land designated in a Proclamation inserted in the number of *The Canada Gazette*, published by authority, under date of the fifth day of January, one thousand eight hundred and sixty-one, as being intended to form a separate municipality after the first day of January then next, under the name of the Corporation of the Village of Saint Jean Baptiste, shall be detached from the municipality of the Village of Côte Saint Louis, and shall form a distinct and separate municipality under the name aforesaid, from and after the passing of this Act ; and the elections of municipal councillors of the said Corporation of the Village of Saint Jean Baptiste may be had in the manner provided by law, on the seventeenth day of the month of June, in the present year, one thousand eight hundred

Village of St.  
Jean Baptiste,  
confirmed.

hundred and sixty-one, in accordance with the twenty-first paragraph of the thirty-sixth section of the said Act.

Municipality  
of Whitton,  
constituted.

**25.** The townships of Whitton, Hampden and Marston, in the county of Compton, shall be disunited from the Municipality of Bury, for municipal purposes, and the said townships of Whitton, Hampden and Marston shall together, from and after the passing of this Act, form a separate local municipality to be called the Municipality of Whitton; and the first election for the choice of Councillors for the said Municipality of Whitton may be held on the second Tuesday in June or any subsequent day previous to the second Tuesday in January, one thousand eight hundred and sixty-two, of which due notice shall have been given, and notwithstanding their union hereby enacted, the said townships of Marston and Hampden, or either of them, whenever they, or either of them, shall have the requisite population, may be detached therefrom in the ordinary course.

Municipality  
of Ste. Adèle,  
confirmed.

**26.** Whereas ever since the year one thousand eight hundred and fifty-five, there has existed *de facto* a Municipal Corporation in the Counties of Terrebonne and Montcalm, under the name of "The Municipality of the Parish of Ste. Adèle," which has exercised exclusive municipal jurisdiction and authority over the following tract of land, that is to say:—1. The ninth, tenth and eleventh Ranges of the Township of Abercrombie; 2. All that part of the Côte St. Gabriel, in the continuation of the Seigniorship of Mille Isles, west of the Rivière à Simon, which is not comprised within the tract known as the Parish of St. Sauveur, the said part comprising nine lots; 3. The first, second, third, fourth, fifth and sixth Ranges of the Township of Morin, which are in the County of Terrebonne, and the tenth and eleventh Ranges of the said Township of Morin, from number one to number twenty-five, both inclusive; 4. The first ten lots of each of the eleven Ranges of the Township of Wexford, in the County of Montcalm;—And whereas doubts have arisen whether a Parish Municipality really existed within the said limits,—therefore it is hereby declared and enacted, that the Municipality of the Parish of Ste. Adèle, in the Counties of Terrebonne and Montcalm, comprising the tract of land above described, is and shall be held to have been a Municipality legally established, notwithstanding that a small portion thereof lies within the County of Montcalm; and all By-laws, acts and proceedings of the said Municipality are and shall be valid, and the Mayor, Councillors, Secretary-Treasurer and Officers of the Municipality, shall be held to have been validly elected and appointed, as if no such doubt as aforesaid had existed:

2. That part of the Township of Wexford, in the County of Montcalm, which forms part of the said Municipality, shall be held to form part of the County and District of Terrebonne, for  
Municipal

As to part of  
township of  
Wexford.

Municipal purposes only, and as regards the jurisdiction of the Courts in Municipal matters only ; but shall for all other purposes remain part of the County of Montcalm and of the District of Joliette ;

3. The remainder of the Township of Morin, which lies in the County of Terrebonne and the Township of Beresford, shall continue to be annexed to the said Municipality of the Parish of Ste. Adèle, until they shall be legally separated from it.

As to part of township of Morin.

27. From and after the passing of this Act, the territory which, being without the present limits of the city of St. Hyacinth, is included within the present limits of the parish of St. Hyacinthe le Confesseur, and is situated partly in the county of St. Hyacinth and partly in the county of Bagot, is hereby declared to form a separate and distinct Municipality under the name of the Municipality of the parish of St. Hyacinthe le Confesseur, and the elections of Municipal Councillors for the said Municipality shall be held in the manner provided by law, on the seventeenth day of June, one thousand eight hundred and sixty-one, in conformity with the twenty-first paragraph of the thirty-sixth section of the said Act ; but any tax or rate now due shall be payable to the Municipality which shall have imposed such, in the same manner as though the Municipality constituted by this section had never been erected, and the said Municipality hereby erected shall, for Municipal purposes, be attached to the county of St. Hyacinth.

Part of parish of St. Hyacinth outside the City to be a Municipality.

28. Whereas doubts have existed as to the legality of the organization of the United Townships of Newport, Ditton, Chesham, Clinton and Aukland, in the Counties of Compton and Beauce, as a local municipality ; it is declared that the said Townships, since the date of their Election of a local Council, in the month of July, eighteen hundred and fifty-five, as such municipality, have been and are such municipality legally organized by the name of the Corporation of the United Townships of Newport, Ditton, Chesham, Clinton and Aukland ; And all By-laws, acts and proceedings of the Council and officers thereof, being otherwise legal and regular, have been and are hereby declared to be legal as the By-laws, acts and proceedings of the Council and officers of a duly constituted local municipality, and the said Townships may hereafter be separated in the ordinary way under the provisions of the Act hereby amended.

United townships of Newport, Ditton, Chesham, Clinton and Aukland, declared a Municipality.

29. No proceedings heretofore taken or had under the said Act, shall be invalid by reason of the public notice referred to in the sixth section of the said Act, not having been published as therein provided, in the English and French languages.

## INTERPRETATION.

Interpretation  
of this Act.

Citation of the  
Act amended,  
to include this  
Act.

**30.** In this Act the sections referred to are those of the Lower Canada Consolidated Municipal Act,—the paragraphs referred to are the paragraphs or sub-sections of the said Act,—and the lines are those in the first official edition of the Consolidated Statutes for Lower Canada; and this Act shall be construed as one Act with the Lower Canada Consolidated Municipal Act, and any citation of or reference to the “Lower Canada Consolidated Municipal Act,” hereafter made, shall mean the said Act as amended by this Act.

## C A P . X X X .

## An Act to amend the Agricultural Act.

[Assented to 18th May, 1861.]

Preamble.

**W**HEREAS it is expedient to continue the right of Appeal from Judgments rendered in virtue of the Agricultural Act, chapter twenty-six of the Consolidated Statutes for Lower Canada, and to amend the said Act in the manner hereinafter provided: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

## APPEAL TO THE CIRCUIT COURT.

Appeal to Cir-  
cuit Court.

**1.** An Appeal from any Judgment rendered in virtue of the Agricultural Act, or of this Act, may be brought in the Circuit Court, either of the District or County in which the Judgment was rendered, or in any of the Counties adjacent to such County or District.

How brought.

**2.** The Appeal shall be brought in the manner following: No such Judgment shall be executory until the expiration of fifteen days after the date thereof, and in the course of the said fifteen days the party intending to appeal shall give a simple notice of his intention to the Justice, or one of the Justices of the Peace, or to the Clerk of the said Justices of the Peace, or of the Court by which such Judgment was rendered.

Security by  
appellant.

**3.** Within fifteen juridical days next after the rendering of the Judgment, the appellant shall give security before the Clerk of the Court to which he intends appealing, (by a surety who shall justify his sufficiency to the amount of at least one hundred dollars,) that the appellant will effectively prosecute the said appeal, and will satisfy the Judgment and pay the damages and costs in case the appeal is not prosecuted, or the judgment appealed from is confirmed.

4. The surety shall justify his sufficiency upon oath before the said Clerk, who may make any examination or put any question necessary for that purpose. Sureties to justify.

5. The security bond may be in the form number one, annexed to this Act, or in any analogous form. Bond.

6. The Clerk shall deliver a copy of the security bond to any one requiring the same, and any copy certified by him as a true copy, shall be authentic. Copies thereof.

7. Within the said fifteen days the Appellant, after having given the security above prescribed, may obtain from the Clerk of the Circuit Court in which the Appeal is brought, a Writ of Appeal in the English or French language, under the seal of the said Court, (but the absence of such seal shall not invalidate the writ), signed by the said Clerk and setting forth that the Appellant deems himself aggrieved by the Judgment appealed from, and ordering the Justice or Justices of the Peace or the Court, to transmit all the documents, proceedings, and papers forming the record, or contained in any register and relating to the cause. Writ of appeal —its tenor.

8. The said Writ shall be returnable, in term or in vacation, within fifteen days from its date, and a duplicate thereof shall be served five days at least before the return day, upon the Respondent or his Attorney, and also upon the Clerk of the Justice or Justices of the Peace, or of the Court, by whom the Judgment appealed from shall have been rendered; and thereupon it shall be the duty of the said Justices and of the said Clerk to transmit the said record forthwith and not later than the day fixed for the return of the said Writ, to the Clerk of the Circuit Court in which the Appeal shall have been brought, with a certificate signed and sealed by one Justice at least, or by the Clerk, certifying that the documents transmitted are all the documents relating to the cause. Procedure on the return of writ.

9. The Writ may be in the form number two, annexed to this Act, or in any form to the like effect. Form of writ.

10. On the return day of the Writ of Appeal, or on the following day, each party or his Attorney shall file an appearance, and at any time after, on the inscription for hearing by either party, one day's notice of which in term, and three days of which in vacation, shall have been given to the opposite party, the Appeal shall be heard for all purposes whatsoever and decided summarily; And no new evidence shall be adduced. Appearance. Hearing. No new evidence.

11. The Circuit Court shall adjudge the costs on such Appeal; and if the Judgment appealed from be fully confirmed, it shall order that the record be remitted to the Justice or Justices. Costs on appeal, if judgment be confirmed.

Justices or Court who shall have pronounced the Judgment or conviction, and such remission shall be effected by the Clerk of the Circuit Court, who shall annex to the record a copy of the Judgment of the said Court and a certificate of the costs allowed on the said Appeal, and the said costs shall be levied by the same means, and in the same manner in which the judgment of the Justice or Justices, or of the Court below, is carried into effect according to law.

In case the judgment be reversed or modified, &c.

**12.** But if, on the other hand, the said Judgment be modified or set aside, in whole or in part, the record and proceedings on the judgment appealed from, and any proceedings upon the Appeal, shall remain to form part of the records of the Circuit Court, by which and under the authority of which, whatever shall have been adjudged, ordered, confirmed, modified or amended by the judgment of the said Court shall be carried into effect, and that by the same means and in the same manner as the judgment appealed from might itself have been carried into effect.

Appellant neglecting certain proceedings to be held to have abandoned the appeal.

**13.** Any Appellant who shall have neglected to cause the Writ of Appeal above mentioned to be served as aforesaid, or who, having caused it to be served, shall fail effectually to prosecute the said Appeal, shall be deemed to have abandoned the said Appeal, and upon application of the Respondent, the Circuit Court shall declare forfeited all the rights and claims founded on the said Appeal, and shall allow costs to the Respondent, and shall order that the record, (if it has been transmitted,) be sent back to the Court or Judge below; and if the record has not been transmitted, then, upon production of the notice of appeal or writ of appeal, the said Respondent shall obtain such costs as the Court may adjudge;

Recourse against sureties.

**14.** The execution of the Judgment against the party condemned shall not deprive the party who shall have succeeded, of his recourse against the sureties for the whole or any part of the costs of the Appeal remaining unpaid, to the payment of which every surety shall be bound, under the penalty of seizure and execution, in the same manner and to the same degree as the principal parties.

*Certiorari* not allowed.

**15.** No judgment rendered in virtue of the said Act or of this Act shall be contested or set aside by writ of *certiorari*.

Doubts removed as to appeals before this Act.

**16.** To remove all doubts it is declared that any appeal instituted before this Act goes into force from any judgment rendered in virtue of the *Agricultural Act*, shall be proceeded with, decided and carried into execution in the same manner and shall be deemed as valid to all intents and purposes whatsoever, as though the twentieth section of the Act twenty-second Victoria, chapter one hundred and one, had never been repealed and had always remained in force, but only as regards those

those cases, the said twentieth section being hereby repealed as regards any appeal to be instituted after this Act goes into force.

#### WATER COURSES.

**17.** The first paragraph of the twenty-third section of the Agricultural Act is not to be interpreted as compelling Inspectors to make the apportionment of the work required for the opening or keeping in repair of a water course, at the same time as the *procès-verbal* ordering such work; but the apportionment shall be made in accordance with the twenty-ninth section of the said Act.

Interpretation  
of section 23

#### COMPLAINTS.

**18.** After the word "townships," at the end of the fifth paragraph of section thirty-seven of the said Act, the following words shall be added: "or if there is not any such Inspector in one of the neighbouring parishes or townships, then from any one of the parishes or townships in the county."

Section 37  
amended.

#### SUITS—PENALTIES.

**19.** After the second paragraph of the fortieth section of the said Act, the following paragraph shall be added:

Section 40  
amended.

"3. Any Inspector refusing or neglecting to perform any duty imposed on him by this Act, shall incur a penalty of not less than five nor more than ten dollars for each such refusal or neglect."

Penalty on  
Inspector ne-  
glecting his  
duty.

#### INTERPRETATION.

**20.** The word "land" or "property," in the second, third and fifth sections of the said Act, shall include any beach land belonging to any person or corporation.

Words "land"  
"property"  
what to in-  
clude.

**21.** Any Act or part of an Act inconsistent with this Act, is repealed.

Repeal of in-  
consistent  
enactments.

#### FORM No. 1.

Province of Canada,  
District of  
County of

or } IN THE CIRCUIT COURT.

Whereas in a cause (or matter) between A. B., plaintiff or complainant, and C. D., defendant, judgment was rendered on or about the day of , at , in the district of or county of , and the said C. D., (or A. B.,) desires to appeal from the said judgment.

Be it known, that on this day, the day of , in the year , appeared before me C. E., Clerk of the said

Circuit Court, at \_\_\_\_\_, in the said district of \_\_\_\_\_, H. P., (*quality and residence*), who, after having justified his sufficiency on oath as required by law, became surety that the said appellant would effectively prosecute the said appeal and satisfy the judgment, and also pay the damages and costs in case the said appeal is not proceeded with, or in case the said judgment is confirmed; failing all which, the said surety binds himself towards the proper parties to pay and discharge whatever amount may be required by law.

And the above having been read to him, the said surety has signed (*or declared that he is unable to sign.*)

Taken, acknowledged and sworn before }  
me, the said Clerk, at the said }  
on the day and year secondly above }  
mentioned. }

C. E.

C. C. C.

## FORM No. 2.

Province of Canada, } VICTORIA, by the Grace of God, of the  
Lower Canada, } United Kingdom of Great Britain and  
Ireland, Queen, Defender of the Faith :

To (*names of the Justice or Justices.*)

Whereas in a cause (*or matter*) by you decided on or about the \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_, in the county of \_\_\_\_\_, in the district of \_\_\_\_\_, between

A. B.

*Plaintiff (or Complainant),*

and

C. D.

*Defendant.*

The said C. D., (*or A. B.*) deems himself aggrieved by the said judgment, and has provided the securities required by law—We command you, and each of you, to transmit all the documents, proceedings and papers composing the record or contained in the registers and relating to the said cause, to our Circuit Court in and for the district of \_\_\_\_\_ (*or county of* \_\_\_\_\_), at \_\_\_\_\_, on or before the \_\_\_\_\_ day of \_\_\_\_\_, that good and speedy justice may be done in the said matter.

In testimony whereof, We have caused the Seal of our said Court to be affixed hereto, at \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, in the year of Our Lord, one thousand eight hundred and sixty \_\_\_\_\_.

C. E.

*Clerk of the said Circuit Court.*

C A P.



## C A P. X X X I.

## An Act respecting Mining Rights.

[Assented to 18th May, 1861.]

**W**HEREAS doubts have arisen as to the extent of the rights of purchasers of mining claims and privileges severed from the soil: For remedy thereof, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. The sale, lease or other transfer, by the owner or grantee of the real property, of any mining right or privilege of exploration for any mine, mineral, coal, oil or other mineral substance, or quarry, with or without the power of working the mine or right of access and egress thereto and therefrom, if duly registered in the Registry Office of the Registration Division within which the real estate in question is situate, shall vest in the purchaser, according to his rank and priority, the property therein, to the extent expressed in the contract so registered, and he shall be as fully seized and possessed thereof as though he had obtained actual tradition and seizin, and no subsequent sale, lease or other transfer, by the owner or grantee of the real property to any third party, of the property in, upon or respecting which such first mentioned sale, lease or other transfer, by the owner or grantee of the real property, was made, shall defeat, weaken or injure the same.

Sale or other transfer of mining rights separate from the soil, to be valid without actual tradition if duly registered.

2. Provided always, that the registration of any such sale, lease or other transfer as aforesaid, made before the passing of this Act may be made within sixty days after the passing thereof with the same effect, and shall give the same rank and priority as if such registration had been made immediately after the making of such sale, lease or other transfer.

Registration of transfers made before the passing of this Act, how made.

3. This Act shall apply to Lower Canada only.

Act limited to L. C.

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

An Act to amend chapter sixty-eight of the Consolidated Statutes for Lower Canada, respecting Mutual Insurance Companies.

[Assented to 18th May, 1861.]

**W**HEREAS it is expedient to amend chapter sixty-eight of the Consolidated Statutes for Lower Canada, respecting Mutual Insurance Companies: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1.

A Company may be formed for any local municipality.

1. The freeholders and other residents of any parish or local municipality in Lower Canada, may establish a Mutual Fire Insurance Company, for the insuring of properties situated within the limits of such parish or local municipality, under the name of "The Mutual Fire Insurance Company of the Parish of \_\_\_\_\_, or of the local municipality of \_\_\_\_\_," and all the provisions of the said chapter sixty-eight of the Consolidated Statutes for Lower Canada, in so far as they are not inconsistent with this Act, shall apply to such Companies.

Fifty persons insuring for \$40,000 to be sufficient.

2. It shall be sufficient that fifty persons duly qualified, sign their names in the subscription book, and that the sums subscribed, for which they have bound themselves to effect insurance, amount to the sum of forty thousand dollars, or more, to enable such persons, and all others who may thereafter become members of the Company, by effecting insurance therein, in the manner prescribed by the aforesaid chapter of the Consolidated Statutes for Lower Canada, to be constituted a body politic and corporate according to the provisions of that Act.

Notices.

3. The notices required to be given shall be published and posted on the door of the parish church, after Divine Service in the forenoon, on one Sunday or holiday immediately before the meeting, and not otherwise or elsewhere.

Annual meetings of Companies.

4. Annual meetings of any such Company may be held either on the day fixed by the second paragraph of the seventh section of the said chapter of the Consolidated Statutes for Lower Canada, or on any other day that may be fixed for the purpose by any by-law of the Company.

Power to make By-laws.

5. In addition to the rights and powers granted to such Companies, by the aforesaid Chapter of the Consolidated Statutes for Lower Canada, they shall also have power to make such rules and regulations as they shall deem necessary for the well working and proper administration thereof, and from time to time to repeal, alter and amend the same; Provided always, that the said rules and regulations shall not be inconsistent with the laws, customs and usages in force in Lower Canada.

Proviso.

Office of each Company.

6. Each Company, so constituted, shall have its office within the limits of the parish or other local municipality in which such Company shall be established, and at the place which shall have been selected by the board of directors; Provided always, that so soon as the directors shall have selected a place for holding their office, they shall give public notice thereof on the following Sunday.

Act limited to L. C.

7. This Act shall apply to Lower Canada only.

C A P. X X X I I I.

An Act to amend the Act respecting the investigation into Accidents by Fire.

[Assented to 18th May, 1861.]

**W**HEREAS great expense in many cases is needlessly cast upon Municipalities by investigations into accidents by Fire being unnecessarily held: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

1. In all cases, the party requiring any such investigation shall alone be responsible for the expenses of and attending such investigation. Party requiring it to pay the cost.

2. No Municipality shall be liable for any such expense unless the investigation be required by an instrument under the hands and seals of the Mayor or other head officer of the Municipality, and of at least two other members of the Council thereof; and such requisition shall not be given to charge any Municipal Corporation, unless there are strong special and public reasons for granting the same. When only a Municipality shall be liable.

3. No expenses of or for an adjournment of any such Inquest shall be chargeable against or payable by the party or Municipal authorities calling for or requesting the investigation to be held, unless it is clearly shown by the Coroner, and certified under his hand, why and for what purpose an adjournment took place or became necessary in his opinion. In what case only costs of an adjournment shall be allowed.

4. This Act shall apply to Upper Canada only. Act limited to U. C.

C A P. X X X I V.

An Act to explain certain parts of chapter seventy-two of the Consolidated Statutes for Lower Canada relating to the admission of Students to the profession of Advocate.

[Assented to 18th May, 1861:]

**W**HEREAS candidates for admission to practise as Advocates in Lower Canada are frequently subjected to great inconvenience from the fact of their Articles of Clerkship expiring only the day or a few days after the meeting of the Committee of Examiners for the District, in consequence of which such candidates are obliged to wait nearly a month for their examination after the expiration of their Articles; and it is expedient to provide a remedy for such inconvenience: Therefore, Her Majesty, by and with the advice and consent of the Preamble.

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

Candidates may be examined at the meeting next before or after the expiration of their articles.

1. Notwithstanding any thing to the contrary in the twenty-seventh, or any other section of the chapter seventy-two of the Consolidated Statutes for Lower Canada, any Candidate for admission to practise as an Advocate may present himself for examination at the regular and ordinary meeting of the Committee of Examiners which may be held within the shortest period either before or after the expiration of his Articles ; Provided, however, that such candidate so presenting himself must give the regular notice to that effect required, and that in the event of his passing the necessary examination before the expiration of his Articles, the diploma admitting him to practise shall only be executed and granted on or after the day on which such articles expire.

Application of Act.

2. This Act shall apply to all Students now serving under Articles.

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

An Act to amend chapter seventy-three, of the Consolidated Statutes for Lower Canada, intituled : *An Act respecting the Notarial Profession.*

[Assented to 18th May, 1861.]

Preamble.

WHEREAS the Act passed in the twenty-second year of Her Majesty's Reign, chapter eight, enacted that any law student who had pursued a complete and regular course of legal studies in any school or faculty of law, legally established in any college or university in Lower Canada, in conformity with the statutes of such college or university, should only be bound to serve three years of clerkship in order to be admitted to the notarial profession, after having submitted to an examination, and fulfilled the other conditions required by the law ; And whereas by the Act passed in the twenty-third year of Her Majesty's Reign, chapter sixty-six, the period of clerkship was prolonged and fixed at four years, for any candidate for the notarial profession, having pursued a classical course of five years only ; And whereas the said Act has been re-enacted in the Consolidated Statutes for Lower Canada, chapter seventy-three, section twenty, to the prejudice of certain candidates for the said profession, who fall within the latter category, and who, at the period of the passing of the said Act had commenced, and would have continued to pursue a course of legal studies in such schools or faculties of law as aforesaid : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

23 V. c. 66.

Con. Stat. L.  
C. c. 73, s. 20.

1. The Board of Notaries of any District may admit to the Notarial Profession, after a clerkship of three years only, any law student for the Notarial Profession, notwithstanding that he has not followed the regular course of studies prescribed by the nineteenth section, chapter seventy-three, of the Consolidated Statutes for Lower Canada, in one of the Seminaries or Colleges therein mentioned, but having complied with the other conditions and formalities prescribed by law, in order to admission to the study of the Notarial Profession,—after he has submitted to an examination before the Board of Notaries for the District in which he has studied; Provided always, that every such law student for the Notarial Profession has commenced, previous to the nineteenth day of May, eighteen hundred and sixty, and pursued a complete and regular course of legal studies, in some School or Faculty of Law, legally established in any College or University in Lower Canada, in conformity with the statutes of such University or College, and obtained a certificate from the Rector, Principal, Superior or other chief officer of such College or University, setting forth that such student has really and *bonâ fide* commenced, previous to the nineteenth day of May, eighteen hundred and sixty, and pursued the complete and regular course of studies required by the twentieth section of the chapter aforesaid, and has succeeded in passing the examination required by the students of such College or University.

Certain Students may be admitted notwithstanding s. 19, of cap. 73 of Con. Stat. L. C.

Proviso: for complete course of law studies.

2. This Act shall be deemed a Public Act.

Public Act.

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

An Act to amend the Thirteenth chapter of the Consolidated Statutes for Upper Canada, respecting the Court of Error and Appeal.

[Assented to 18th May, 1861.]

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

Preamble.

1. The fifth section of the thirteenth chapter of the Consolidated Statutes for Upper Canada is hereby repealed, and the following substituted therefor:

Sect. 5 of Con. Stat. U. C., repealed.

“The Governor may, by Commission under the Great Seal, from time to time, appoint any retired Judge of any of the Superior Courts of Upper Canada to be the Presiding Judge of the said Court of Error and Appeal, and failing such appointments the Chief Justice of the Court of Queen’s Bench for the time being, and in his absence the Judge entitled to precedence over all the other Judges present, shall preside.”

New section: Who shall preside in the Court.

## CAP. XXXVII.

## An Act further to amend the Act respecting the Municipal Institutions of Upper Canada.

[Assented to 18th May, 1861.]

Preamble.

Con. Stat. U.  
C. cap. 54, s.  
135.

**I**N amendment of the one hundred and thirty-fifth Section of the Act respecting the Municipal Institutions of Upper Canada, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Case of equality of votes on election of Town Reeve or Deputy, provided for.

**1.** In case of an equality of votes on the election of a Reeve, or of a Deputy Reeve, by the members of the Council of any Town not withdrawn from the jurisdiction of the County Council, under the provisions of the said Section, then, of those present, the member who has been assessed for the highest amount on the last Revised Assessment Roll of the Town, shall have a second and casting vote.

New election if from such equality, none was elected in 1861.

**2.** If in any such Town, by reason of an equality of votes, no Reeve or Deputy Reeve was elected at the first meeting of the Town Council, in this year eighteen hundred and sixty-one, the members of such Town Council may, at any meeting, within one month, from and after the passing of this Act, elect from its members a Reeve or a Deputy Reeve, or both, as the case may require ; and in case of an equality of votes on such election, then, of those present, the member who has been assessed for the highest amount on the then last Revised Assessment Roll of the Town, shall have a second and casting vote.

## CAP. XXXVIII.

## An Act to amend The Assessment Act.

[Assented to 18th May, 1861.]

Preamble.

Con. Stat. U.  
C., c. 55.

**I**N amendment of the Act respecting the assessment of property in Upper Canada : Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Sect. 28, amended.

How vacant land in cities, towns and villages shall be assessed.

**1.** The following words shall be added to the twenty-eighth section of the said Act, and shall hereafter be read as part thereof, namely : " Provided, always, that in assessing vacant ground, or ground used as a Farm, Garden or Nursery, and not in immediate demand for building purposes, in such Cities, Towns or Villages, the value of such vacant or other ground shall be that at which sales of it can be freely made ; and where

no

no sales can be reasonably expected during the current year, the assessors shall value such land as though it was held for farming or gardening purposes, with such percentage added thereto as the situation of the land may reasonably call for; and such vacant land, though surveyed into building lots, if unsold as such, may be entered on the Assessment Roll as so many acres of the original lot, describing the same by the number of the lot and Concession of the Township in which the same may have been situated."

2. The following words shall be added to the twenty-ninth section of the said Act, and shall hereafter be read as part thereof, namely: "Provided, always, that when such vacant ground is not held for the purpose of sale, but *bond fide* used in connection with such house or building, as a Paddock, Park, Lawn, Garden or Pleasure Ground, it shall be assessed therewith at a sum equal to the annual rental which, in the judgment of the assessors, it is fairly and reasonably worth for the purposes for which it is used, reference being always had to its position and local advantages."

Sect. 29,  
amended.

Vacant land  
held for  
Gardens, &c.

3. In case any non-resident whose land, (within the limits of any Town, incorporated Village or Township in Upper Canada,) has heretofore been or shall hereafter be assessed in any revised and corrected Assessment Roll, complains by petition to the proper Municipal Council, at any time before the taxes so assessed have been paid or collected, that the same are excessive, it shall be lawful for such Council to try such complaint and decide upon the same.

Non-residents  
may complain  
of excessive  
assessment.

4. All decisions of Municipal Councils under this Act may be appealed from, tried and decided, as provided by the sixty-third and following sections of the said Act, for appeals from Courts of Revision under the said Act, which shall apply, as nearly as may be practicable, to appeals under this Act, save and except the restriction as to time contained in the sixth sub-section of the said sixty-third section.

Appeals from  
decisions under  
this Act.

5. If in any case under this Act the Municipal Council or the Judge of the County Court is of opinion that the land of the complainant has been assessed at least twenty-five per cent. higher than similar land, similarly situated, in the same Municipality, belonging to residents, such Council or Judge may amend the Roll as such Council or Judge may think just and equitable, but otherwise, the judgment shall be to confirm the same.

County Court  
Judge may  
amend the  
Roll in certain  
cases.

6. But no Roll shall be amended under this Act, if it appear that a complaint of overcharge in respect of the same land was tried and decided before such Roll was finally revised and corrected under the provisions of the said Act.

Not if com-  
plaint was  
heard and  
decided.

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

An Act to extend the application of certain sections of the Act respecting the Municipal Institutions of Upper Canada.

[Assented to 18th May, 1861.]

Preamble.

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

Certain sections to apply to separation of and incorporated village from a township.

1. The provisions of sections sixty, sixty-one, sixty-two, sixty-three and sixty-four, of the Act respecting the Municipal Institutions of Upper Canada, (chapter fifty-four of the Consolidated Statutes for Upper Canada,) regulating the adjustment of affairs between Townships which have been united and become separate, shall apply in all cases where an incorporated Village separates from the Township in which it is situated.

## C A P. X L .

An Act for the better Assignment of Dower in Upper Canada.

[Assented to 18th May, 1861.]

Preamble.

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

Writ of assignment of dower upon judgment.

1. Whenever a widow's right to Dower shall have been established in an action for that purpose, she shall be entitled to sue out from the Court in which such action shall have been brought, upon the judgment entered in such action, a Writ of Assignment of Dower, directed to the Sheriff of the County where the lands lie out of which Dower has been adjudged to her, which Writ shall be in the form hereinafter provided for.

Writ of assignment of dower where owner acquiesces in claim, but parties are not agreed as to the admeasurement of the dower.

2. Where there exists an outstanding claim for Dower in any real estate in Upper Canada, and the owner of such real estate acquiesces therein, and is willing to assign Dower, but the parties are not agreed as to the admeasurement thereof, it shall be lawful for either of them to apply to a Judge of either of the Superior Courts of Common Law in Upper Canada, or to the Judge of the County Court of the County (or Union of Counties) in which the lands lie out of which Dower is demanded, for a Writ of Assignment of Dower under the provisions of this Act ; and such Judge, upon being satisfied by evidence on affidavit that the parties agree as to the existence of the right of Dower, shall order such a Writ to issue to the proper Sheriff in that behalf.



3. The Sheriff to whom such Writ is directed shall appoint three reputable and disinterested freeholders Commissioners for the purpose of making admeasurement of the Dower, by an order which shall specify the lands of which Dower is to be admeasured, and the time at which the Commissioners shall report.

Sheriff to appoint 3 freeholders as Commissioners.

4. The Commissioners so appointed, before entering upon their duties, shall be sworn before the Sheriff who appointed them, or before some officer authorized to take affidavits, that they will faithfully, honestly and impartially discharge the duty and execute the trust reposed in them by such appointment; and if the persons so appointed Commissioners, or either of them, shall die, resign, or neglect or refuse to serve, others may be appointed in their places by the Sheriff who appointed the first Commissioners, and shall take the same oath.

They shall be sworn.

Others may be appointed in case of death, &c.

5. The Commissioners so appointed shall execute their duties as follows:

Duties of Commissioners.

1. They shall admeasure and lay off, as speedily as possible, the one-third of the lands embraced in the order for their appointment, as the Dower of such widow, designating such part with posts, stones or other permanent monuments;

To admeasure one third of lands and fix monuments.

2. In making such admeasurement, they shall take into view any permanent improvement made upon the lands embraced in the said order by any guardian of minor, heir or other owner, since the death of the husband of such widow, or since the time that such lands came to be owned by any person or persons by the alienation of the said husband, or by title derived through his, and, if practicable, shall award such improvement within that part of the lands not allotted to such widow, and if not practicable so to award the same, they shall make a deduction from the lands allotted to such widow, proportionate to the benefit she will derive from such part of the said improvements as shall be included in the portion assigned to her;

To avoid assigning dower of improvements after alienation by husband, if practicable, &c.

3. If, from the improvements upon such land, or other peculiar circumstances, the said Commissioners shall find that an assignment of such Dower cannot be made so as to be fair and just to all parties by metes and bounds, they shall assess the amount of a yearly sum of money in lieu thereof; and in assessing the said annuity, they shall take evidence of all the facts and circumstances relating to the said lands and the improvements thereon, making allowances for such improvements in the same way as would have been done if the assignment had been made by metes and bounds, and shall, with their return to the Sheriff, return all the evidence upon which they have acted, to be taken in writing on oath and subscribed by the witnesses;

Annuity in lieu of dower where the same cannot be fairly assigned.

Their return in such case.

Annuity to be a lien with right of distress.

4. Such annuity shall be a lien upon the entire of the said lands, unless the said Commissioners shall think it just to confine the lien to a part thereof, and shall be recoverable in such payments as the said Commissioners shall direct, by distress in the same manner as rent, in addition to the usual personal remedy against the owner of the land ;

Commissioners to make return.

5. The said Commissioners shall make their return as directed to the Sheriff, with a full and ample report of their proceedings, with the quantity, courses and distances of the land admeasured and allotted to the widow, with a description of the posts, stones, and other permanent monuments thereof ;

May employ Surveyor.

6. They may employ a Surveyor, with necessary assistants, to aid them in such admeasurement.

Time may be enlarged by Sheriff for return.

6. The Sheriff may, upon the application of the said Commissioners, or either party, enlarge the time for making their report, and may, by order, compel such report, or discharge such Commissioners neglecting to make the same and appoint others in their places ; and such report, when made and confirmed, shall be filed with the proceedings in the cause thirty days thereafter ; and a certified copy thereof may be registered in the Registry Office for the County where the lands are situated.

Report to be filed within 30 days, &c, and registered.

Report may be set aside by Sheriff.

7. The Sheriff to whom such report shall be made may, at the time for receiving the same, or at such other time to which the hearing shall have been adjourned, on good cause shown, set aside the said report, and appoint, as often as may be necessary, new Commissioners, who shall proceed in the manner hereinbefore directed ; and if not set aside, the Sheriff shall, by order to be endorsed upon the writ, confirm the said report and admeasurement.

Or confirmed.

Report conclusive in 30 days unless appeal.

8. The report so made and confirmed shall, at the expiration of thirty days from the date of such confirmation, unless appealed from, be binding and conclusive upon all the parties to the action in which the Writ of Assignment of Dower was issued ; and the Sheriff shall, at the expiration of thirty days from the date of such confirmation, unless the same be appealed from, deliver possession of the land admeasured to the claimant for her Dower ; and she may hold the same, subject to the payment of all taxes and charges accruing thereon subsequent to her taking possession.

Sheriff to deliver possession.

Appeal from order of confirmation within 30 days.

9. Within thirty days after the order of confirmation of the report of the Commissioners, any party interested may appeal from such order in the Court in which the proceedings have been carried on, in the manner hereinafter directed.

**10.** Such appeal shall be filed with the Sheriff granting the order, but shall not be effectual, or valid for any purpose until a bond to the adverse party shall be executed by the Appellant and filed with the said Sheriff, with security to be approved by him and to be evidenced by an endorsement on such bond, in the penal sum of one hundred dollars, conditioned for the diligent prosecution of such appeal, and for the payment of all costs that may be adjudged by the Court against such Appellant; and no other notice shall be necessary to perfect such appeal.

Proceedings in appeal.

Security.

**11.** It shall be the duty of the Sheriff with whom such appeal bond shall be filed, to transcribe the order, evidence, report and other proceedings had before him, together with the said appeal, and to certify the same under his official seal, and to transmit the same to the proper officer of the Court appealed to; and the Court shall proceed at the next ensuing term after such transmission, and not later than the second term after the making of the order appealed from, to review the proceedings upon the said application, and shall do therein what shall be just.

Sheriff to certify proceedings to the Court.

**12.** In case of the reversal of the order of confirmation, the Court shall cause the same to be certified to the Sheriff making such order, to the end that new Commissioners may be appointed or a new admeasurement may be had, as the said Court may direct; or the Court may itself appoint such Commissioners.

In case of reversal of order Court shall certify same.

**13.** In all cases coming under section one of this Act, the costs of proceedings hereunder shall follow the suit, and shall be recoverable by Writ of *feri facias*, from the goods and chattels or lands of the Defendant in such suit; and in all other cases all such costs shall be in the discretion of the Court or Judge issuing the Writ of Assignment of Dower; Provided that in both classes of cases all costs in appeal shall be in the discretion of the Court of Appeals.

Costs to follow the suit, &c.

Proviso.

**14.** The hearing of an appeal shall be brought on by the ordinary practice as in cases of an appeal from the County Court; and the Court may, by rule, direct further returns from any Sheriff whenever the same shall be necessary.

Hearing of appeal.

**15.** The Superior Courts of Common Law shall frame a form of Writ of Assignment of Dower and *feri facias* for costs, adapted to the provisions of this Act, and any other Act in force in Upper Canada relating to Dower, and shall settle the fees to be allowed to the Sheriff, Commissioners and all others for services.

Superior Courts to frame proper writs.

Fees.

**16.** This Act shall be confined to Upper Canada, and shall not affect cases where the right to Dower has become consummate by the death of the husband before the passing thereof.

Act limited to U. C., &c.

Damages for detention of dower.

**17.** In estimating damages for detention of Dower, nothing shall be allowed for the use of permanent improvements made after the alienation by, or death of, the husband of the claimant.

Limitation of actions for dower.

**18.** No action for Dower shall be brought but within twenty years from the death of the husband of the person claiming Dower, nor until one calendar month's notice in writing demanding the same has been given by the claimant to the tenant of the freehold.

Not to be brought if claimant joined in deed, &c.

**19.** Nor shall any such action be hereafter brought in case the claimant joined in a deed to convey the land or release dower therein to a purchaser though the acknowledgment required by law at the time may not have been had, or though any informality may have occurred in respect thereof.

## C A P . X L I .

An Act to repeal the Laws relating to the Registration of Judgments in Upper Canada.

[Assented to 18th May, 1861.]

Preamble.

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

Repeal of part of cap. 12. Con. Stat. U. C.

**1.** The sixty-sixth, sixty-seventh and sixty-eighth sections of Chapter twelve of the Consolidated Statutes for Upper Canada, intituled : *An Act respecting the Court of Chancery*, are hereby repealed.

Of part of cap. 19.

**2.** The one hundred and forty-sixth section of Chapter nineteen of the said Consolidated Statutes, intituled : *An Act respecting the Division Courts*, is hereby repealed.

Of part of cap. 22.

**3.** The two hundred and forty-fifth section of Chapter twenty-two of the said Consolidated Statutes, intituled : *An Act to regulate the procedure of the Superior Courts of Common Law and of the County Courts*, is hereby repealed.

Of part of cap. 24

**4.** So much of the twenty-first section of Chapter twenty-four of the said Consolidated Statutes, intituled : *An Act respecting arrest and imprisonment for debt*, commencing with the words, "and no writ shall issue" to the end of the section, is hereby repealed.

Amendment of cap. 86.

**5.** The twelfth and twenty-seventh sections of Chapter eighty-six of the said Consolidated Statutes, intituled : *An Act respecting the partition and sale of Real Estate*, shall be read and construed as if the word "Judgment" were omitted therein.

Amendment of cap. 87.

**6.** The first and second sections of Chapter eighty-seven, of the said Consolidated Statutes, intituled : *An Act respecting Mortgages of Real Estate*, shall be read and construed as if the

the words "or registered Judgment creditor" were omitted therein; And the third section of the last recited Act shall be read and construed as if the words "or Judgment creditor" were omitted therein.

7. The fourth, fifth, seventh, eighth and ninth sub-sections of section seventeen, sections eighteen, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty-one, forty-two, forty-seven, forty-eight, forty-nine, fifty, fifty-one, fifty-two, fifty-three, fifty-four, fifty-five, fifty-six, fifty-eight, sixty, sixty-one, sixty-two, sixty-three, sixty-four, seventy-one and sub-section four of section seventy-four of Chapter eighty-nine of the said Consolidated Statutes, intituled: *An Act respecting the Registration of Deeds, Wills, Judgments, Decrees in Chancery, and other instruments*, are hereby repealed:

Repeal of certain parts of cap. 89.

1. The following sections and sub-sections or paragraphs shall be respectively substituted for the repealed sections and sub-sections in the last preceding section of this Act mentioned, and shall respectively, in lieu thereof, be read as the corresponding sections and sub-sections of the said last recited Act, that is to say:

New provisions in lieu of repealed parts of cap. 89, viz:

2. In lieu of fifth sub-section of section seventeen: "Decrees of foreclosure and all other Decrees affecting any title or interest in land;"

In lieu of part of s. 17.

3. In lieu of seventh sub-section of section seventeen: "Satisfaction of Mortgages;"

In lieu of part of s. 17.

4. In lieu of eighteenth section: "Deeds, Conveyances, Powers of Attorney and Wills are to be registered through memorials thereof, and Sheriffs' Deeds of Lands sold for taxes, decrees of foreclosure and proceedings in Chancery, or of a County Court on its equity side, through certificates thereof;"

In lieu of part of s. 18.

5. In lieu of forty-seventh section: "The registry of any instrument, will or decree affecting any lands or tenements registered under this or any former Act, shall, in equity, constitute notice of such deed, conveyance, will or decree, to all persons claiming any interest in such lands or tenements subsequent to such registry;"

In lieu of s. 47.

Registration to be notice.

6. In lieu of fifty-third section: "After any Grant from the Crown of lands in Upper Canada, and Letters Patent thereof issued, every deed, devise or other conveyance executed after the First day of January, one thousand eight hundred and fifty-one, whereby the said lands, tenements or hereditaments may be in any wise affected in Law or Equity, shall be adjudged fraudulent and void, against any subsequent purchaser or mortgagee for valuable consideration, unless a memorial of such deed, devise or conveyance be registered as by this Act is specified before the registering of the memorial of the deed, devise or conveyance under which such subsequent purchaser or mortgagee claims, subject nevertheless as to devisees, to the

In lieu of s. 53.

Deeds, &c.; after 1st January, 1851, if not registered void against subsequent purchasers, &c., whose deeds are previously registered.

provisions contained in the forty-sixth section of this Act ; but nothing herein contained shall affect the rights of equitable mortgagees as now recognized in the Court of Chancery in Upper Canada ;”

In lieu of s. 56.

Abolition of tacking : priority of deeds to depend on time of registry.

7. In lieu of fifty-sixth section : “ The doctrine of tacking having been found productive of injustice : therefore every deed executed subsequent to the first day of January, one thousand eight hundred and fifty-one, a memorial whereof has been or may be duly registered, shall be deemed effectual both in Law and in Equity, according to the priority of the time of registering such memorial ; and when no memorial of such deed has been duly registered, then such deeds shall be deemed effectual both at Law and in Equity, according to the priority of time of execution ;”

In lieu of s. 58.

Registry of discharge.

8. In lieu of fifty-eighth section : “ When any Mortgage has been satisfied, the Registrar or his deputy on receiving from the person entitled to the amount of such Mortgage, or his Attorney, a certificate in the form A. duly proved by the oath of a subscribing witness in the same manner as herein provided for the proof of deeds and other instruments affecting lands.”

Part of cap. 90, repealed.

Any estate which may be conveyed, &c., under s. 5, to be liable in execution.

8. The eleventh section of chapter ninety of the said Consolidated Statutes, intituled : *An Act respecting the transfer of real property and the liability of certain interests therein to execution*, is hereby repealed and the following substituted therefor : “ Any estate, right, title or interest in lands which, under the fifth section of this Act, may be conveyed or assigned by any party, shall be liable to seizure and sale under Execution against such party, in like manner and on like conditions as lands are by law liable to seizure and sale under execution, and the Sheriff selling the same may convey and assign the same to the purchaser in the same manner and with the same effect as the party might himself have done.”

Provisions for registration of judgment, &c., repealed.

9. All other Statutes, parts and clauses of Statutes authorising the Registration of Judgments, Decrees and Orders for the payment of money in Upper Canada, are hereby repealed.

No judgment, &c., for payment of money to bind lands.

10. No judgment, rule, order or decree for the payment of money of any Court in Upper Canada, shall create or operate as a lien or charge upon lands or any interest therein.

Act not to affect suits pending 18th May, 1861.

11. Nothing in this Act contained shall be taken, read or construed to affect any suit or action on or before the eighteenth day of May, one thousand eight hundred and sixty-one, pending in any Court in Upper Canada, in which any Judgment Creditor is a party.

Commencement of Act, &c.

12. This Act shall take effect on the first day of September next, and in cases of Judgments heretofore registered all Writs of Execution against lands issued before the said first day of September, shall have priority according to the respective times of the registration of the Judgments on which they have issued or shall issue respectively.

## CAP. XLII.

An Act to amend chapter eighty-nine of the Consolidated Statutes for Upper Canada, respecting the Registration of Deeds and other Instruments.

[Assented to 18th May, 1861.]

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

**1.** Section eight of chapter eighty-nine of the Consolidated Statutes for Upper Canada, *An Act respecting the Registration of Deeds, Wills, Judgments, Decrees in Chancery, and other Instruments*, is hereby amended, by striking out the following words: "Not exceeding one thousand dollars;" and substituting the words: "One thousand five hundred dollars" in place thereof, as part of the said section. Sect. 8 of cap. 89, Con. Stat. U. C., amended.

## CAP. XLIII.

An Act further to extend the time for the registration of conveyances to Religious Institutions in Upper Canada.

[Assented to 18th May, 1861.]

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

**1.** All deeds of conveyance executed before the passing of this Act, for any of the uses, interests or purposes enumerated in the first section of the sixty-ninth chapter of the Consolidated Statutes for Upper Canada, shall be as valid and effectual, if the same be registered within twelve months after the passing of this Act, as if registered within twelve months after the execution thereof respectively, except in so far as the same may be effected by the prior registration of other deeds or instruments relating to the same lands respectively; Provided, always, that in all cases where any such Religious bodies have not erected any buildings or made improvements, and any person claiming to hold or to be entitled to any real estate, or property included in any such deed, on account of the omission to register the same in due time, shall, in virtue of such claim, have taken possession of such real estate before the passing of this Act; and also in all cases where the person claiming to hold or to be entitled to such real property on account of such omission as aforesaid, shall have actually sold, or departed with, or shall have actually contracted to sell or Conveyances under cap. 69 of Con. Stat. U. C., to be valid if registered within one year.  
Proviso: in case of adverse possession, or of sale by party claiming by reason of non-registration.

depart with such real estate, before the passing of this Act, the provisions of this Act shall not extend to render invalid any right or title to such estate, but such right or title shall be taken and adjudged to be as if this Act had not been passed.

Act limited to U. C.      2. This Act applies to Upper Canada only.

## C A P . X L I V .

### An Act respecting Forfeited Estates in Upper Canada.

[Assented to 18th May, 1861.]

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

Intent of Act of U. C. 54 G. 3, c. 9, declared.      1. It is hereby declared to have been meant and intended by the Act of the Parliament of the late Province of Upper Canada, passed in the fifty-fourth year of the reign of His Late Majesty, King George the Third, and intituled : *An Act to declare certain persons therein described Aliens, and to vest their Estates in His Majesty*, that no person found to come within its provisions could have held or transmitted, or could or can hold or transmit lands in Upper Canada, by will or otherwise.

Acts of Commissioners under that Act and 59 G. 3, c. 12, declared valid.      2. The Acts of the Commissioners appointed under and by virtue of the said recited Act, and of the Commissioners appointed under and by virtue of the other Act of the said late Parliament of Upper Canada, passed in the fifty-ninth year of the reign of His late Majesty, King George the Third, chapter twelve, and intituled : *An Act for vesting in Commissioners the Estates of certain Traitors, and also the estates of persons declared Aliens, by an Act passed in the fifty-fourth year of His Majesty's Reign, intituled : "An Act to declare certain persons therein described Aliens, and to vest their estates in His Majesty," and for applying the proceeds thereof towards compensating the losses which His Majesty's subjects have sustained in consequence of the late War, and for ascertaining and satisfying the lawful debts and claims thereupon*, are hereby declared to have been and to be good and valid, notwithstanding any defect or supposed defect in any inquisition made by them, or any of them, or any want of authority in the said Commissioners, or any or either of them, to inquire of lands not in the district for which any such Commissioner or Commissioners was or were appointed.

Titles to lands sold by the Crown under the said Acts, declared valid.      3. All titles to land acquired by virtue of sales or grants made, or purporting to have been made, by or under the authority of the Crown, as of lands of which the Crown had become seized under and in pursuance of the provisions of the said recited Acts, are hereby declared to have been and to be good



good and valid in law and equity, to all intents and purposes, and the Crown shall be held to have been legally seized of such lands, under the said Acts, at the time of such sales or grants, notwithstanding any defect or supposed defect in the carrying out of the provisions of the said recited Acts.

C A P . X L V .

An Act to remove all doubts as to the validity of certain Certificates issued by Judges of the County Courts to Insolvents, under the Act of 1856.

[Assented to 18th May, 1861.]

WHEREAS under the authority of an Act of the Parliament of this Province, passed in the Session held in the nineteenth and twentieth years of Her Majesty's reign, intituled: *An Act to extend the provisions of the Insolvent Debtors' Act of Upper Canada, and for the relief of a certain class of persons therein mentioned*, many persons obtained from the several Judges of the County Courts in Upper Canada the final order and discharge in the said Act mentioned; And whereas many of the said persons so discharged, have again entered into business, and, on the faith of such orders and discharges being effectual and final, have obtained credit, and therefore it is but right and just that any and all doubt should be removed as to the effect of such orders and discharges: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.  
19, 20 V. c. 33.

1. Each and every order made by any Judge of any County Court in Upper Canada, while the said Act was in force, which in effect purports to discharge any debtor to whom the same was granted, from his debts contracted up to or before the date of the presentment of his petition under the provisions of the said Act,—as also any certificate so granted which on the face of it professes to have been made under the said Act and in pursuance of its provisions,—shall be valid and is hereby declared to have the effect of discharging such debtor from all liability for or in respect of any debt mentioned in the schedule of the said debtor, filed on the presentation of the Petition upon which such certificate was granted; but this Act shall not apply to any certificate which may have been rescinded by any such Judge before the passing of this Act, or to any certificate to rescind which proceedings had been instituted before the Judge who granted the same, on or before the second day of April, in the year of Our Lord one thousand eight hundred and sixty-one.

Certificates granted by County Judges under the said Act confirmed. Their effect.  
Limitation as to certain cases.

## C A P . X L V I .

An Act to amend Chapter Seventy-two of the Consolidated Statutes for Upper Canada, intituled: *An Act respecting Marriages in Upper Canada.*

[Assented to 18th May, 1861.]

Preamble.

**W**HEREAS doubts have been expressed as to the validity of Marriages contracted as hereinafter mentioned, and it is expedient to remove such doubts: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, declares and enacts as follows:

Sect. 1 of cap. 72, Con. Stat. U. C., amended.

New provision added and certain marriages confirmed.

1. The Marriages of all persons, not being under any canonical disqualification to contract matrimony, which Marriages had been publicly contracted in Upper Canada, before any Minister or Ministers who was or were, prior to the passing of the Act of Upper Canada, eleventh George the Fourth, Chapter thirty-six, allowed to solemnize matrimony before having obtained, and without such Minister having obtained, a license from the Quarter Sessions under the said Act, or a certificate from the Registrar of the said County, under the Act of Canada, tenth and eleventh Victoria, Chapter Eighteen, are hereby declared to have been valid, and shall be considered as good and valid in law, and the parties to such Marriages, and the issue thereof, shall be entitled to all the rights, and subject to all the obligations arising from such Marriages and the consanguinity resulting therefrom; any law, or usage, or custom to the contrary in any wise notwithstanding.

Proviso: Act not to affect a subsequent marriage.

2. In case either party to any such Marriage has contracted a subsequent marriage before the passing of this Act, this Act shall not be construed to invalidate such subsequent Marriage, but the validity thereof shall be determined as if this Act had not been passed.

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

An Act to amend the Act respecting Mutual Insurance Companies in Upper Canada.

[Assented to 18th May, 1861.]

Preamble.

**W**HEREAS, in terms of the Act respecting Mutual Insurance Companies in Upper Canada, if any member of such Company fails as therein mentioned to pay the sum assessed on him for any loss or damage, the Directors may recover the whole amount of his deposit note or notes, with cost of suit, whereby, in some cases, an unnecessary amount of costs may be incurred: Therefore, Her Majesty, by and with

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

1. Any amount assessed against any member of a Mutual Insurance Company in Upper Canada, for his proportion of any loss or damage under the said cited Act, with such interest as may be payable thereon, shall, where the same shall not exceed the sum of one hundred dollars, be recoverable in the Division Court; and in such case the action shall be brought for such assessment and interest only, and not for the total amount of such party's deposit note or notes, if exceeding the same.

In case of loss, actions to be for assessed amount only, and not for the whole of premium note.

## CAP. XLVIII.

An Act to amend the Act relating to Constables.

[Assented to 18th May, 1861.]

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

Preamble.

1. The second clause of the Act passed in the last Session of Parliament, intituled: *An Act to amend the chapter seventeen of the Consolidated Statutes for Upper Canada, as regards the appointment of Constables*, shall be amended by the addition of the words "a County High Constable and," immediately after the word "appoint" in the said second clause.

Cap. 17 of Con. Stat. U. C., amended.

## CAP. XLIX.

An Act respecting Maps or Plans of Towns or Villages in Upper Canada.

[Assented to 18th May, 1861.]

IN amendment of the thirty-fifth and following sections of the Act respecting the survey of lands in Upper Canada, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

1. Any owner or owners of any Town or Village, or of any original division of any Town or Village, in Upper Canada, of which a plan or map has been made, certified, deposited and recorded, in pursuance of the provisions of the said sections, may cause a new survey and plan thereof, altering, or wholly or partially cancelling and making void the first survey and plan thereof, and the division of the land thereby into lots and allowances for roads, streets, and commons, to be performed, made, certified, deposited and recorded, in pursuance of such provisions; and thereupon such first survey and plan shall be altered, or wholly or partially cancelled, and made void accordingly;

Sect. 35, &c., of cap. 93 of Con. Stat. U. C., amended. See also Con. Stat. Can. cap. 77, s. 91, &c.

Proviso as to streets.

accordingly; Provided, always, that no part of any street or streets shall be altered or closed up, upon which any lot of land sold in such town or village or original division thereof abuts, or which connects any such sold lot with or affords means of access therefrom to the nearest public highway; and provided, also, that nothing contained in this Act shall in any way interfere with the powers now possessed by municipalities in reference to highways.

Inconsistent provisions repealed.

2. So much of the provisions of the said sections as are not inconsistent with those of this Act shall apply to surveys, maps, and plans, performed and made in pursuance of this Act.

## C A P . L .

An Act to amend the Act to provide for the separation of the County of Victoria from the County of Peterborough, and to fix the County Town at Lindsay.

[Assented to 18th May, 1861.]

Preamble.

19, 20 V. c. 95.

WHEREAS it is expedient so to alter and amend the Act passed in the Session held in the nineteenth and twentieth years of Her Majesty's reign, intituled: *An Act to provide for the separation of the County of Victoria from the County of Peterborough, and to fix the County Town at Lindsay*, as to provide for the immediate taking of a vote of the Ratepayers of the County of Victoria, on the question of such separation, and to enable the Reeves and Deputy Reeves of the several municipalities comprised in the said County, to meet and form themselves into a "Provisional Municipal Council," for the purposes hereinafter set forth, if such vote be given in the affirmative: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Day to be appointed for taking a vote of the rate-payers of Victoria as to the separation from Peterborough.

1. It shall be the duty of the County Council of the United Counties of Peterborough and Victoria, at a special meeting thereof to be held within thirty days of the passing of this Act, to appoint some convenient day within six months after the passing of this Act, for the purpose of taking a vote of the rate-payers of the several Municipalities composing the said County of Victoria, upon the question of such separation, which vote shall be taken at the same places, in the same manner and by the same officers, as votes are taken for the election of Councillors, and shall be recorded in books prepared for that purpose, each voter in favor of such separation voting "yea," and each voter against such separation voting "nay"; at least twenty days' notice of the time appointed for taking the said vote being previously given in at least ten public places in each municipality.

Notice.

2. The Returning Officers to take such votes for the respective Municipalities shall, within ten days thereafter, return their Poll Books, verified under oath, to the Clerk of the County Council, who shall publish and declare the result of the same for the information of all concerned; and if it shall appear that a majority of all the ratepayers voting at the said polling, have recorded their votes in favor of the said dissolution, then it shall be the duty of the Warden or Clerk of the United Counties of Peterborough and Victoria, at any time within twenty days next after the receipt by him of a notice of declaration of such poll, to issue a notice to the Reeves and Deputy Reeves of the said County of Victoria, requiring them to meet at the Town of Lindsay, on some day to be named by him in the said notice, a publication of which he shall cause to be made in some newspaper printed in the said County of Victoria, and send a copy of such notice, by mail or otherwise, to each of the said Reeves and Deputy Reeves, at least ten days before the day for holding such meeting,—and if such meeting should not take place on the day named in such notice, then, on such other day within twenty days afterwards as shall be then named by the said Warden or Clerk, and the like notice published and given, as aforesaid,—to form themselves into a Provisional Municipal Council, for the purpose of taking such steps as they may deem necessary, towards providing County Buildings for the said County of Victoria, which said Council shall, with respect to the said County, have, possess, and exercise all and singular, the rights, powers, privileges and duties conferred, granted or imposed by the Act respecting the Municipal Institutions of Upper Canada, upon Provisional Municipal Councils erected by proclamation, under the authority of the said Act, and also all the powers which may be conferred on Provisional Municipal Councils generally, by any other Act or law in force in Upper Canada; and such Provisional Council shall and may purchase or otherwise procure the necessary property at the Town of Lindsay, which is hereby declared to be the County Town of the said County of Victoria, and proceed to erect the necessary public buildings on such property; and all the provisions of the Act last above cited, shall apply to the said Provisional Council and to the said County of Victoria.

Notice to Reeves and deputy Reeves of Victoria, and formation of Provisional Council, if the majority vote for separation.

Powers, &c., of such Provisional Council.

Lindsay to be the County Town.

3. All subsequent meetings of the said Provisional Municipal Council shall be held in the said Town of Lindsay.

Subsequent meetings.

4. The Warden or Clerk of the United Counties of Peterborough and Victoria, shall preside at the first meeting of the said Provisional Municipal Council, and call the Council to order, and the said Council shall forthwith proceed to elect from among themselves a Provisional Warden for the said County of Victoria.

Who shall preside.

Warden.

5. So soon as the said Provisional Municipal Council shall have provided the necessary public buildings at the said Town of Lindsay, the said Council shall be deemed to be a Municipal Council, and the provisions of the Act last above cited, shall apply to the said Council and to the said Counties.

Proclamation separating the Counties.

of Lindsay, to the satisfaction of the Governor in Council, and shall have provided for the liquidation of any debt which may have been contracted by the said United Counties of Peterborough and Victoria, the Governor shall have authority to appoint the necessary officers, and to issue a proclamation declaring the union of the said Counties to be dissolved.

Special provision as to Town of Lindsay.

6. From the time of the passing of this Act it shall not be lawful for the Town of Lindsay to withdraw from the jurisdiction of the County Council of the County of Victoria, under the provisions of the Consolidated Municipal Acts, until the debt which may be incurred by the said County of Victoria, in erecting the necessary County Buildings, shall be paid off and discharged, unless the County Council shall, by By-law, sanction and approve of such withdrawal before the time referred to.

Inconsistent enactments repealed.

7. Any thing in the first recited Act, contrary to the provisions of this Act, shall be, and is hereby repealed.

Public Act.

8. This Act shall be deemed a Public Act.

## C A P . L I .

An Act to provide for the separation of the County of Renfrew from the County of Lanark.

[Assented to 18th May, 1861.]

Preamble.

**W**HEREAS the Municipal Council of the United Counties of Lanark and Renfrew have, by their petition, set forth, that the inhabitants of the County of Renfrew, by reason of their remoteness from Perth, the County Town of the said United Counties, are subjected to great inconvenience and expense in the transaction of their municipal and judicial affairs, and have prayed that the County of Renfrew may be separated from the County of Lanark for municipal, judicial and other purposes; And whereas the population, wealth and extent of the said County of Renfrew are sufficient to warrant its separation from the County of Lanark, and it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Provisional Council constituted for Renfrew.

1. From and after the passing of this Act, the Reeves and Deputy Reeves of the several Townships and other Municipalities in the County of Renfrew, shall form a Provisional Municipal Council for the said County, and shall, with respect to the said County, have, possess and exercise all and singular the rights, powers, privileges and duties conferred, granted or imposed by the Laws of this Province upon Provisional Municipal Councils constituted by Proclamation, under the authority of

chapter

chapter fifty-four of the Consolidated Statutes for Upper Canada; and the Governor in Council shall issue a Proclamation appointing a time and place for the first meeting of the said Provisional Council, and therein name one of its Members to preside at the meeting; and such other Proclamations as may be necessary for conferring or giving effect to such rights, powers, privileges and duties as aforesaid, may be issued by the Governor in Council in the same manner as such Proclamations might be issued if the Reeves and Deputy Reeves therein assembled had become a Provisional Municipal Council in pursuance of or under the thirty-ninth section of *An Act respecting the Municipal Institutions of Upper Canada.*

Proclamations may issue for giving effect to this Act.

2. In any proclamation to be so issued, or in any other Proclamation, the Governor in Council may appoint such place, in the said County of Renfrew, as the Governor in Council may select, to be the County Town of the said County of Renfrew.

Governor in Council to name County Town.

3. This Act shall be deemed to be a Public Act.

Public Act.

## C A P . L I I .

An Act to remove doubts as to the validity of By-law numbered fifty-seven of the Corporation of the County of Grey, and of certain Debentures thereunder.

[Assented to 18th May, 1861.]

**W**HEREAS it is represented, by Petition of Alexander Manning, of the City of Toronto, Esquire, that the Corporation of the County of Grey did, in the year one thousand eight hundred and fifty-nine, pass a By-law to raise the sum of fifty thousand pounds, for gravelling or otherwise improving certain roads within that County; that subsequently thereto, the contract for the grading and gravelling of the said roads, under the said By-law, was given by the Corporation of the County of Grey, to the firm of Wright, Macdonald and Manning, of which the petitioner is the representative; that during the progress of the contract, and up to the present time, the petitioner and his firm have received certain of the Debentures issued under the said By-law, and that the petitioner has disposed of the amount of twenty thousand pounds worth of the said Debentures; that, upon endeavouring to dispose of such as now remain in the petitioner's hands, and which are his property, as having been handed to him on account of his contract, and the performance thereof, and the outlay in respect thereof, the petitioner is advised that it is doubtful whether the By-law and Debentures are good and valid, and binding on the County of Grey, inasmuch as it has been alleged that the precise formalities as to promulgation of the By-law after submission to the rate-payers, and the addition of the aggregate number

Preamble.

number of votes, were not strictly complied with; that the petitioner, by himself and his firm, performed the contract in the belief that no informality existed in the By-law or Debentures thereunder, and that upon receipt of a portion of the Debentures, he sold them to, and the same are now held by actual *bona fide* purchasers; and the petitioner therefore prays that an Act may be passed to remove doubts as to the validity of the said By-law and the Debentures thereunder; And whereas it is desirable to extend the relief prayed for by the petitioners: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

By-law No.  
57, confirmed.

1. The By-law number fifty-seven of the Corporation of the County of Grey, to enable the Corporation of the said County to raise the sum of fifty thousand pounds, for gravelling or otherwise improving certain roads within the County, and the Debentures issued thereunder, shall be and are hereby declared to be valid to and for all intents and purposes whatsoever.

Public Act.

2. This Act shall be deemed a Public Act.

## C A P . L I I I .

An Act to provide for the separation of the City of Toronto from the United Counties of York and Peel, for certain judicial purposes.

[Assented to 18th May, 1861.]

Preamble.

WHEREAS it is expedient to provide for the separation, for certain judicial purposes, of the City of Toronto from the United Counties of York and Peel: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Separate sittings of certain Courts for the City after 1st July, 1861.

1. Upon and from the first day of July after the passing of this Act, there shall be separate sittings for the United Counties of York and Peel, and for the City of Toronto, of the Courts of Assize and Nisi Prius, Oyer and Terminer, and General Gaol Delivery, and of the County Court and Court of Quarter Sessions, and of every other Court for the trial of causes by a Jury.

Plaintiff, &c., may elect Venue.

2. The Venue in all actions, suits, bills, indictments, and in all other proceedings whatever, brought or instituted on and after the said first day of July next, shall be laid in the United Counties of York and Peel, or in the City of Toronto, as the Plaintiff or Prosecutor may elect.



**3.** The Venue in all actions, suits, bills, indictments, and in Venue in suits all other proceedings, brought or instituted before the said first prior to 1st day of July, and then pending, shall be laid either in the July, 1861. United Counties or in the City, as the Plaintiff or Prosecutor shall elect, and the same shall be entered in the margin of the Declaration, Record, Bill, Indictment, or other proceeding first taken after the first day of July, and such entry shall be deemed an election of the Venue under this section.

**4.** The Venue may be changed from the City to the United Changing Counties, or from the United Counties to the City, by any Venue. Judge of any of the said Courts, in like manner as in other cases.

**5.** The Jurors shall be selected and summoned for the Selection and United Counties and for the City respectively, as for different summoning of Counties. jurors.

**6.** The sittings of the County Court in and for the City of Sittings of Toronto shall be held at the same time as they are held for the County Court United Counties, or at such other convenient time as the said in the City Court may, during the previous term, or by general rule, and Counties. direct.

**7.** The said other Courts may sit and be held respectively And of other in and for the said United Counties and the City, either at the Courts. same time or at different times, as the Superior Courts shall order.

**8.** The City of Toronto shall be deemed a County for all City to be a matters and purposes in this Act mentioned, connected with County. the administration of justice.

**9.** The judicial and executive functionaries and all other Judicial and officers connected with the administration of justice in the executive City, shall be the judicial and executive functionaries and Functionaries. officers discharging the like offices and duties in the United Counties.

**10.** All judicial and executive Officers acting and appointed Style of such both for the City and the United Counties, shall be styled, and Officers. shall continue to be as hitherto, Officers of the United Counties of York and Peel; and the Sheriff of the said United Counties Sheriffs. or, in the event of any separation of the United Counties of York and Peel, then the Sheriff of the County of York shall be Sheriff of the City of Toronto, being such County as aforesaid, and as such Sheriff, shall have and exercise in the said City in respect of the same and of the Gaol therein and in all other respects, such and the same rights, powers and privileges as appertain to and are exercised by the Sheriff of the said United Counties.

Certain buildings to continue the property of the Counties, &c.

**11.** The Court House, County Gaol, Shire Hall, and other County Buildings belonging to the said United Counties, shall, notwithstanding they may be within the limits of the City, continue to be the property of and to be used by the said United Counties, and shall be held to be within the County and City respectively, for all purposes of the administration of justice as heretofore; and the County Council may continue, so long as they see fit, to hold their sittings within the City.

May be used for the City.

**12.** After the said first day of July next, such Court House, Gaol, and other County buildings, may be used as the Court House, Gaol, House of Correction, or other public buildings of and for the City, subject to such arrangement as may be made between the Municipal Councils of the City and United Counties respectively.

Agreements respecting them to continue in force.

**13.** All agreements in existence on the said first day of July, whereby the public buildings, or any of them, of the said United Counties, shall or may be used for the public uses of the City, shall continue in force until they would expire by their own terms, or by the terms of any law under which they have been made, or by the terms of arrangement between the said Corporations.

Payment by the City to Counties.

**14.** The City shall be bound to pay for such use and occupation, such yearly sum to the Corporation of the United Counties as may be agreed upon by the said Councils.

Arbitration in case of non-agreement.

**15.** In case of non-agreement, the sums to be paid shall be awarded by arbitrators in the manner provided by the twenty-sixth and three hundred and fifty-eighth Sections of Chapter fifty-four of the Consolidated Statutes for Upper Canada, respecting the Municipal Institutions of Upper Canada; and the amount so agreed upon or awarded may be collected in the same manner as any other debt may be collected by one Municipal Corporation from another.

As to County and City prisoners.

**16.** The County Council may make an arrangement at any time with the City Council for the lodging and maintenance of the County prisoners in the City Gaol, in like manner as the City Council may arrange with the County Council for the lodging and maintenance of the City prisoners in the County Gaol.

Public Act.

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

## C A P. L I V.

An Act to enable the City of Toronto to issue Debentures for two hundred thousand dollars, and to consolidate the Public Debt of the City.

[Assented to 18th May, 1861.]

**W**HEREAS the Council of the Corporation of the City of Toronto have, by their petition, prayed that power may be given them to issue Debentures, to an amount not exceeding two hundred thousand dollars, for the purpose of meeting the floating liabilities of the City, and also, power to provide for the consolidation of the Debenture debt of the City; and whereas it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

**1.** It shall and may be lawful for the said Council to issue Debentures under the Seal of the said City of Toronto, to an amount not exceeding two hundred thousand dollars, provided such Debentures are redeemable within ten years from the passing of this Act, by instalments of twenty thousand dollars annually, with the interest on the balance remaining due; but no one Debenture shall be issued for a smaller amount than one hundred dollars.

Preamble.

Corporation may issue \$200,000 in debentures, &amp;c.

Proviso.

**2.** It shall and may be lawful for the said Council to consolidate the Debenture debt of the said City, by the issue of Debentures to the amount of two million four hundred thousand dollars, payable at the end of forty years from the passing of this Act, and bearing such interest, payable half yearly, not exceeding six per cent. per annum, as can be agreed upon; such issue of Debentures to be made for the redemption of all Debentures outstanding at the passing of this Act, and for no other purpose whatsoever.

And \$2,400,000 in debentures for consolidating the City debt.

**3.** The Debentures to be issued under the next preceding section of this Act, shall be made payable at such place or places, either in this Province or elsewhere, and in sterling or provincial currency, as the Corporation shall deem proper, and shall in the By-Law or By-laws direct.

Form, &amp;c., of debentures.

**4.** The By-law or By-laws, authorizing the issue, shall provide for the raising of such a yearly special rate, as will be required to pay the yearly interest, and such a yearly instalment, or proportion of the principal sum, according to the number of years the Debentures have to run, as (invested at compound interest) will be sufficient to pay off the principal sum when it falls due.

Special rate to be imposed for Sinking Fund.

- Investment of proceeds of such rate.** 5. The annual amount so raised by assessment shall, after the payment of the interest, be invested in such manner as the Governor in Council shall approve; but it shall at all times be lawful to apply any portion of the said investment in the purchase of the Debentures authorized to be issued under this Act.
- Application of proceeds of debentures.** 6. The Debentures shall, when executed and completed, be deposited with the Chamberlain, and the same and the proceeds thereof, shall be applied in the redemption of the Debentures heretofore issued by the City, and referred to in the second section of this Act, and for no other purpose whatsoever; and any Member or Officer of the Corporation misapplying the new Debentures, or applying the proceeds thereof for any other purpose than as provided for in the second section of this Act, shall be guilty of a misdemeanor, and be liable to be punished by fine and imprisonment.
- Penalty for mis-application.**
- Exchange of debentures.** 7. The Corporation may, in the same or any other By-law or By-laws, authorize the exchange in this Province, or elsewhere, of the Debentures of the City already issued, upon such terms as may be agreed upon between the Corporation and the holders of such Debentures; Provided always, that the new Debentures be not negotiated or exchanged at a lower rate than par.
- Accounts to be rendered on oath.** 8. The Chamberlain, or his Assistant or Deputy, shall render a detailed account, in writing, under oath, to the Council, once in every month in which any such Debentures have been issued, stating, first, the numbers of Debentures so issued; secondly their respective amounts and dates; and, thirdly the time when and to whom the same were respectively delivered; the oath may be made before a Commissioner for taking affidavits in either of the Superior Courts of Common Law, or in the Court of Chancery at Toronto.
- Before whom sworn.**
- How to be published.** 9. The account so rendered shall be published in some public newspaper in Toronto, for one week next after the delivery of the account to the Council.
- Public Act.** 10. This Act shall be deemed a Public Act.

## C A P . L V .

An Act for the Consolidation of the Debt of the City of Hamilton, and for other purposes.

[Assented to 18th May, 1861.]

Preamble.

**W**HEREAS the Corporation of the City of Hamilton have petitioned to be authorized by law to consolidate and discharge their present indebtedness as hereinafter stated, by the

the issue of new debentures, and for certain amendments to the Municipal and Assessment Acts, so far as regards the said City of Hamilton, and it is expedient to grant the prayer of the said Petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The Corporation of the City of Hamilton may pass a By-law or By-laws for authorizing the issue of debentures of the said City for a sum not exceeding in the whole the sum of two million three hundred and twenty-seven thousand dollars, to redeem the debentures already issued by the said City.

Corporation may issue \$2,327,000 in debentures.

2. The debentures to be issued under the preceding section of this Act shall be made payable at a period not less than twenty-five years after the date thereof, at such place or places, either in this Province or elsewhere, and in sterling or Provincial currency, and bearing such a rate of interest not exceeding six per cent., payable half-yearly, as the Corporation shall deem proper, and shall in such By-law or By-laws direct.

Form, &c., of debentures.

3. The By-law or By-laws authorizing such issue shall provide for the raising of such a yearly special rate as will be required to pay the yearly interest, and also a yearly instalment or proportion of the principal sum, not less than sufficient, according to the number of years the debentures have to run, to pay off (if invested at compound interest) the principal sum when it falls due.

Special rate to be imposed for Sinking Fund.

4. The annual amount so raised by assessment shall, after the payment of the interest, be invested in such manner as the Governor in Council shall approve; but it shall at all times be lawful to apply any portion of the said investment in the redemption of the debentures authorized to be issued under this Act.

Investment of proceeds of such rate.

5. The proceeds of the debentures aforesaid shall be applied in the redemption of the debentures issued by the City, and referred to in the first section of this Act, and for no other purpose whatsoever; and any Officer of the city applying such proceeds for any other purpose than as provided for in the first section of this Act, shall be civilly liable for the amount and shall further be held guilty of a misdemeanor, and liable to be punished by fine and imprisonment.

Application of proceeds of debentures.

6. The Corporation may, in the same or any other By-law or By-laws, authorize the exchange in this Province or elsewhere, of the debentures to be issued under this Act, for the debentures already issued, upon such terms as may be agreed upon between the Corporation and the holders of such debentures; Provided always, that such new debentures be not negotiated or exchanged at a lower rate than par.

Exchange of debentures.

Proviso.

Corporation may commute taxes of certain Manufacturing Companies, &c., or exempt them for five years.

7. It shall also be lawful for the said Corporation, from time to time, by agreement with any person or corporation proposing to undertake and carry on any manufacturing business in the city, to commute all assessments on property held or to be held by such person or corporation for such purpose, and on such business, for a fixed sum payable annually, during a term of not more than ten years, and they may also, with the view of encouraging such business, wholly exempt such property and business from assessment during a period of not more than five years.

Corporation may levy Harbour dues.

Proviso.

Proviso.

8. It shall be lawful for the Corporation to levy Harbour dues on all imports and exports, by water or otherwise, within the bounds of the Corporation, provided that such Harbour dues shall not exceed on any article the rate levied as Canal Toll at the Burlington Bay Canal, on the nineteenth day of May, one thousand eight hundred and sixty; And provided, also, that the said Corporation shall not levy any Harbour dues on any products, chattels, goods or merchandize passing to or from the Lake directly to or from the Town of Dundas, or elsewhere not within the limits of the City of Hamilton.

Separate account of Harbour dues to be kept.

They may be specially pledged or appropriated.

9. A separate account of the said Harbour dues shall be kept by the said Corporation, and the gross receipts from the said dues shall form a distinct fund, to be called "The Harbour Dues Fund;"—and the Corporation of the said City may, from time to time, raise money on the security of the said Harbour Dues Fund, and may pledge the same for the payment of the principal and interest, or of either principal or interest of any money to be so raised, and may issue Special Debentures of the said City expressed to be secured upon the said Fund, in addition to any Debentures which the said Corporation may issue under any other Act or law;—And the said Harbour Dues Fund shall then be appropriated and applied solely to the purpose of paying the principal and interest, or either principal or interest, as the case may be, of any debt or debentures for the payment of which it shall be so pledged as aforesaid, and to no other purpose whatever, until such principal and interest shall have been paid or secured to be paid, in full.

Public Act.

10. This Act shall be deemed a Public Act.

## CAP. LVI.

## An Act to vest in the Corporation of the City of Hamilton, the Water Works of that City.

[Assented to 18th May, 1861.]

**W**HEREAS the Corporation of the City of Hamilton have petitioned that the Water Works of the said City may be vested in the said Corporation, and it is expedient to comply with the prayer of such petition : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

**1.** The Act of the Parliament of this Province, passed in the twentieth year of Her Majesty's Reign, intituled : *An Act for the construction of Water Works in the City of Hamilton*, and also another Act to amend the same, passed in the twenty-third year of Her Majesty's Reign, intituled : *An Act to amend an Act, intituled : An Act for the construction of Water Works in the City of Hamilton*, shall be, and the same, save for the purposes of this Act, are respectively hereby repealed ; Provided, always, that neither such repeal nor any thing herein contained shall affect, annul or make void, any matter or thing done or agreed to be done under the said Acts, or relieve any parties from obligations incurred thereunder, or whilst the same were in force.

Acts 20 V. c. 84 and 23 V. c. 87, repealed.

Proviso : as to things done under them.

**2.** All and singular the powers, privileges and authorities by the said Acts conferred, given and granted to the Water Commissioners of the said City, shall, (save only as they are varied by this Act) from and after the passing hereof, be conferred upon, vested in, and exercised by the Corporation of the City of Hamilton, which, through its Council, shall, in all respects, and in every particular, occupy the place and position of the said Water Commissioners, and be liable for their engagements and contracts, and be entitled to the benefit of all contracts, engagements and securities entered into with the said Commissioners, and be entitled to sue thereon in the Corporate name of the said City ; and all property, real or personal, heretofore taken or held by or for the benefit of the said Commissioners, shall, from the passing of this Act, vest absolutely in the Corporation of the City of Hamilton ; and all and singular the enactments in relation to the said Water Works, and the management thereof, in the said Acts contained, the penalties thereby imposed, and the powers thereby granted to Justices of the Peace, not inconsistent with this Act, are hereby re-enacted, as fully as if the same had been repeated herein, save only as they are modified or altered by this Act ; Provided, also, that the words " Corporation of the City of Hamilton," shall be substituted for the words " Water Commissioners," wherever the same occur in the Acts hereinbefore referred to.

Powers granted to the Water Commissioners by the said Acts, transferred to the Corporation of the City.

How the enactments of the said Act shall apply.

Proviso.

Corporation may exercise powers of former Commissioners,—and make a tariff of water rates.

By whom payable and from what time.

As to broken periods.

Proviso: as to expense of introducing and distributing water.

Proviso: as to Railway Companies.

Council not to impose a special rate under 23 V. c. 87.

How the sums required to pay interest shall be raised.

Power to distrain and lien for water rent.

**3.** The Corporation of the City of Hamilton shall, through its Council, have full power and authority to exercise all and singular the powers conferred upon the said Commissioners (save as aforesaid); and, in addition thereto, it shall be lawful for the said Corporation, through its Council, from time to time, to establish by By-law, a tariff of rents or rates for water supplied, or ready to be supplied in the said City, from the said Water Works; which said tariff of rents or rates shall be payable at the times, and in the manner to be established in the said By-laws, by all proprietors, occupants or others, supplied with water from the said works, or whom the said Council may be prepared and ready to supply with water; which said tariff of rents or rates shall, and may be made payable, by all such proprietors, occupants or others, as well by those who refuse as by those who consent to receive into their houses, stores or other buildings, the water pipe to supply the said water; but such tariff of rents or rates shall not be payable by the proprietors or occupants of any such house, store or other building, until after the said Council shall have notified them, that they are prepared and ready to supply the same with water; and, if from the time of such notification, to the next period appointed for the payment of such tariff, rents or rates, there shall be any broken period, then, such tariff shall be payable *pro rata* for such broken period, as if accruing, and due day by day; Provided that the expense of introducing the said water into the said houses, stores or other buildings, shall be borne by the said Council, and the work performed by them; but the expense of the distribution of the water, through the said houses, stores or other buildings, after being introduced into them, shall be borne and paid for by such proprietors or occupants; And provided, also, that nothing herein contained shall be held to give to the said Council greater powers, as regards the imposition of water rents or rates, upon any Railway Company, than such as are now by law vested in the said Commissioners.

**4.** The Council shall not have power to impose a special rate, as provided for by the first section of the Act secondly hereinbefore mentioned, other than the water rate or rent hereinbefore referred to; but any sum required to pay the interest of the Debentures issued for the said Water Works, and the yearly expenses thereof, which the water rents may be insufficient to meet, shall be levied by a general assessment, in the same manner as assessments for other purposes under the general assessment laws.

**5.** The Corporation shall, in addition to any other remedy, have power to distrain for the said water rate or rent upon the goods and chattels of the person or persons who ought to pay the same, or upon any goods and chattels in his possession, wherever the same may be found, and until payment, the same shall be a lien upon the premises, for which the same may be due,



due, in the same manner as Municipal taxes assessed on real estate are liens.

6. The Council shall be, and they are hereby empowered to make such By-laws, as to them shall seem reasonable, for the purposes mentioned in the sixth section of the secondly hereinbefore mentioned Act; but no Justice of the Peace shall be authorized to enforce the same by imprisonment, for a longer period than fourteen days.

Council may  
make By-laws  
under s. 6 of  
23 V. c. 87.

Proviso.

7. No further Debentures shall be issued for the construction of the said Water Works, except for the purpose of keeping the same in an efficient state of repair, and paying the expenses of laying and introducing the service pipes, or not exceeding in the whole, with the amount already expended, the sum of two hundred thousand pounds.

Further water  
debentures,  
limited.

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

Public Act.

## C A P. L V I I.

An Act to authorize the Corporation of the City of Ottawa to continue William Street to the Market Square.

[Assented to 18th May, 1861.]

**W**HEREAS the Corporation of the City of Ottawa have, by their petition, set forth, that the interests of the inhabitants of the City of Ottawa imperatively require that there should be established, and opened up, a street or communication in continuation of William Street, in the said City, through from George Street to York Street, across Lots numbers Ten and Eleven, on the North side of George Street, and Lots numbers Ten and Eleven, on the South side of York Street, in the said City, in order to afford convenient access to the By Ward Market therein; that for certain reasons therein stated, they are unable to establish and open up the said road or street without the authority of Parliament; and have prayed for an Act to enable them to open up and establish the said road or street, across the said lands, without the consent of the parties interested in the said lands or any of them, upon making compensation therefor, and whereas it appears that the parties interested in the property on and over which it is proposed such Street shall be opened up are now consenting parties hereto; and it is therefore expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. For and notwithstanding any thing in the Consolidated Statutes for Upper Canada, chapter fifty-four, or in any of the

Corporation  
may open the  
Statutes

said street without the consent of the owners of the lands; making proper compensation.

Statutes of this Province, to the contrary, it shall and may be lawful for the said Corporation of the City of Ottawa, to pass a By-law to establish and open up a street, road or public communication across the said Lots, in continuation of William Street aforesaid, through from George to York Street, without the written or other consent, and against the will of the owners of the said lands, or of any person or persons interested therein, or in any part thereof, the said Corporation making due compensation for any damages resulting from the exercise of such powers, beyond any advantage which the claimants, or any of them, may derive from the contemplated street, as provided for in the said Municipal Act; any claim for compensation, if not mutually agreed upon, shall be determined by arbitration under the said Act; and in such arbitration, the Mayor of Ottawa, for the time being, shall be the arbitrator on behalf of the said City, such person as the holders of the said lands, by virtue of Ordnance leases or otherwise, may select, when so required by the said Municipality, being the arbitrator in their behalf; and the Member of the Legislative Assembly, for the County of Carleton, shall be the umpire in such arbitration; Provided, always, that the said Municipality shall forfeit the powers hereby conferred, unless they avail themselves of the provisions hereof, within six months from the passing of the same.

Provisions of U. C. Municipal Act to apply: except sect. 319.

2. All and singular the provisions of the said chapter fifty-four of the Consolidated Statutes for Upper Canada, excepting only section three hundred and nineteen thereof, shall be applicable to all proceedings to be taken under this Act, for the establishing and opening up of the said street or road, in the same manner and to the same extent as if the said Corporation were legally proceeding, without the consent of the owners, under the said Act, to establish and open up a street, road or other public communication.

Public Act.

3. This Act shall be a Public Act.

## CAP. LVIII.

An Act to confirm the Survey of certain parts of the City of Ottawa.

[Assented to 18th May, 1861.]

Preamble.

WHEREAS the original surveys of the broken lots lettered A and B, in the concessions lettered C and D, in the Township of Nepean, now included within the limits of the City of Ottawa, and comprising lands formerly vested in the Principal Officers of Her Majesty's Ordnance, in trust for Her Majesty, and now vested in Her Majesty, for the benefit, use and purposes of this Province, had disappeared, and the plans thereof had been destroyed by fire, and it accordingly became necessary that a correct survey and plan thereof should be made;

made ; And whereas in the year of our Lord, one thousand eight hundred and fifty-nine, John Stoughton Dennis, Provincial Land Surveyor, was employed by the Commissioner of Crown Lands, to renew and complete the surveys of the said broken lots ; And whereas the said John Stoughton Dennis did, under the said authority, make a survey, and a report thereof, with a plan, to the said Commissioner of Crown Lands ; and whereas since such survey, the said John Stoughton Dennis, under instructions of the said Commissioner of Crown Lands, did reconsider the same, and has altered the same, as by the amended plan, now produced and substituted by the said John Stoughton Dennis, and signed by the said Commissioner of Crown Lands, in approval thereof, and dated the tenth May, one thousand eight hundred and sixty-one, now appears ; And whereas the said survey, as so amended and approved, is a correct and true survey, and the said plan thereof exhibits in detail the admeasurement of every town lot heretofore set off on the said broken lots, and the true direction and width of the several streets laid off on the said broken lots, and the dimensions and boundaries of the said streets in relation to the contiguous town lots, forming portions of the said broken lots, and to the subdivisions of such town lots between respective purchasers thereof from the Crown ; And whereas it is expedient that the said survey and plan should be confirmed by law : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. The said amended survey of the broken lots lettered A and B, in the concessions C and D, in the Township of Nepean, now included within the limits of the City of Ottawa, and comprising lands formerly vested in the Principal Officers of Her Majesty's Ordnance, in trust for Her Majesty, and now vested in Her Majesty, for the benefit, use and purposes of this Province, so made as aforesaid by the said John Stoughton Dennis, and the plan thereof, intitled, " Plan of part of the City of Ottawa," signed by him, and bearing date at Toronto, the twentieth of October, one thousand eight hundred and fifty-nine, and deposited of record in the office of the Commissioner of Crown Lands, are, and shall be deemed to be, to all intents and purposes whatsoever, a true and correct survey and plan of the same ; Provided, nevertheless, that nothing in this Act shall be held or construed as establishing the existence of the western boundary of the said lettered lot B, in the said concession lettered C, northerly of the point where the said boundary first intersects the southerly edge of the River Ottawa.

Survey and plan of broken lots A and B, in concessions C and D of Nepean, made by J. S. Dennis, in 1858, confirmed.

Proviso.

2. All boundary lines, governing points, posts, boundaries, stones or monuments placed or planted at the front or rear angles of town lots or parcels of land, (hereinafter called " lots ") or on the lines of streets in the said broken lots, for the purpose of shewing the width and depth of such lots and the lines and directions

Boundary lines, posts, &c., placed by Dennis, confirmed.

directions of such streets as set forth in the said survey and exhibited on the said plan shall be, and the same are hereby declared to be the true boundaries of the said lots and of the said streets, and of every such lot and street respectively; whether, upon admeasurement, any such lot shall be found to contain the exact width, or more or less than the exact width, that may be expressed in any grant or instrument in respect of such boundaries or lines mentioned or expressed, and the limits of each such lot, so ascertained and marked as aforesaid, shall be the true limits thereof, and each lot shall embrace the whole width and depth contained within the posts, stones, monuments or boundaries planted and placed by the said John Stoughton Dennis to mark the same, and described in the said survey, and exhibited on the said plan, any thing in any such grant or instrument to the contrary notwithstanding.

Lots as bounded in the said survey to be taken to be the lots leased or conveyed by the Ordinance, whatever be their present extent.

**3.** All the several lots described as certain lots, by numbers or letters, as the case may be, on certain streets or in certain ranges, heretofore leased or conveyed by the Principal Officers of Her Majesty's Ordinance, which said lots are supposed to have been bounded by lines, drawn in accordance with the descriptions severally contained in the leases or conveyances thereof, and which are now bounded by lines drawn and monuments planted in the course of the said survey, as shown by the said plan thereof, are hereby declared to be the same several lots, on the same several streets, respectively, as numbered, or lettered, as the case may be; and the same shall be severally represented by, and shall severally consist of, all the land contained within the respective limits thereof, according to the said survey and plan, and shall be bounded by the respective outlines as fixed thereby, whether the courses and lengths of such outlines shall or shall not agree with the courses and lengths of the respective outlines in the leases or conveyances by or under which the said several lots may be held.

Provision if any leased lot contains less than mentioned in the deed.

**4.** Whenever any such lot so leased as aforesaid contains, by the said plan, less than the quantity of land mentioned in the lease thereof, the Commissioner of Crown Lands shall make a proportionate reduction in the rent of the lot from the date of the lease; and whenever any such lot so leased as aforesaid contains by the said plan, more than the quantity of land mentioned in the lease thereof, the rent thereof shall be proportionately increased from the date of such lease; **Provided** such excess or deficiency is equal to one-tenth of the lot as described in the lease.

Proviso.

The same as to any lot sold.

**5.** Whenever any such lot so conveyed as aforesaid, contains by the said plan less than the quantity of land mentioned in the conveyance thereof, the Commissioner of Crown Lands shall, at any time upon application being made after the passing of this Act, compensate the owner thereof, either in money or land, or by a reduction of the price of the lot, for such deficiency;

deficiency ; and whenever any such lot, so conveyed as aforesaid, contains by the said plan, more than the quantity of land mentioned in the conveyance thereof, the price thereof shall be proportionately increased, and the holder thereof shall be bound to pay to the Crown the additional price thereof, with interest thereon from the date of the passing of this Act ; provided such excess or deficiency is equal to one-tenth of the lot as described in the conveyance ; And provided also, that the party affected thereby, is not entitled under any pre-existing agreement with the Principal Officers of Her Majesty's Ordnance, to such excess without additional charge.

And if any lot contains more than mentioned in the deed.

Proviso.

Proviso.

6. The streets in the said portion of the City of Ottawa, laid out in the course of the said survey, and shown on the said plan, shall be vested in the Corporation of the City of Ottawa, provided the same be established and assumed by a By-law of the said Corporation, within twelve months from and after the passing of this Act.

Streets vested in Corporation.

Proviso.

7. The allowance for road across the said lettered lots A and B, between the said lettered concessions C and D, shall cease to be an allowance for a public road or highway.

Certain Road allowance annulled.

## C A P . L I X .

An Act to authorize the Corporation of the City of Ottawa to collect certain Taxes in arrear for the year one thousand eight hundred and fifty-nine.

[Assented to 18th May, 1861.]

**W**HEREAS By-laws numbers seventy-nine, ninety-seven, one hundred and two and one hundred and eighteen, of the Corporation of the City of Ottawa, provide that certain yearly special rates shall be levied for the purpose of paying the Interest and creating a Sinking Fund for the payment of the principal sums in the said By-laws mentioned ; And whereas the said Special Rates, in consequence of the great increase in the value of property in the said Municipality, in the year one thousand eight hundred and fifty-nine, produced a sum far beyond what was necessary for the purpose of paying the said Interest and Principal as aforesaid ; Whereupon, the Corporation, by their By-law number one hundred and sixty-seven, directed that in the year one thousand eight hundred and fifty-nine, a certain reduced rate should be levied for the purposes aforesaid, under which By-law, a portion of the said rates was collected, but the residue thereof still remains unpaid ; And whereas it is just and expedient that the Corporation should have authority to collect such residue, notwithstanding such By-law has been quashed : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

By-law No. 137, confirmed; and taxes under it exigible.

1. By-law number one hundred and sixty-seven of the Corporation of the City of Ottawa is hereby declared to have been and is a good and legal By-law, notwithstanding the same may have been quashed, and it shall and may be lawful for the said Corporation at any time to collect all Taxes still unpaid under the said By-law number one hundred and sixty-seven.

Public Act.

2. This Act shall be deemed a Public Act.

## C A P. L X.

An Act to confirm a re-survey of part of the Township of Goderich.

[Assented to 18th May, 1861.]

Preamble.

**W**HEREAS the Township of Goderich, in the County of Huron, was surveyed and laid out in concessions and lots in the years one thousand eight hundred and twenty-eight and one thousand eight hundred and twenty-nine, for and under the instructions of "The Canada Company," by David Gibson, Esquire, a Deputy Provincial Surveyor of the then Province of Upper Canada, and a plan or map of the said survey was soon thereafter deposited in the office of the Surveyor General of the said Province, and the said Township was subsequently granted *en bloc* to the said Company by Patent, dated the twenty-fifth day of June, in the year one thousand eight hundred and thirty; And whereas by the said plan the first two tiers or ranges of lots immediately adjacent to and on each side of the allowance for road between the several lots numbered twenty-five and twenty-six, on the said plan, in the second, third, fourth, fifth, sixth, seventh, eighth and ninth concessions, and lots numbers twenty-six and twenty-seven, in the tenth concession of the said Township, were laid down as running East and West; and whereas afterwards, and before any sale or other disposition of any of the lands in the said Township was made by the said Company, it was deemed expedient to make a partial alteration in the said survey and plan by laying out the parcels of land embraced in the above mentioned lots, into lots running north and south, instead of east and west, so as to give a frontage on the said road to four instead of to two lots on each side of the said road, and also by extending the said road easterly through lot eighty-four, in the Maitland concession, and thence diagonally across lot eighty-three, in the same concession, to the place where the continuation of the allowance for road, between the eleventh and twelfth concessions, meets the Huron road; and whereas all conveyances and sales of lands in the said Township by the said Company have been made according to a plan of the said Township, altered in the manner aforesaid; and whereas it would greatly facilitate the registration and investigation of titles to lands affected by the said alterations, and would in other respects be a great convenience to the several persons interested therein, if all doubts as to the legality of the

the

the said alterations were removed, and the said altered survey and plan were made and declared to be the original and authorized survey and plan of the said Township: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The said survey and plan, as altered as aforesaid, shall be considered and are hereby declared to be the true and authorized survey and plan of the said Township. Gibson's survey, 1828-9, confirmed.

2. It shall be the duty of the Commissioners or Commissioner, for the time being of the Canada Company, as soon as conveniently may be after the passing of this Act, to cause a true copy of the said altered plan, certified under the hands or hand of the said Commissioners or Commissioner and by a duly authorized Surveyor of Upper Canada to be such true copy, and approved as such by the Commissioner of Crown Lands, to be deposited in the Registry Office for the said County of Huron; and the Registrar of the said County shall receive and record the said copy in the same manner as Registrars of Counties are now required by law to record Maps or plans of Towns and Villages surveyed and laid out by Companies or individuals; and the said Registrar shall be entitled to charge the same fees in respect thereof as by law are established for making a record of any other document which is by law required to be entered of record in his office; and the registered copy of the said plan shall be considered, and taken to all intents and purposes whatsoever as the original or a duplicate original plan of the said Township. Copy of plan to be registered.  
Its effect.

3. Every copy of the said registered plan of the said Township or of any portion thereof obtained from the Registry Office of the said County of Huron, and certified as correct by the Registrar or Deputy Registrar of the said County, shall be received as evidence of the original plan, or portion of the original plan, (as the case may be) of the said Township, and of the survey thereof, in all Courts of Record and in all other Courts, and before all Arbitrators in Upper Canada. Copies certified by the Registrar to be evidence.

## C A P. L X I.

An Act to consolidate the debt of the Town of Peterborough, and to authorize the issue of Debentures on the security of Town property, and for other purposes.

[Assented to 18th May, 1861.]

**W**HEREAS the Town of Peterborough has incurred debts and liabilities amounting in all to the sum of eighty-six thousand four hundred dollars on account of the Port Hope, Lindsay and Beaverton Railway, for the erection of a School House, Preamble.

House,

House, and for other local improvements in the said Town,— and is desirous of incurring further liabilities, to the extent of eighteen thousand two hundred dollars, for the purpose of acquiring by purchase from the Crown, with a view to draining and reclaiming the same, certain lands south of Townsend street, and east of Park street, in the said Town, for the erection of an Engine House and Lock-up, and for the building of a new Town Hall; and whereas, the Corporation have petitioned to have all the said debts and liabilities consolidated, and that Debentures may be issued by the said Corporation, upon the security of the Town property, in order to raise funds for the liquidation of the said liabilities: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain Town property vested in Commissioners as Trustees.

**1.** The Town Hall, the Market Block, and the Land south of Townsend street and east of Park street, with all the appurtenances thereunto belonging, shall be, and the same are hereby declared to be vested in five Commissioners, to be held in fee simple upon the Trust hereinafter declared, and the said Trustees shall be called "The Commissioners of the Peterborough Town Trust."

Purposes of the said trust.

**2.** The said property shall be held by the said Commissioners exclusively in Trust, out of the rents, dues, revenues and profits thereof, to pay, in the first place, all reasonable expenses of managing the said Trust, also all the necessary moneys that may be required to keep the said properties in good order, usefulness, and repair, and to insure the buildings against loss by fire, for such an amount as they, the said Commissioners, shall deem advisable; and secondly, to pay all interest moneys to become due on the Debentures hereinafter mentioned; and thirdly, to establish a sinking fund for the payment of the principal debt.

Commissioners may raise money by loan.

**3.** It shall be lawful for said Commissioners to raise by way of loan upon the credit of the Debentures hereinafter mentioned, from any person or persons, body or bodies corporate, either in this Province or in Great Britain, or elsewhere, a sum of money not exceeding the sum of one hundred and twenty thousand dollars.

Mayor and Town Council may issue debentures for \$120,000.

**4.** It shall be lawful for the Mayor and Town Council for the time being, to cause to be issued Debentures under the seal of the said Corporation, to be signed by the Mayor, countersigned by the Treasurer of the said Town, and the Secretary of the said Commissioners, in such sums in sterling or current money, or part in one and part in the other, not exceeding in the whole the sum of one hundred and twenty thousand dollars, as the Town Council shall from time to time direct and appoint; and the principal moneys and interest secured by the said Debentures shall be made payable either in this Province, in

Great



Great Britain, or elsewhere, or part in one place and part in another, and at such times as the said Council shall deem expedient ; and further the said Debentures shall, on the face thereof respectively, express that they are secured on the property aforesaid ; Provided always, that the said Council shall not issue any Debentures for the erection of a new Town Hall, until such time as a By-law providing for such erection shall have been passed by the said Council, having previously received the approval of the Rate-payers of the said Town, in the manner provided for the creation of Debts under the Upper Canada Municipal Corporations Act.

Proviso : as to debentures for new Town Hall.

5. It shall be lawful for the said Commissioners either to exchange such Debentures for outstanding Debentures, or to pay the same to contractors and others holding claims against the said Town, or to negotiate the same as aforesaid ; and also to issue new Debentures if required from time to time, upon which to raise funds to retire those which shall be outstanding ; Provided that a larger amount than the said sum of one hundred and twenty thousand dollars shall not be at any time chargeable against the said Trust property.

Application of such debentures.

Proviso.

6. It shall be lawful for the Commissioners, and they are hereby required, on or before the first day of July in each and every year, to submit to the Corporation of the said Town of Peterborough, the amount required for the payment of the interest due upon Debentures issued under this Act, together with one per cent for a sinking fund for the final payment, satisfaction and discharge thereof ; and the Town Council shall thereupon impose a special rate equal to the amount so required by the Commissioners, over and above, and in addition to all other rates to be levied in such year, and the money so collected shall be paid over by the said Corporation to the said Commissioners on or before the fourteenth day of December in each year ; And any Treasurer, Collector, or other Municipal Officer or Functionary, or any Member of the Municipal Council wilfully neglecting or refusing to perform or concur in performing any official act requisite for the collection of the said rate, or misapplying or being a party to the misapplication of any portion of the proceeds thereof, shall be held guilty of a misdemeanor ; and such Treasurer, Collector or other Municipal Officer, Member or Functionary and his sureties, shall moreover be personally liable for any sum which by reason of such neglect, misconduct, refusal or misapplication, shall not be paid to the Commissioners at the time required by this Act ; Provided, always, that a sum equal to the sum collected from the supporters of the school established under the Act, chapter sixty-five (part two) of the Consolidated Statutes for Upper Canada, for the payment of the interest and sinking fund upon so much of the Debentures of the said Town as may now be outstanding, or as may hereafter be issued under the authority of this Act for the erection of the school building known as the

Commissioners to call on Town Council to provide for interest.

Council to impose a special rate.

Penalty on municipal officers failing to levy such rate.

Proviso : as to R. C. School under cap. 65, of Con. Stat. U. C.

“ Union

Proviso.

“Union School,” shall be paid to the Trustees of the said school, so established, by the said Town Council on or before the thirty-first day of December in each year; And provided, further, that no portion of the interest or sinking fund upon the Debentures aforesaid shall be paid out of the casual revenue of the Town.

Commissioners named.

7. The following persons shall be the Commissioners of the said Trust as soon as this Act shall go into operation, that is to say : Charles Bradfield, Samuel Dickson, James Stevenson, Edmund Chamberlen and William Hall.

Vacancies, how filled.

8. In the event of the death, removal, absence or resignation of any of the said Commissioners, the vacancy or vacancies shall be filled from time to time by the Town Council, who shall have power, at any meeting specially called for that purpose, to appoint a new Commissioner in the room of any Commissioner so dying, removing, or absenting himself from the Town, or resigning his office, and thereupon the said property shall vest in such new Commissioner along with the Commissioner or Commissioners who shall still retain office, upon the same trusts as are heretofore declared.

Corporation to incur no further liability.

9. It shall not be lawful for the said Corporation to incur any further debt or liability beyond the current expenses, to be paid out of the annual assessment, without the sanction of the Legislature ; and any such contract or undertaking by the Corporation shall be utterly void and of no effect as against the Corporation ; and every Member or officer of the said Corporation, who shall authorize or join in authorizing or carrying out any such contract or undertaking, shall be held civilly liable for the full amount thereof, and be held guilty of a misdemeanor.

Penalty for contravention.

Debentures chargeable on Rate payers.

10. Notwithstanding any thing herein contained, the said Debentures so to be issued as aforesaid shall not be confined to the security of the said property, but the same shall be chargeable against the inhabitants and rate-payers generally, and may be sued and collected in the same manner as debts due by Municipalities under the existing laws.

Commissioners may lease property.

11. The said Commissioners shall have power to make any leases of the said properties, or any or either of them, or any part thereof, and to collect the rents and apply the same to the purposes aforesaid.

Annual accounts of Commissioners.

12. The said Commissioners shall annually on or before the first day of December, in each year, render an account to the Town Council of all moneys received and expended, and also of all Debentures issued during the year, as well as of all outstanding ; and the books containing the transactions of the Commissioners shall be open for the inspection of the rate-payers of the said Town at all reasonable hours.

**13.** The said Town of Peterborough shall remain liable under the Statute sixteenth Victoria, chapter twenty-two, intitled: *An Act to establish a Consolidated Municipal Loan Fund for Upper Canada*, and the Acts amending the same, and chapter eighty-three of the Consolidated Statutes of Canada, as if this Act had never been passed.

Town to remain liable under cap. 83 of Con. Stat. Canada.

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

Public Act.

## C A P . L X I I .

An Act to consolidate the debt of the Town of Port Hope.

[Assented to 18th May, 1861.]

**W**HEREAS the Corporation of the Town of Port Hope, by their petition, have represented that they have incurred debts and liabilities, in addition to the debt contracted under the Act establishing a Consolidated Municipal Loan Fund for Upper Canada and Acts amending the same, exceeding the sum of fifty-two thousand dollars, and have prayed that the said debt may be consolidated, and that they may be authorized to issue new Debentures for that purpose; and whereas it is expedient to grant the said prayer, and in order to provide against any loss on the said consolidation, it is expedient to enable the said Corporation to issue such new Debentures for a sum not exceeding in all sixty thousand dollars: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

**1.** The said Corporation may issue Debentures under the Corporation Seal, signed by the Mayor, and countersigned by the Treasurer of the Corporation for the time being, in such sums, not exceeding sixty thousand dollars in the whole, as the Council may direct; and the principal sum secured by the said Debentures, and the interest accruing thereon, may be made payable either in this Province, or in Great Britain, or elsewhere, as the Council may deem expedient.

Corporation may issue debentures for \$60,000.

**2.** The Corporation of the said Town may raise by way of loan, on the credit of the said Debentures, in this Province, or in Great Britain, or elsewhere, a sum not exceeding in the whole the sum of sixty thousand dollars.

And raise money by them.

**3.** The Treasurer of the Corporation shall, on receiving instruction so to do from the Council, call in any of the said outstanding Debentures and liabilities, specially provided for by this Act, and shall discharge the same with the funds raised under this Act, or may substitute therefor the said Debentures, or any of them above authorized to be issued by this Act, as may be agreed upon between the Corporation and the holders

Outstanding debentures to be called in and discharged.

of

of such outstanding Debentures, or other the said creditors of or claimants upon the Corporation.

Loan to be applied to pay them off.

4. The loan to be raised as aforesaid, shall be applied by the Council to the redemption and payment of the said outstanding Debentures and other liabilities thereof, and to and for no other purpose whatsoever.

Special rate to be imposed for a Sinking Fund.

5. For payment of the Debentures to be issued under this Act, the Council shall impose a special rate per annum, (over and above and in addition to all other rates to be levied in each year, and over and above all interest to be paid on such Debentures) which shall be sufficient to form a sinking fund of two per centum per annum for that purpose.

Corporation may commute with Manufacturing Companies, &c., for taxes, or exempt them.

6. The said Council may, at any time, by agreement with any person or persons proposing to undertake any manufacturing business or operations in the municipality, commute all assessments on all property held or to be held by any such person or persons for any such purpose, and on such business, for a fixed sum payable annually during a period of not more than ten years, and may also, in view of the encouragement of such business or operations, wholly exempt any such property and business from assessment during a period of not more than five years.

Investment of Sinking Fund.

7. The Council shall, and it shall be the duty of the Treasurer, to invest from time to time all moneys raised by special rate for the sinking fund provided in this Act, either in redemption of any of the Debentures hereby authorized to be issued, or in any Debentures issued by the Government of Canada, or in such other securities as the Governor of this Province may, by Order in Council, direct; or in any incorporated Banking Institution of the Province of Canada that the Council may from time to time approve, and at such rate of interest thereon as may be agreed upon by the Council and such Banking Institution.

Misappropriation to be misdemeanor.

8. It shall be a misdemeanor in the Mayor or any member of the Council to vote for, or to appropriate, and in the Treasurer or any other officer to apply the said sinking fund, or the interest thereon, to the payment of any other claim than that for which it shall be set apart.

Interest from Sinking Fund to be reinvested.

9. In each and every year, the interest arising or accruing from the said sinking fund shall be immediately afterwards invested by the Council in the same manner as the said sinking fund, and shall be added to and form part of the said sinking fund.

Corporation not to incur further debt.

10. It shall not be lawful for the Corporation to incur any further debt or liability than is provided for in this Act, except the yearly current expenses to be paid for out of the annual assessment,

assessment, and any such contract or undertaking for increasing the debt or liability of the said Corporation, contrary to this Act, shall be utterly null and void; Provided always, that if the ratepayers of the said Town should desire to purchase a lot and build a School House thereon, at a cost not exceeding three thousand pounds, the Council shall be at liberty to increase the debt of the Town to that extent for such purpose only.

Proviso: for a School House.

**11.** The Corporation, after having called in and paying their present outstanding Debentures, may repeal the By-laws of the said Council which authorized the levying of special rates for the purposes of satisfying the same.

Repeal of certain By-laws.

**12.** The Council shall and may sell and dispose of their Stock in the Port Hope Gas Company, and assign the same, or any part thereof, to any party or persons, bodies corporate or politic, who may be willing to purchase the same or any part thereof.

Corporation may dispose of certain stock.

**13.** The Debentures to be issued as aforesaid shall be payable in twenty years from the date thereof, and the interest thereon shall be payable semi-annually.

Debentures to be payable in 20 years.

**14.** Nothing herein shall affect, prejudice, or delay any lien, claim or security upon the said town; but the same shall stand good and unaffected hereby until satisfaction is made by means of the Debentures so to be issued as aforesaid or otherwise.

Debts of the Town not affected by this Act until discharged under it.

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

Public Act.

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

An Act to authorize the Corporation of the Town of Owen Sound to impose and collect certain Tolls, and for other purposes.

[Assented to 18th May, 1861.]

**W**HEREAS the Corporation of the Town of Owen Sound have, in addition to the sum of ten thousand dollars, granted to the said Corporation by the Governor in Council, expended the sum of fourteen thousand nine hundred dollars and upwards in improving the navigation of the River Sydenham, within the limits of the said town of Owen Sound, and have also, in order to raise a portion of the said sum of fourteen thousand nine hundred dollars, under authority of By-Law number twenty-one of the said Corporation, issued Debentures to the amount of twelve thousand dollars on the credit of the said Corporation, which Debentures are payable in

Preamble.

twenty years, with interest, at the rate of six per cent. per year; And whereas the improvements made in the said River are of great benefit and advantage to all persons engaged in conveying goods, wares, merchandize and chattels to and from the said town of Owen Sound, and have afforded material facilities to the navigation of the said river, and will, if maintained, continue to afford such advantages and facilities; And whereas the said Corporation have erected a beacon or light-house for the advantage and assistance of mariners having recourse to the said river; And whereas considerable expense will necessarily be incurred by the said Corporation, in keeping open the navigation of the said river, and maintaining the said beacon or lighthouse; And whereas also, it is expedient further to improve the navigation of the said river; And whereas the said Corporation of the town of Owen Sound have, by their petition, asked to be, by law, authorized to impose and collect tolls on goods, wares, merchandize and chattels, shipped on board of or landed from any vessel, boat or other craft in the said river Sydenham, and on logs, timber, spars, and masts going into or upon or through the said river, or any part thereof within the limits of the said Corporation, and to employ the proceeds of such tolls, after deduction and payment of the expenses of the collection thereof, as is hereinafter directed; And whereas, also, the said Corporation of the town of Owen Sound have, by their said petition, shown that the said Corporation have purchased twenty acres of land, being the north-east twenty acres of the north-east quarter of lot number fourteen, in the second Concession of the Township of Derby, in the County of Grey, for a Public Cemetery, and have obtained a Deed of Conveyance of the same, at a cost of \$4000, for which Debentures on the credit of the said Corporation have been issued, under the authority of By-Law number twenty-three of the said Corporation, which Debentures are payable in ten years, with interest thereon at the rate of six per cent per year, and that by reason of such purchase, the lands granted to the Corporation of the Town of Owen Sound, for a Public Cemetery, are not now required for that purpose, and the said Corporation have, by their said petition, prayed that they may be authorized and empowered to sell the said lands, namely: ten acres of Park Lot, number one, in the fourth Range East of the Garrafraxa Road in the Town of Owen Sound, aforesaid, granted "To the Mayor and Corporation of the Town of Owen Sound, in the County of Grey, in trust for a Public Cemetery," by a Patent bearing date the sixteenth day of April, A. D. one thousand eight hundred and fifty-eight, and to employ the proceeds of such sale towards the payment of the debt incurred for the said new Cemetery, and it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The Corporation of the Town of Owen Sound are authorized and empowered to pass By-Laws for the imposition and collection of tolls, to be employed, after payment of the expenses of collection, for the purpose of assisting in liquidating the debt incurred by the said Corporation in improving the navigation of the said River, within the limits of the said Town, and of further improving the navigation of the said River, within the said limits, on all goods, wares, merchandize, and chattels, shipped or landed on board or out of any vessel, boat, or other craft, from or upon any part of the said River Sydenham, within the limits of the said Town, and upon all logs, timber, spars and masts, going through the same or any part thereof, not exceeding the rates following—that is to say :

Corporation empowered to levy certain tolls.

		cents.	
Flour, Meal, Beer, Ale, or Porter,.....	per barrel,	3	Maximum tolls.
Grain of all kinds.....	per bushel,	1	
Timothy and Clover Seeds,.....	do	3	
Potatoes and other Roots,.....	do	½	
Pork, Beef, Lard, or Butter,.....	per barrel,	5	
Apples, Fish, Salt, Water Lime, or Plaster..	do	2	
Potash, Pearlash, Molasses, Whiskey, or Vinegar,.....	do	6	
Lard or Butter.....	per keg or firkin,	2	
Brandy, Gin, Rum, Wines, or Highwines...	per barrel,	10	
Lime, .....	do	1	
Horses or Horned Cattle,.....	each	10	
Calves, Sheep, or Swine,.....	do	2	
Fowls of all kinds,.....	do	1	
Sawed Lumber,.....	per M. ft.	12	
Square or Round Timber,.....	per 100 cubic feet,	10	
Saw Logs,.....	each,	1	
Shingles and Laths,.....	per M.,	2	
Staves,.....	do	5	
Coal,.....	per ton,	15	
Pig, Bar, Scrap, or Cast Iron,.....	do	25	
Castings, Chain Cable, Nails and Spikes,...	do	25	
Leather and Furniture,.....	do	50	
Merchandize, not herein enumerated,.....	per ton	50	
Grindstones, .....	do	12	
Nursery Produce,.....	do	30	
Earthen or Stoneware.....	per crate or hhd.,	6	
Thrashing Machines,.....	each,	100	
Reaping and Mowing Machines,.....	do	50	
Horse Rakes, Straw Cutters, Root Slicers, and Ploughs,.....	do	5	
Vehicles of all kinds,.....	do	25	
Fanning Mills,.....	do	12	
Bricks,.....	per M.,	2	
Hides and Skins,.....	per 100 lbs.,	8	
Hay,.....	per ton,	10	
Hops,.....	per 100 lbs.,	10	
			Eggs,

	cents.
Eggs,.....	per barrel or box, 4
All articles not herein enumerated,.....	per ton, 40

**Proviso :** By-laws must be approved by Governor in Council.

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

**Powers of Corporation:** in case payment of tolls is refused.

2. If any person or persons shall neglect or refuse to pay the tolls or dues to be collected under this Act, and under any By-Law that may be passed under the authority thereof, it shall and may be lawful for the said Corporation, or their officer, clerk, or servant duly appointed, to seize and detain the goods, wares, merchandise, and chattels, logs, timber, spars and masts, on which the same are due and payable until such tolls are paid; and if the same shall be unpaid for the space of thirty days next after such seizure, the said Corporation, or their officer, clerk, or servant, as aforesaid, may sell and dispose of the said goods, wares, merchandize, chattels, logs, timber, spars, or masts; or such part thereof as may be necessary to pay the said tolls, and the reasonable costs and charges of keeping and selling the same by public auction, giving ten days notice thereof, returning the overplus, if any, to the owner or owners thereof.

**Vessels to be liable.**

3. Every vessel, boat, or other craft, on board of which goods, wares, merchandize, chattels, and other things may be shipped, shall be liable for the dues chargeable against such goods, wares, merchandize, chattels, and other things, and in the event of non-payment thereof, may be detained until payment thereof is made.

**Corporation may sell Park lot.**

4. The said Corporation of the Town of Owen Sound are authorized and empowered to sell, for the best price that can be obtained for the same, on such terms of payment as they may deem advisable, in one block, or in subdivisions, the ten acres of Park Lot, number one, in the fourth range east of the Garrafraxa Road, in the Town of Owen Sound aforesaid, granted "To the Mayor and Corporation of the Town of Owen Sound, in the County of Grey, in trust for a Public Cemetery," by a patent bearing date the sixteenth day of April, A. D. one thousand eight hundred and fifty-eight, and to apply the proceeds, so far as the same will go, in liquidation of the debt incurred by the said Corporation in the purchase of a new Cemetery and in the improvement thereof.

**Conveyance.**

5. Any Conveyance under such sale shall be made by the Corporation of the Town of Owen Sound aforesaid.

**Public Act.**

6. This Act shall be deemed a Public Act.



## CAP. LXIV.

An Act to confirm certain Side Roads in the Township of Scarborough, and to provide for the defining of other Road allowances and Lines in the said Township.

[Assented to 18th May, 1861.]

**W**HEREAS the Municipal Council of the Township of Scarborough have, by their petition, represented, that the greater number of the Side Road allowances between lots on the said Township have been opened up and travelled, and statute labour and public moneys expended thereon for many years back,—that it has been discovered, upon recent and more correct surveys being made in several concessions, that few, if any, of the said Side Roads, as laid out formerly as aforesaid, and improved and travelled, are upon the true original allowances,—that to alter the said lines of Road now, and place the same upon the proper allowances, would present serious objections both in consequence of the actual loss of labour and moneys expended upon the same, and also in consequence of the peculiar difficulties and uncertainties attendant upon the litigation of the question of highways and road allowances,—that it is most desirable, therefore, that the side roads, where opened up and improved as aforesaid, should be confirmed and established for all future time upon the present lines,—and they have prayed that legislative provision be made for that purpose, and it is expedient to grant the prayer of their petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. The several side roads in the said Township, as laid out and improved and travelled upon lines formerly drawn for the respective allowances for road, and as the same shall be hereafter defined on the ground under the provisions of this Act, shall be and the same are hereby declared to be the true and unalterable Government allowances for road, one chain in width, between the several lots, without regard to their direction as being parallel or not to the governing line of the concession, any law or usage to the contrary notwithstanding.

Present side roads confirmed.

2. The Municipal Council of the Township of Scarborough shall, within twelve months after the passing of this Act, cause such a survey of the Township to be made by a Provincial Land Surveyor, as will result in the defining on the ground, of the precise lines of the said side roads as the same have been opened up and now exist as aforesaid, and such surveyor shall define the same by permanent cut-stone boundaries, properly marked and planted at the front and rear angles of each concession, and shall deposit copies of the map and report of such survey

Council of Scarborough to cause a survey to be made, which shall be valid.

And to levy a rate to pay expenses.

survey in the office of the Commissioner of Crown Lands, and in the Registry Office of the County of York, respectively; and the Council may impose and levy a rate upon the real property of the said Township, to defray the expenses of such surveys, maps and reports, and of the planting of such monuments, which monuments, so planted, shall be deemed to be the true and original boundaries.

How surveys shall thereafter be made in the township.

3. From and after such Survey being effected, and the maps and reports thereof being deposited as aforesaid, every survey which may be made of any line for side road allowance, which may not have been opened previous to the passing of this Act, or any division line or limit between lots in the said Township, shall be drawn from the post or monument planted in the Original Survey at the front angle of such road allowance, or to mark the commencement of such line or limit; or should such original post or monument be lost, and no satisfactory evidence exist of the position of the same, the Surveyor shall proceed as in other similar cases under the law in this behalf; the proper angle at the rear shall then be determined by giving the lots in that particular block between the monuments planted in the Survey provided in the second section of this Act, to mark the side roads on either side thereof, the same width in proportion as they respectively possess on the front, as found in the manner above pointed out, and the required line of side road allowance or division line or limit shall be drawn through the concession from point to point so found, and all lines for side road allowance or division lines or limits so determined shall be taken to be, and the same are hereby declared to be the true lines and limits thereof, any law or usage to the contrary in any wise notwithstanding.

Surveys of aliquot parts of lots.

4. The boundaries or limits of any aliquot portion of a lot in any concession of the township shall be determined by giving such portion the proportionate length and width of the whole lot, as the latter shall have been ascertained in the manner directed by this Act.

And not to affect certain surveys.

5. No proceedings, which may be taken under this Act, shall be valid as against any survey made and boundaries planted under the authority of the late boundary commissioners, or against any Municipal Survey performed and boundaries planted under the provisions of the chapter seventy-seven of the Consolidated Statutes for Upper Canada.

Lots as defined under this Act to be deemed the true lots.

6. The several lots in the Township granted by letters patent, and described by numbers or otherwise, as certain lots in certain concessions, and heretofore intended to be bounded by lines drawn in accordance with the law respecting Surveys in Upper Canada, and the boundary lines of which are intended to be fixed by this Act, shall be held to be the same several lots in  
the

the same several concessions, and shall be respectively represented by all the land contained between the limits thereof, as the same shall be correctly defined under this Act, whether the courses or distances of the said limits, as described in the letters patent granting the same, shall or shall not agree with the respective courses and distances of such limits as defined under this Act upon the ground.

7. This Act shall be deemed a Public Act.

Public Act.

### C A P . L X V .

An Act to enable the Municipalities of Dereham and Ingersoll to pass By-laws to ratify their agreement with the Dereham, Ingersoll and Dorchester Plank and Gravel Road Company, and to legalize the said agreement.

[Assented to 18th May, 1861.]

**W**HEREAS an agreement was entered into, on the thirtieth day of April, one thousand eight hundred and fifty-nine, between John Smith, the Reeve, and Orrin Avery, representing the Township of Dereham, in the County of Oxford, and Adam Oliver, the Reeve, and Thomas Brown, representing the Village of Ingersoll, in the same County, and the Dereham, Ingersoll and Dorchester Plank and Gravel Road Company, whereby the said Municipalities, among other things, agreed to reduce the amount of paid up Stock by them respectively held in the said Company, and the Directors thereof agreed to procure the necessary funds and to complete the main line of the said road to the town line between the Townships of Dereham and Bayham, and certain other conditions were made dependent on the abandonment of the Company's Branch Line to Dorchester; and whereas the said Company have performed their part of the said agreement, and have abandoned the said Branch Line, and the said Municipalities have, through their Councils, petitioned the Legislature to legalize the said agreement and all proceedings by the said several parties had and done, or to be had and done thereunder, and in conformity therewith, and to enable the said Council to pass the requisite By-laws to ratify, confirm and carry out the same: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. The Municipal Councils of the said two Municipalities may pass all necessary By-laws to ratify and confirm the said agreement, and the same shall thereupon become, and shall be held to have been, from the date thereof, legal and binding upon the said Municipalities and the said Company, and the said Municipalities and the said Company shall have full power to do any thing which may be necessary to carry out and give full effect

Agreement confirmed, and the Councils of the said townships may pass By-laws to carry it out.

effect to the same, and all proceedings done or to be done, by either of the said Municipalities or by the said Company, under the said agreement and in conformity therewith, are hereby declared valid and binding.

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

## C A P . L X V I .

An Act to establish and define certain Road allowances and boundaries in the Township of Burford.

[Assented to 18th May, 1861.]

Preamble.

**W**HEREAS the line between the thirteenth and fourteenth concessions of the Township of Burford was not drawn in the original survey of the Township, and the proprietors of the lots in the said concessions took possession of their lands and regulated their improvements, and made the road between the concessions in conformity with a certain survey performed in the year one thousand eight hundred and thirty-nine, by Provincial Land Surveyor Jesse P. Ball, at their request, and not under instructions from the Government; And whereas the Municipal Council of the said Township, in the year one thousand eight hundred and fifty-two, applied for a survey of the line between the said concessions, under the provisions of the thirty-first section of the Provincial Statute, twelfth Victoria, chapter thirty-five, which was performed by Provincial Land Surveyor Wm. George Wonham, and was confirmed by the Commissioner of Crown Lands in conformity with the provisions of the said Act; And whereas the said last mentioned survey does not correspond with the survey before mentioned, performed at the request of the proprietors of the lots in the said concessions, but changes the position of the lots and buildings of the said proprietors, to their serious injury; And whereas the said proprietors have requested the Corporation of the said Township to apply to the Legislature for the passage of an Act setting aside the aforesaid survey performed by Provincial Land Surveyor Wm. George Wonham, and establishing the aforesaid survey performed by Provincial Land Surveyor Jesse P. Ball, by which they have taken possession of their lands and regulated their improvements, and the said Corporation have made application accordingly, and it is expedient to comply with their request: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Survey made by W. G. Wonham, set aside, that of J. P. Ball confirmed.

1. The aforesaid survey of the line between the thirteenth and fourteenth concessions of the Township of Burford, performed by Provincial Land Surveyor Wm. George Wonham, shall be and is by this Act set aside and rendered null and void

void; and the aforesaid survey of the line between the said concessions, performed at the request of the proprietors thereof by the aforesaid Provincial Land Surveyor Jesse P. Ball, and by which they have taken possession of their lots and regulated their improvements, shall be taken to be and is hereby declared to be the true and unalterable survey thereof, any law or usage to the contrary notwithstanding.

2. The Commissioner of Crown Lands shall appoint a Provincial Land Surveyor to verify the aforesaid survey of the line between the aforesaid concessions, performed at the request of the proprietors, and ascertain the contents of each lot therein, according to the said survey, and also according to the survey of the aforesaid Provincial Land Surveyor Wonham, and plant stone boundaries at both ends thereof.

Commissioner of Crown Lands to have the said survey verified.

3. The Provincial Land Surveyor, so appointed, shall estimate the value per acre of each lot which contains by the survey hereby established more or less than it contained by Provincial Land Surveyor Wm. George Wonham's survey; and the proprietors of the lots which contain a surplus shall pay to the Treasurer of the Township the value of the said surplus, as estimated by the said Provincial Land Surveyor; and the said Treasurer shall pay, from the said moneys, to the proprietors of the lots which are deficient in area for the said deficiency, at the rate estimated by the said Provincial Land Surveyor; but in making the said valuation, the Provincial Land Surveyor, appointed as aforesaid, shall not take into account the value of any improvement made by the parties now in possession of the overplus so ascertained.

Compensation by those who have too much land to those who have too little.

4. The cost of the verification of the survey and valuation of the lands shall be paid by the proprietors of the lands, in the aforesaid concession, in proportion to the quantities respectively held by each, and shall be levied by the Corporation of the said Township accordingly.

Costs of survey.

5. The Provincial Land Surveyor, so employed as aforesaid, shall deposit one copy of his plan, field notes and report of survey in the Office of the Commissioner of Crown Lands, and another in the Office of the Registrar for the County of Brant, and furnish one copy thereof and his estimates of the value of the lands and the surplus and deficiency of the respective lots to the Corporation of the said Township.

Plan of survey to be deposited and registered.

6. This Act shall be deemed a Public Act.

Public Act.

## CAP. LXVII.

An Act to authorize the Mayor, Aldermen and Citizens of the City of Montreal, to borrow an additional sum for the purpose of completing the new Water Works in the said City, and to restrict the annual expenditure of the Council of the said City within certain limits.

[Assented to 18th May, 1861.]

Preamble.

**W**HEREAS it is necessary for the good working of the Water Works of the City of Montreal, to complete certain works and to make new ones; and whereas the Council of the said City have, by their Petition, asked for the authority they require to borrow the sum necessary for that purpose; and whereas it is expedient to restrict the annual expenditure to be made by the said Council within certain limits: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Acts 7 V. c. 44, and 16 V. c. 127, incorporated with this Act.

**1.** All the powers, privileges and authority already possessed by the Corporation of the said City, in and by the Act seventh Victoria, chapter forty-four, and by the Act sixteenth Victoria, chapter one hundred and twenty-seven, are hereby conferred upon and shall appertain to the said Corporation, in so far as they may apply to the purposes of this Act, and the same may be required for the objects hereinafter mentioned; and each and every section of the two above cited Acts shall be held to form part of the present Act, in so far as the same may be consistent with the provisions of this Act.

Corporation may increase the power in the wheel-house, and construct a tail-race.

**2.** The said Corporation is hereby authorized to increase the motive power of the wheel-house by means of which the water conveyed through the newly constructed aqueduct is forced into the reservoirs of the said City, either by adding one or more wheels to the said wheel-house, or otherwise, and to construct and open, upon such site as will appear most convenient, a tail-race, by which the waste water coming from the new aqueduct into the wheel-house, may be carried into the river St. Lawrence; and for that purpose to acquire, in the manner and form and upon the conditions prescribed in and by the said Act, sixteenth Victoria, chapter one hundred and twenty-seven, all real estate, or any part thereof, which may be required for the construction of the said tail-race.

Corporation may borrow \$200,000 for certain purposes relating to the Water Works.

**3.** The said Corporation is hereby authorized to borrow, for the purposes mentioned in the preceding section, as also for enlarging the storage for water, for providing an additional rising main, and for completing the laying of the distribution pipes throughout the said City, a sum not exceeding two hundred thousand dollars, and to issue, under the hand of the Mayor and

and seal of the Corporation, Debentures or Corporation Bonds, Debentures.  
 to the amount of two hundred thousand dollars aforesaid, payable twenty-five years after the date of the issue thereof respectively, and bearing interest payable semi-annually on the first days of May and November in each and every year, and at a rate not exceeding six per centum per annum; and all such debentures may be issued from time to time, at such periods, and for such amounts as shall be deemed expedient; and they may have *coupons* annexed to them, for the half-yearly interest payable on them; which coupons, being signed by the Mayor or the Treasurer of the said Corporation, shall be respectively payable to the bearer thereof, when the half-yearly interest therein mentioned becomes due, and shall, on payment thereof, be delivered up to the said Corporation; and the possession of any such coupon by the Corporation, shall be *prima facie* evidence that the half-year's interest therein mentioned has been paid, according to the tenor of such debenture; and all such debentures, and as well the interest as the principal thereof, are and shall be secured on the general funds of the said Corporation, as well as by a special privilege on the Water Works of the said City, on the property to be acquired, and on the works to be made under the authority of this Act, the same being hereby specially mortgaged for the payment of the debentures, both in capital and interest; provided however, that the aforesaid privilege and mortgage shall in no manner or way interfere with or injure the rights of holders of debentures or coupons issued in virtue of the above cited Acts, or of any Act amending the same.

Mortgage for securing payment of principal and interest.

4. The amount which the said Corporation is empowered to borrow by the preceding section, may be borrowed either in this Province or elsewhere, and the principal sum and interest thereon as aforesaid, may be made payable either in this Province or elsewhere, and either in sterling money aforesaid, or the currency of this Province, or in that of the place where the same shall be payable, and generally all the provisions of the Acts now in force as to debentures issued by the said Corporation, shall apply to those to be issued under this Act, except only in so far as they may be inconsistent with this Act. How and where debentures may be made payable.

5. From and after the civic year, which shall commence for the said City on the first day of February, one thousand eight hundred and sixty-two, it shall be the duty of the Council of the said City to make every year, on or before the first day of May, an appropriation of the amounts necessary to meet the expenses of the current year, by providing— Yearly appropriations to be made by the City Council.

1. For the payment of the interest, and sums required for the sinking fund on the debt due by the said City;

2. For the general and ordinary expenses of the City;

3. For the sums required for contemplated improvements;

4. For a reserve of not less than five per centum to meet unforeseen expenditure;

Appropriations limited.

Such appropriation shall never exceed the amount of the receipts from the preceding year, added to the balance of the said receipts which shall not have been expended.

Council to limit the City expenditure to the said appropriations, &c.

6. It shall not be lawful for the said Council to expend beyond the amount so appropriated and the amount of the other sums at their disposal out of the receipts of the current year, except in cases and under the conditions hereinafter set forth; but the Council may at any time vary the application of the sums set apart for improvements, and make use of the amount reserved for unforeseen expenditure.

Penalty on Councillors authorizing any excess.

7. The Mayor and Councillors who shall have sanctioned the expenditure of any sum of money beyond the amounts appropriated and the amounts at their disposal, in conformity with the foregoing sections, shall alone be personally responsible therefor.

Except in cases of urgent necessity &c., on imposing a special tax, &c.

8. In cases of urgent necessity, the said Council may, by a majority composed of at least two-thirds of the members composing the same, pass a By-law to make any appropriation they may think necessary beyond the amounts at their disposal, provided, that by such By-law an additional tax shall be imposed, payable during the course of the year in which such By-law is dated, and sufficient to cover the amount so appropriated, which said tax shall be levied and assessed on all real estate in the said City.

Inconsistent enactments repealed.

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

Public Act.

10. This Act shall be held and taken as a Public Act.

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

An Act further to amend the Act to provide for the management and improvement of the Harbour of Montreal, and the deepening of the Ship Channel between Montreal and Quebec.

[Assented to 18th May, 1861.]

Preamble.

**W**HEREAS the increase of Trade has rendered necessary further accommodation of shipping in the Harbour of Montreal, and increased facilities for the regulation and management of the said Harbour, and it is expedient that further powers



powers should be granted to the Commissioners thereof: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. For the purpose of extending and improving the wharves, structures and other accommodations in the said Harbour, below the mouth of the Lachine Canal and not elsewhere, it shall be lawful for the said Corporation to borrow, either in this Province or elsewhere, at par, in such sums and for such number of years, and at such rates of interest, not exceeding eight per cent. per annum, as may be found expedient, any sum or sums of money not exceeding in the whole the sum of one hundred thousand pounds sterling, and to expend the same in the said Harbour, for the said purposes, in such manner as may be best calculated to facilitate trade and increase the convenience and utility of the said Harbour.
 

Harbour Corporation may borrow £100,000 sterling, to improve the Harbour.
2. The interest upon the sums of money which may be borrowed under the last preceding section, as well as upon all sums already borrowed for the improvement of the said Harbour, shall be paid out of the revenue arising from the dues, rates and penalties imposed by or under the Act mentioned in the title of this Act, or under any Act amending the same.
 

How the interest shall be paid.
3. The period of time limited by the seventh section of the Act twentieth Victoria, chapter one hundred and twenty-six, for the exercise by the said Corporation of the rights and privileges conferred upon it by the said section, is extended to one year, in lieu of three months, as provided by the said section.
 

Period limited by 20 V. c. 126, sect. 7, extended.
4. If any injury be done to any of the quays, buoys, floating stock, steamers or dredging vessels of the said Corporation, used in the said Harbour, or in the said River St. Lawrence between Montreal and Quebec, or elsewhere, or any obstruction whatever be offered or made to the operations of the said Corporation between the said places, by any ships or vessels, or by the carelessness or wantonness of the Crew thereof while acting as such Crew, or while acting under the orders of their Superior Officers, it shall be lawful for the said Corporation to seize any such ship or vessel and detain her until the injury so done shall have been repaired by the Master or Crew thereof, or by other persons interested therein, and until all other damages thereby directly or indirectly caused to the said Corporation, including the expense of following, searching for, discovering and seizing such ship or vessel, have been paid to the said Corporation, for the amount of all which injury, damages, expenses and costs, the said Corporation shall have a preferential lien on such ship or vessel and upon the proceeds thereof or until security shall have been given by the said Master to pay such amount for such damages, direct or indirect, and for such injury and costs as may be awarded in any suit which
 

Remedy against vessels injuring the works of the Corporation.

**may**

may be brought against him for the same, and he is hereby declared to be liable to the said Corporation for any such injury and damages.

Power to impose penalties granted by 18 V. c. 143, extended to \$40.

5. The power granted to the said Corporation to impose penalties not exceeding five pounds currency, is hereby extended to the imposition of penalties amounting to but not exceeding forty dollars currency, with the same powers in default of payment thereof, and as to the collection and enforcement of payment thereof, and of the cost of proceedings for the collection thereof, as are by the said Act or any other Act amending the same conferred upon the said Corporation in respect of the penalties which they are thereby permitted to impose.

City By-laws not to restrict the powers of Harbour Commissioners.

6. Notwithstanding any thing contained in the Acts incorporating the City of Montreal, or amending the same, no By-law of the Corporation of the said City shall restrict or affect in any manner the exercise of the powers conferred upon the Harbour Commissioners of Montreal, under the various Acts relating to the said Harbour.

Harbour Master believing the report of a cargo in bulk to be incorrect, may have it discharged and weighed or measured.

7. The Harbour Master shall have power to cause any cargo arriving in or departing from the said Harbour in bulk, to be discharged and weighed or measured, as the case may be, in every case where he shall see reason to believe the report of the weight or measurement thereof to be incorrect; and if the weight or measurement thereof be found to exceed the weight or measurement so reported, in any material degree, the owner of such cargo, and the master of the vessel containing the same, shall be liable for the expense of such discharging, weighing or measurement in addition to the penalty for making a false report; and such expense may be collected in the same manner and at the same time with such penalty; Provided always, that if such report be found to be materially correct the expense of such discharging, weighing or measuring shall be borne by the Commissioners.

Proviso.

By whom order for the seizure of a vessel may be made or signed.

8. Any order or warrant for the seizure or detention of any ship or vessel which, under the said Acts or any of them, might be lawfully made or signed by any Magistrate or Justice of the Peace, may be validly made or signed by the Chairman, or Chairman *pro tempore* of the said Commissioners, who, for the purposes thereof, shall have concurrent jurisdiction with such Magistrate or Justice of the Peace in respect of any such seizure or detention, and of all proceedings for enforcing the same; and the seizure of any ship or vessel and the detention thereof for the causes or purposes for which such seizure or detention is authorized by the said Acts or either of them to be made and maintained, may be made and may take place in any place within the limits of Lower Canada.

9. The master or person in charge of any vessel who shall make any report to the said Harbour Commissioners or to any of their officers under the provisions of the several Acts respecting the said Harbour or of any By-law made under the authority thereof shall, if required by such Commissioners or by the officer receiving such report, make oath to the correctness of such report, and the Chairman and Secretary of the said Commissioners, or Harbour Master, and any Justice of the Peace are hereby severally authorized to administer such oath, and if any such person, being so required, shall refuse to make oath as aforesaid he shall be exposed to all the penalties imposed by the said Acts or by the By-laws of the said Commissioners upon persons making a false report.

Report of cargo may be required to be made on oath.

Penalty for refusal.

10. All provisions contained in the Act cited in the Title to this Act, or in any Act amending it, inconsistent with the present Act, are hereby repealed.

Inconsistent enactments repealed.

11. This Act shall be deemed a Public Act.

Public Act.

## C A P . L X I X .

An Act to remove certain obstructions to the Navigation of the Rivière des Prairies, and to repeal certain clauses of the Acts tenth and eleventh Victoria, Chapters ninety-seven and ninety-eight.

[Assented to 18th May, 1861.]

WHEREAS the provisions of the fourth section of the Act tenth and eleventh Victoria, Chapter ninety-seven, intituled: *An Act to authorize Pierre Viau, and others, to build a Toll Bridge over the Rivière des Prairies*; and of the fourth section of the Act tenth and eleventh Victoria, Chapter ninety-eight, intituled: *An Act to authorize Paschal Persillier dit Lachapelle to erect a Toll Bridge over the Rivière des Prairies*, in so far as conductors or proprietors of rafts, passing down the said River, are thereby required to give notice of their intention to run such rafts under the said Bridges, and are thereby prohibited from running more than one crib at a time under the said Bridges, are greatly injurious to the interest of the lumber trade of this Province, and, if enforced, would greatly obstruct and delay the passage of timber in rafts down the said River, and it is expedient to repeal the same; and whereas the persons now owning the said Bridges acquiesce in the necessity of repealing the said recited provisions: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

10, 11 V. c. 97

10, 11 V. c. 98.

1. Such portions of the said several sections of the said several Acts mentioned in the preamble of this Act, as enact that

Parts of the said Acts re-

that

quiring notice of rafts intending to pass under the Bridges, repealed.

that it shall be the duty of the proprietor or conductor of every raft floating down the said River, to give two hours previous notice to the Toll gatherers, or persons having charge of the said Bridges, respectively, of his or their intention to pass through the opening between the piers of the same, with such raft; and also, such portions thereof respectively, as provide that no more than one crib shall pass at the same time through such opening, shall be, and are hereby repealed; and from and after the passing of this Act, no notice whatever shall be required of the intention of the proprietor or conductor of any raft to pass through any opening between the piers of the said Bridges, or either of them.

Any number of cribs may pass.

2. From and after the passing of this Act, it shall be lawful for the proprietor or conductor of any raft, to run any such number of cribs through such opening or openings, or any of them, as may conveniently pass through the same, without injuring the said Bridges, or either of them, or the piers or pillars thereof, or any of them; provided, always, that nothing herein contained, shall relieve the proprietor or proprietors of any raft, from his or their legal liability for any damage which such raft or any part thereof, shall cause to such Bridges, or to either of them, or to the piers or pillars thereof, or to any of them.

Proviso: proprietors of rafts responsible for damages to Bridges.

Public Act.

3. This Act shall be a Public Act.

## C A P. L X X.

### An Act to incorporate the Town of Lévis.

[Assented to 18th May, 1861.]

Preamble.

**W**HEREAS the provisions of the Lower Canada Consolidated Municipal Act do not meet the present requirements of the inhabitants of a portion of the parish of Notre Dame de la Victoire, and whereas it is expedient to make more ample provision for the internal regulation of the Town, the limits of which are hereinafter fixed and determined: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Town of Lévis incorporated.

1. The inhabitants of that part of the Parish of Notre Dame de la Victoire, hereinafter described and determined, and their successors shall be, and they are hereby declared to be a body politic and corporate, in fact and in law, by the name of "The Corporation of the Town of Lévis," and by the same name they and their successors shall have perpetual succession, and shall have power to sue, and be sued, implead and be impleaded, answer and be answered unto, in all Courts and in all actions, causes and suits at law whatsoever, and shall have a Common Seal, with power to alter and modify the

Corporate name and powers.

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

2. The boundaries and limits of the said Town of Lévis shall be as follows, that is to say: in front by the St. Lawrence, at the depth of forty feet at low water, in rear by the summit of the Cape, in rear of Lambie's Mills; thence, following the said summit of the Cape to the south-west line of Widow Olivier Duclos' land, together with such extent of ground as is included by the South line of the properties of James Tibbits, the Quebec Warehousing Company, H. N. Patton, E. Coxworthy, James Reekie, W. Price, W. E. Price, David Ed. Price, John Lambie and the properties of the domain, as far as the division line between Notre Dame de la Victoire and St. Romuald, and following the south-west line of the land of Widow Olivier Duclos, and extending south to the public highway on the hill; thence, crossing the said road to a distance of six arpents; thence, in a straight line to the south boundary of F. Fortier's property; thence, in a straight line to the north-easterly line of Julien Chabot's property; thence, towards the north, along the said line to the public road; thence, along the south side of the said public road, on to the north-east line of Michel Begin's property; thence, towards the north, along the said division line to the summit of the Cape; thence, towards the north-east, along the said summit of the Cape to the north-easterly line of Isidore Begin's property; thence, towards the north, to the River St. Lawrence, to the depth of forty feet at low water; And the said Town shall be subdivided into three Wards:—The first, to be called St. Lawrence Ward, shall be comprised within the following limits, that is to say: bounded in front by low water mark of the River St. Lawrence, beginning at the south-west line of the property of George Couture, running south-west to the line of division between the Parish of Notre Dame de la Victoire and St. Romuald, at the same depth of water; thence, running south, to the north-west side of the St. Nicholas road; thence, north-east, to the south-west line of the domain property; thence, south, to the end of its depth; thence, north-east, to the north-east line of said property; thence, north-west, to the property of John Lambie, following the rear and north-east side line of the said property, to the summit of the hill fronting the River St. Lawrence; thence, north-east, following the summit of the said hill, to the south-west line of the property of William, William E., and David E. Price; thence, south, to the end of its depth; thence, north-east, to the north-east

Boundaries of  
the Town.

St. Lawrence  
Ward.

line of the said property ; thence, north-west, to the property of James Reekie following the rear and north-east line of the said property, to the summit of the hill ; thence, north-east, following the said summit of the hill, to the south-west line of the property of E. A. Coxworthy ; thence, south, to the end of its depth ; thence, north-east, to the north-east line of the said property ; thence, north-west, to the summit of the said hill, following the said summit to the south-west line of the property of William Chapman ; thence, south, following the south-west summit of the hill or road, to the south-west line of the property of E. A. Coxworthy ; thence, south, to the end of its depth ; thence, north-east, to the south-west line of A. C. Lemieux ; thence, north-west, to the summit of the hill, fronting the River St Lawrence ; thence, north-east, following the said summit to the south-west line of James Tibbits ; thence, south, to the end of its depth ; thence, north-east, to the north-east line of the said property ; thence, north-west, to the summit of the said hill ; thence, north-east, following the said summit, to the south-west line of the property of George Couture ; thence, north-west, to the point of departure ; together with all that part of the River St. Lawrence, in front of the said tract of ground, covered by forty feet of water, at lowest tides, comprised in the said Parish ; And the said Ward shall be represented in the Council hereinafter established by four Councillors.

**Lauzon Ward.**

The second Ward, called Lauzon Ward, shall be limited as follows, that is to say : commencing at the depth of forty feet at low water mark, in the River St. Lawrence, opposite the aforesaid south-east line of George Couture, extending south along the said line, to the foot of the Cape, and following the foot of the Cape towards the north-east to the south-west line of the land of Jean Bte. Carrier, extended to the foot of the said Cape ; thence, towards the south, as far as Richmond street, on the hill ; thence, towards the north-east, along the avenue on the north side of Notre Dame to the south-west line of the land of Thomas Fraser ; thence, running south, along the said line to the public road from above ; thence, following the south side of the public road, to the north-east line of the land of Michel Begin ; thence, towards the north, along the said line to the summit of the Cape ; thence, towards the north-east, along the summit of the said Cape, to the north-east line of the land of Isidore Begin ; and, thence, north, to the depth of forty feet at low water mark ; and thence following a line at the depth of forty feet, at low water mark, to the point of departure ; And the said Ward shall be so represented by three Councillors.

**Notre Dame Ward.**

The third Ward, called Notre Dame Ward, shall be comprised within the following limits, that is to say : commencing on the summit of the Cape, at the south-west line of the land of Widow Olivier Duclos aforesaid, to a distance of six arpents above

above the public road ; thence, in a straight line to the southern boundary of the property of F. Fortier, Esquire ; thence, in a straight line to the north-east line of the land of Julien Chabot ; thence, along the said line, towards the north to the public road ; thence, along the south side of the said public road, to the south-west line of the land of Thomas Fraser ; thence, towards the north, along the said line, to the avenue of Notre Dame ; thence, towards the south-west, along the said avenue to Richmond street, at the point where the said street is intersected by the south-west line of the land of Jean Bte. Carrier ; thence, towards the north, to the summit of the Cape ; and, thence, towards the south-west along the said summit of the Cape to the said south-west line of the land of Widow Olivier Duclos ; And the said Ward shall be so represented by three Councillors.

3. There shall be elected, from time to time, in the manner hereinafter mentioned, a fit and proper person, who shall be, and be called the Mayor of the Town of Lévis, and ten fit persons who shall be, and be called the Councillors of the Town of Lévis ; and such Mayor and Councillors, for the time being, shall form the Council of the said Town, and shall be designated as such, and shall represent for all purposes whatsoever, the Corporation of the Town of Lévis :

Mayor and  
nine Council-  
lors to be  
elected.

2. No person shall be capable of being elected a Councillor of the said Town, unless he shall have been a resident of the said Town for one year before such election, nor unless he be possessed to his own use, in his own name or in the name of his wife, of real estate within the ward for which he is proposed to be elected of the value of six hundred dollars, after deduction of his just debts ;

Qualification  
of Councillors.

3. No person shall be capable of being Mayor or Councillor of the said Town of Lévis, unless he be a natural-born or naturalized subject of Her Majesty, and of the full age of twenty-one years ; nor unless he shall continue to reside during his tenure of office, in the said town ;

Further qua-  
lification.

4. No person being in Holy Orders, nor any Minister of any religious belief whatever, nor any Judge of the Court of Queen's Bench or of the Superior Court, nor any person accountable for the revenues of the said Town, or receiving any pecuniary allowance from the Town for his services, nor any officer or person presiding at the election of the Mayor or the Councillors, while so employed, nor any person having in person or through his partner, any contract whatever, or interest in any contract with or for the said Town, shall be capable of being elected Mayor or Councillor for the said town ; provided always, that no person shall be held incapable of being elected Mayor or Councillor for the said Town from the fact of his being a shareholder in any incorporated Company which may have a contract or agreement with the said Town.

Who may not  
be Mayor or  
Councillor.

Proviso.

Who shall not be bound to accept the said office.

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

Who may vote at municipal elections for the Town.

5. The persons entitled to vote at the Municipal Elections of the said Town, shall be the male inhabitant freeholders and householders of the age of twenty-one years, possessed at the time of real property in the said Town, of the value of two hundred dollars, or twelve dollars annual value, and tenants of the age of twenty-one years, who shall have resided in the said Town, and paid rent during the year immediately preceding the election, on a dwelling house at the rate of not less than twenty dollars per annum, which qualifications shall be ascertained by the valuation roll which it shall be the duty of the Council to amend and perfect from year to year; Provided always, that no person qualified to vote at any Municipal Election in the said Town shall have the right of having his vote registered, unless he shall have paid the Municipal and School taxes then due, at least fifteen days before the first day of voting; and any candidate at such election, or the person presiding thereat, may require the production of the receipts establishing the payment of such taxes that have become due as aforesaid; and every elector shall vote in the ward in which his property is situated and at the poll for such ward, and for some one or more of the candidates nominated therefor.

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

In what Ward he must vote.

When the municipal elections shall be held: notice thereof.

6. The municipal elections for the said Town, in virtue of this Act, shall, after the present year, be held in the month of January in each year, and public notice thereof shall be given at least fourteen days previous to such election, in the French and English languages, by notices posted up at the doors of the churches, and in the market of the said Town, and read at the door of the Catholic Church in the said Town, at the issue of Divine service in the morning of the Sunday preceding the election; and the said notice shall be signed for the first election in virtue of this Act, by the Registrar of the County of Lévis; and for all subsequent elections, the said notice shall be signed by the Mayor, the Secretary, or the Secretary-Treasurer of the said Council, and shall specify the day, place and hour upon which the said elections are to take place.

Registrar to preside: appointing deputies for two Wards.

7. The Registrar for the County of Lévis shall preside at the first Election, which shall take place in the month of July next, in one of the wards of the said Town, and he shall appoint deputies to represent him in the two other wards of the said Town; and



and the said two deputies shall be bound to make returns to him of the votes given in each of the said wards, as entered in the poll-books, within twenty-four hours after the closing of the said election, if the election is contested, and on the day of election, if there is no contest; and the said registrar may swear such deputy or person; and if such deputy or person in any way neglects the duties of his office during or subsequent to the said Election, and does not deliver the said poll books within the delay above prescribed, he shall incur a fine of one hundred dollars; and if the said election shall not take place at the time appointed such election may be had in manner aforesaid in the following month.

8. The registrar for the County of Lévis may, in case of sickness or of his inability to preside at the said Election, appoint a Deputy under his hand and seal, and the said Deputy shall have all his rights and privileges and shall perform the same duties and be bound under the same penalties as the said Registrar, in case of refusal or neglect to fulfil his duties in relation to the said Election :

Registrar may appoint deputy in case of sickness.

The poll for the reception and registration of votes shall be open from nine of the clock in the forenoon until five of the clock in the afternoon of the day appointed for the said election, provided the election shall not have taken place by acclamation; and at the said election each elector shall be entitled to vote in each ward in which he is a qualified elector, for so many councillors as by this Act are appointed to represent the wards respectively; and at the closing of the poll, the President shall declare the ten persons who shall have obtained the greatest number of votes as Councillors to be duly elected Members of the said Council; and in case two or more of the Candidates have an equal number of votes, he shall give his casting vote in favor of that one or those of the Candidates, whom he thinks proper, which said casting vote he shall be entitled to give whether or not he is himself qualified to vote.

Holding the poll.

In what Ward electors shall vote.

Closing poll.

Ties.

9. If at any time after the votes have commenced to be polled, either on the first or on the second day of the said election, one hour elapse without any vote being polled, it shall be the duty of the person presiding to close the said election and declare duly elected as Councillors, such candidates as shall be entitled to be so declared elected; provided that no person shall have been within the last hour prevented from approaching the poll by violence, of which notice shall have been given to the person presiding.

Poll to be closed if no vote be given for one hour.

Proviso.

10. The Mayor shall be elected by the Councillors from among themselves at their first or any subsequent meeting, and shall be elected for one year only, and shall remain in office until his successor shall have been appointed; the Councillors elected at any of the Municipal elections shall remain

Duration of office of Mayor and Councillors.

remain

remain in office during two years, except those who shall have been elected at the first election, of whom seven shall retire from office at the expiration of the first year, two for Lauzon ward, three for St. Lawrence ward and two for Notre Dame ward, and it shall be declared by lot in the manner to be established by the Council, which of the Councillors shall thus retire from office at the end of the first year.

How subsequent elections shall be conducted.

**11.** The subsequent elections for the said town shall take place in the same manner and within the same delays as the first, with the exception, however, that the said elections, instead of being presided over and conducted by the Registrar, shall be so by one of the members of the Council who shall not retire from office, and who shall be appointed by the Council one month previous to the time fixed for the said election, and the said Councillor shall make a proclamation of the persons elected, in the same manner, at the same hour, and in the same place as the Registrar for the first election, and the said Councillor, for all purposes relating to elections, shall have the same powers and the same duties as the Registrar for the first election.

Power of person presiding and his deputies.

**12.** The person who shall preside at an election shall, during such election, be a conservator of the peace, and shall be invested with the same powers for the preservation of the peace, and the apprehension, imprisonment, holding to bail, trying and convicting violators of the law, as are vested in the Justices of the Peace, and this, whether the said person presiding do or do not possess the property qualification of a Justice of the Peace, as required by law; and it shall be lawful for the person so presiding to appoint special constables in sufficient numbers to preserve peace at the said election, if he shall think it necessary or be required so to do by five electors.

Notice of first meeting of Council.

**13.** The person presiding at any such election shall, within two days from the closing of the election, give to each of the Councillors so elected, special notice of their said election, as well as of the place, the day, and the hour appointed by him for the first meeting of the Council to take place after their said election; the Councillors so elected shall enter respectively into office as such, at the said first meeting, and shall remain in office until the appointment of their successors.

Entry into office.

Poll books, &c., to be delivered up to the Secretary-Treasurer, &c.

**14.** The person so presiding at any such election shall deliver up immediately to the Secretary-Treasurer of the Town Council, if such officer exist, and if not, then as soon as the said officer shall be appointed, the Poll Books kept at such election, together with all other papers and documents relating to the said election, certified by himself, to form part of the records of the said Council, and copies of the same, certified by the Secretary-Treasurer, shall be valid in any Court of Justice.

**15.** The first session of the Council, after the first election, shall take place within eight days immediately following the said election, and the Councillors elected shall take the following oath before a Justice of the Peace, before acting:

First sitting :  
—Mayor and  
Councillors to  
take oath of  
office.

“ I, A. B., do solemnly swear, faithfully to fulfil the duties of a member of the Council of the Town of Lévis, to the best of my judgment and ability : So help me God.”

The oath.

And the members then present, provided they form a majority of the Council, shall be authorized to act as the Council.

Majority then  
present may  
act.

**16.** The Mayor and Councillors elected subsequently to the first, shall enter office on the day of their nomination, and a meeting of the Council shall take place within eight days after, in the same manner as after the first election, and the Mayor and Councillors elected shall take the same oath.

When the  
Mayor and  
Councillors  
elected after  
first election  
shall go into  
office.

**17.** Five members of the Council shall constitute a quorum.

Quorum.

**18.** The expenses of every election shall be defrayed out of the funds of the Corporation.

Election ex-  
penses.

**19.** In any case in which one of the persons elected shall refuse to act as Mayor or Councillor, or in case his election being contested shall be declared null, the electors of the town shall proceed to a new election and elect a person to replace the said Councillor within one month after the said refusal shall have been made known, or that the said election shall have been declared null ; and if it be the Mayor who shall refuse to accept or whose election shall have been declared null, the Councillors of the town shall proceed to a new election for such Mayor, within the same delay, and the said election shall be conducted in the same manner as annual elections.

In case the  
Mayor or  
Councillors  
refuse to act.

If the Mayor  
refuses, &c.

**20.** In case of the death of the Mayor or a Councillor, or in case of his absence from the town, or incapacity to act as such, either from infirmity, sickness, or any other cause, during three calendar months, a new election of a Councillor shall be had in manner aforesaid to replace such Councillor so deceased, absent, or rendered incapable, as above mentioned, and in case of the Mayor, the Councillors shall proceed to a new election of Mayor.

In case of the  
absence, death  
or incapacity  
of Mayor or  
Councillors.

**21.** Every Mayor or Councillor so elected or appointed to replace another, shall remain in office for the remainder of the time for which his predecessor had been elected or appointed, and no longer.

Duration of  
office.

**22.** Before any person shall proceed to hold an election, in conformity with this Act, he shall take the following oath, which any Justice of the Peace residing in the said Town is hereby authorized to administer, that is to say :

Presiding offi-  
cer at election  
to take oath.

“ I.

The oath.

"I do solemnly swear, that I will faithfully and impartially, to the best of my judgment and ability, discharge the duties of Presiding Officer, at the election which I am about to hold for persons to serve as Members of the Town Council of Lévis : So help me God."

Presiding officer to examine candidates upon oath as to qualification, if required so to do.

**23.** The Officer presiding at any election under this Act, shall have authority, and he is hereby required, at the request of any persons qualified to vote at such election, to put the oath following, (*or* affirmation, *when the party is allowed by law to affirm,*) to any candidate for the office of member of the said Town Council, respecting his qualification to be elected to the said office ; and shall also have authority, and he is hereby required upon such request as aforesaid, to examine upon oath (*or* affirmation), any person tendering his vote at any election ; and the oath to be administered by the Presiding Officer, in both cases, shall be the following :

The oath.

"I swear that I possess the qualification to be elected a member of the Town Council, (*or*, to vote at this election, *as the case may be,*) So help me God."

False swearing to be perjury.

And any person who shall wilfully forswear himself, or falsely affirm, shall be deemed guilty of wilful and corrupt perjury, and, on conviction thereof, shall be subject to the same penalties as in other cases of wilful and corrupt perjury ;

Times and places of meeting of the Council.

The said Town Council shall meet at least once in each month, for the transaction of the business of the said Town, and shall hold their sittings in the Town Hall, or in any other place in the said Town which shall have been set apart for the purpose, either temporarily or permanently ; Provided, always, that one or several members, not sufficient to form a quorum, may adjourn any meeting of the Council which may not have taken place for want of a quorum, and such members, though not forming a quorum, are hereby authorized to compel the attendance of absent members, at the regular or adjourned meetings, and as aforesaid, and such absent members shall incur such penalty as may be provided by any By-law of the said Town Council for that purpose.

Proviso : as to adjournments and penalties for non-attendance.

Mayor may call special meetings.

**24.** It shall be lawful for the Mayor of the said Town, whenever he shall deem it necessary or useful, to call special meetings of the said Council ; and whenever two members shall be desirous of obtaining such special meeting, they shall apply to the Mayor to call such meeting, and in the absence of the Mayor, or on his refusal to act, they may call such meeting themselves, on stating, in writing, to the Secretary-Treasurer of the said Council, their object in calling such special meeting, and the day on which they are desirous that it shall be held ; and the said Secretary-Treasurer shall, upon receipt of such written notification, call, in writing, a meeting of the said Council, by notice to each Councillor.

And in case of his absence or refusal.

**25.** If the election of all, or of one or more of the Council-  
 lers be contested, such contestation shall be decided by a  
 Judge of the Superior Court, sitting in the District of Quebec,  
 in term or vacation :

Decision of  
 contested elec-  
 tions by the  
 Superior  
 Court.

Every such election may be so contested by one or more of  
 the candidates, or at least ten of the electors of the said Town ;

Who may con-  
 test ;

The said contestation shall be brought before the Judge, by  
 a petition, signed by the petitioner or petitioners, or by any  
 Attorney duly authorized, setting forth in a clear manner the  
 grounds of such contestation ;

And how.

A true copy of the petition, with a notice, stating the day on  
 which the said petition will be presented to the Court, shall be  
 first duly served upon the Mayor, Councillor or Councillors,  
 whose election is contested, at least eight days before the day  
 on which the said petition shall be presented to the Court ; and  
 a return of the service shall be drawn up and signed in  
 due form upon the original of the said petition, by the bailiff  
 who shall have made such service ; but no such petition shall  
 be received after thirty days following the election thereby  
 contested ; nor shall any such petition be received, unless secu-  
 rity for costs be given by the petitioners, in the presence of a  
 Judge of the Superior Court ;

Form of pro-  
 ceedings.

Time for con-  
 testing limit-  
 ed.

If the Judge be of opinion that the grounds set forth in the  
 petition are sufficient in law to void the election, he shall order  
 proof to be adduced, if proof be necessary, and the parties  
 interested to be heard, on the nearest day which he shall deem  
 expedient, and shall proceed in a summary manner to hear  
 and decide the said contestation ; the evidence may be taken  
 down in writing, or given orally in whole or in part, as the  
 Judge shall order ;

If the Judge  
 thinks the  
 grounds al-  
 leged are suf-  
 ficient.

The Judge may, on such contestation, confirm the election,  
 or declare the same to be null and void, or declare another  
 person to have been duly elected, and may, in either case,  
 award costs to, or against either party, which costs shall be  
 taxed and recovered in the same manner, and by the same  
 means, as costs are taxed and recovered in actions of the first  
 class ; and the Judge may order his judgment to be served upon  
 the Secretary-Treasurer of the Council, at the expense of the  
 party condemned to payment of costs, as aforesaid ;

What the  
 judgment may  
 decide.

Costs.

If any defects or irregularity in the formalities prescribed for  
 the said election be set forth in any such petition, as a  
 ground of contestation, the Judge may admit or reject the same  
 according as such defect or irregularity may or may not have  
 materially affected the election.

With respect  
 to defects or  
 irregularities.

In case any annual municipal election shall not be held.

**26.** In case it shall at any time happen that an Annual Municipal Election shall not be held, for any reason whatever, on the day when, in pursuance of this Act, it ought to have been held, the said Town Council shall not for that cause be deemed to be dissolved, and it shall be the duty of such members of the said Council, as shall not have retired from office, to meet again for the purpose of fixing as early as possible a day for the holding of such Annual Municipal Election; and if, within fifteen days after the day on which such election ought to have been held, the members of the said Council shall have neglected to appoint a day for such election, they shall be liable to a fine of twenty dollars each, and such election shall then be held by the Registrar.

Power to Council to impose penalties and imprisonment.

**27.** The said Council shall have power to make a By-law to punish by imprisonment not exceeding fifteen days, or by a fine which shall not exceed, but may be less than forty dollars currency, any Councillor who may be guilty of serious disturbance or violence during its sittings, either by action, by word, or in any other manner whatsoever.

Meetings to be public.

**28.** All meetings of the said Council shall be public, excepting only when the said Council shall inquire into the conduct of any members of their own body for any cause whatsoever, in which case it shall be lawful for the said Council to sit with closed doors; And the said Council shall determine the mode of their proceedings; and shall have power to cause order to be observed by persons present during their sittings, and to punish, by fine and imprisonment, or by one of the two, any contempt committed by any such persons present; Provided always, that no such fine shall exceed the sum of twenty dollars currency, and that no such imprisonment shall exceed the period of fifteen days.

Certain other powers of Council.

Contempts.

Proviso.

Fines limited.

Duties of Sheriff and Gaoler.

**29.** The Sheriff and Gaoler of the District of Quebec shall be bound, and they are hereby authorized and required to receive and safely keep until duly discharged, all persons committed to their charge by the said Town Council, or any member or officer thereof under the authority thereof.

Mayor to preside at Council meetings, and to have casting vote, but neither he nor the Councillors to have any pay as such.

**30.** The Mayor of the said Town, if he is present, shall preside at the meetings of the Council, shall maintain order thereat, and shall have a right to express his opinion and to vote as a Councillor, on all questions which shall be brought before the said Council; Provided always, that when the said Councillors, after having voted on any question, shall be found to be equally divided, then, and in that case only, the Mayor shall decide the question by a second vote, giving his reasons for it, if he thinks proper; And the Councillors shall not receive any salary or emoluments from the funds of the town during the time they shall remain in office; Provided also, that whenever the Mayor shall not be present at any regular or special meeting

Proviso: if the Mayor be absent.

meeting of the said Town Council, the Councillors present shall choose one of their number to fill the place of the Mayor during the sitting.

**31.** The Council, at its first general meeting or at a special meeting, held within the fifteen days which shall follow the first day of such general meeting, shall appoint an officer who shall be called the "Secretary-Treasurer of the Town of Lévis." Secretary-Treasurer appointed.

**32.** The Secretary-Treasurer shall be the custodian of all the books, registers, valuation rolls, collection rolls, reports, *procès-verbaux*, plans, maps, records, documents and papers kept or filed in the office or archives of the Council; he shall attend all sessions, and shall enter, in a register kept for the purpose, all the proceedings of the Council, and he shall allow persons interested therein to inspect the same at all reasonable hours; and every copy or extract of or from any such book, register, valuation roll, collection roll, report, *procès-verbal*, plan, map, record, document or paper, certified by such Secretary-Treasurer, under the seal of the Corporation, shall be deemed authentic: Duties of Secretary-Treasurer.

Every person appointed Secretary-Treasurer shall, before acting as such, give the security hereinafter mentioned; Security to be given by him.

He shall furnish two sureties, whose names shall be approved by a resolution of the Council, before they shall be admitted as such; all such sureties shall be jointly and severally bound together with the Secretary-Treasurer, and their obligation shall extend to the payment of all sums of money for which the Secretary-Treasurer may, at any time, be accountable to the Corporation, including principal, interest and costs, as well as the penalties and damages to which he shall become liable in the exercise of his office; Sureties, and for what bound.

Every such security bond shall be made by an Act before a Notary, and accepted by the Mayor, and it shall be the duty of the Secretary-Treasurer to transmit to the Mayor a copy of the same; Security bond.

Every such security bond, when duly registered in the registry office for the County of Lévis, shall carry with it a hypothec (*hypothèque*) only on such immoveable property as shall have been therein designated; and it shall be the duty of the Chief Officer of the Council to cause it to be registered immediately on receipt thereof; To be registered: and its effects when registered.

The Secretary-Treasurer of the Council shall receive all moneys due and payable to the Corporation, and he shall pay out of such moneys all drafts or orders drawn upon him by any person thereunto authorized by this Act, for the payment of any sum to be expended or due by the Municipality, whenever thereunto The Secretary-Treasurer shall receive and pay out the moneys of the Corporation.

thereunto authorized by the Council, but no such draft or order shall be lawfully paid by the said Secretary-Treasurer, unless the same shall show sufficiently the use to be made of the sum mentioned in such draft or order, or the nature of the debt to be paid thereby ;

Shall keep the books.

The Secretary-Treasurer shall keep, in due form, books of account in which he shall respectively enter each item of receipt and expenditure, according to dates, mentioning, at the same time, the names of the persons who have paid any moneys into his hands or to whom he has made any payment respectively, and he shall keep in his office the vouchers for all expenditure ;

To render account of receipts and expenditure.

The Secretary-Treasurer shall render to the Council, every six months, that is to say, in the months of June and December in each year, or oftener if required by such Council, a detailed account of his receipts and expenditure, attested by him under oath ;

His books to be open to inspection.

The Secretary-Treasurer's books of account and vouchers shall, at all reasonable hours of the day, be open for inspection, as well to the Council as to each of the members thereof, and the Municipal Officers by them appointed ;

He may be sued in the name of the Corporation, for account or balance.

The Secretary-Treasurer, or any other person who shall have filled the said office, may be sued by the Mayor in the name of the Corporation, before any tribunal of competent jurisdiction, for having failed to render an account, and in any such action he may be condemned to pay damages and interest for having failed to render such account ; and if he renders an account, he shall be condemned to pay such balance as he shall acknowledge or declare to have in his hands, together with such other sums as he ought to have debited himself with, or as the Court shall think he ought to be held accountable for ; and every judgment pronounced in any such suit shall include interest at twelve per cent. on the amount thereof by way of damages, together with the costs of suit.

Power of Council to appoint officers.

**33.** The Council shall have power and authority to appoint such other officers as may be necessary for carrying into effect the provisions of this Act, or of any By-law or Regulation of such Council ;

Officers retiring—their duties.

Every Municipal Officer, whether elected or appointed, shall, within eight days from the day on which he shall cease to hold such office, deliver to his successor or to the Secretary-Treasurer, if he be then elected or appointed, or if not, then within eight days after the election or appointment of such successor, all moneys, keys, books, papers and insignia belonging to such office ;



If any such officer die or absent himself from the town without having delivered up all such moneys, keys, books, papers and insignia, it shall be the duty of his heirs or other legal representatives to deliver the same to his successor or to the Secretary-Treasurer within one month from his death, or from his departure from the town ;

Duty of heirs of deceased officers.

And in every such case the Corporation shall, besides all other legal remedies, have a right of action before any Court of Justice, either by *saisie-revendication*, or otherwise, to recover from such officer or from his legal representatives, or any other person in possession of the same, all such moneys, keys, books or insignia, together with costs and damages in favour of the Corporation ; and every judgment rendered in every such action may be enforced by *contrainte par corps* against the person condemned, whenever the said *contrainte* is demanded by the declaration.

Corporation to have right of action.

*Contrainte par corps*.

**34.** The said Town Council shall have power, whenever they may deem it advisable, to appoint assessors or valuers of property, and it shall be the duty of the said assessors to estimate the rateable property in the said town according to its real value, and in the manner and within the periods which shall be fixed by the said Town Council.

Assessors to be appointed: their duties.

**35.** Every person so appointed assessor shall be bound before proceeding to the valuation of any property in the said town, to take the following oath before the Mayor of the said town, or in his absence, before a Councillor, to wit:

Assessors to take oath.

“ I, \_\_\_\_\_, having been appointed one of the assessors of the Town of Lévis, do solemnly swear, that I will diligently and honestly discharge the duties of that office to the best of my judgment and ability : So help me God.”

The oath.

**36.** The assessors, who shall be appointed for the said town, shall be proprietors of real estate in the said town of the value of at least six hundred dollars.

Real property qualification of Assessors.

**37.** When the assessors shall have made a valuation of all the rateable property of the said town, they shall deposit the assessment roll with the Secretary-Treasurer of the said town, and notice of such deposit shall be given by the Secretary-Treasurer in the same manner as notice for an election of Councillors ; and at the next ensuing meeting of the said Council, the said assessment roll shall be produced, and, if they desire it, examined by the Councillors ; and the assessment roll shall be deposited in the office of the Secretary-Treasurer for the period of one month, dating from such meeting ; and during that period it shall remain open to the inspection of all persons whose property shall have been valued, or their representatives ; and within that period, persons considering themselves aggrieved may

Proceedings of Council upon deposit of Assessment Roll.

may give notice in writing to the Secretary-Treasurer of their intention to appeal to the said Town Council, complaining of any excessive valuation, and such appeal shall be tried by the said Council, at the first meeting which shall be held after the expiration of the month above mentioned; and the said Council, after having heard the parties and their witnesses under oath, which shall be administered by the Mayor or presiding Councillor, shall confirm or alter the valuation, the change whereof shall have been prayed for, as to them shall seem just; and at the same meeting the said assessment roll shall be declared closed for one year, unless, however, from the number of appeals, the council shall be compelled to adjourn, in which case the said assessment roll shall not be declared closed until all the appeals shall have been heard and determined; and provided also, that if any omission shall have been made in the said assessment roll, the said Council may order the assessors to value any property so omitted, in order to its being added to the roll.

Roll declared closed for one year.

Two Auditors of accounts to be appointed: and sworn.

**38.** At the first meeting after each Annual Municipal Election, two persons shall be appointed by the said Town Council, to be Auditors of the accounts of the said Town Council; and such Auditors shall take the following oath before any one of the Justices of the Peace, residing in the said Town, that is to say:

The oath.

"I, \_\_\_\_\_, having been appointed to the office of Auditor of the Town of Lévis, do hereby swear that I will faithfully perform the duties thereof, according to the best of my judgment and ability; and I do declare that I have not, directly or indirectly, any share or interest whatever in any contract or employment with, by or on behalf of the Town Council of the said Town of Lévis: So help me God."

Duty of Auditors.

**39.** It shall be the duty of the Auditors to examine and report upon all accounts which may be entered in the books of the said Council, or concerning them, and which may relate to any matter or thing under the control of, or within the jurisdiction of the said Town Council; and to publish a detailed statement of the receipts and expenditure, and of the revenues of the said Council, in two newspapers, one in the English and the other in the French language, published or circulated in the said Town, at least fifteen days before the Annual Municipal Elections.

Certain parties disqualified as Auditors.

**40.** Neither the Mayor, Councillors, Secretary-Treasurer, of the said Town, nor any person receiving any salary from the said Council, either for any duty performed under their authority, or on account of any contract whatsoever entered into with them, shall be capable of discharging the duties of Auditor for the said Town.

**41.** The Mayor of the said Town shall, during the period of his office, be a Justice of the Peace; Provided always, that he shall not be bound to take any other oath than his official one to qualify him to act as such; any law to the contrary notwithstanding.

Mayor to be Justice of the Peace.  
Proviso.

**42.** Every person holding the office of Councillor of the said Town, who shall be declared a bankrupt, or shall become insolvent, or who shall apply for the benefit of any of the laws made for the relief or protection of insolvent debtors, or who shall enter into holy orders, or become a minister of religion, in any religious denomination, or who shall be appointed a Judge, or who shall become responsible for the revenues of the Town, in whole or in part, or who shall absent himself from the said town without the permission of the said Council, for more than two consecutive months, shall, by virtue of any one of these causes, become disqualified, and his seat in the said Council shall become vacant, and such person shall be replaced in accordance with the provisions of this Act; Provided always, that the word "Judge" employed in any part of this Act, shall not apply to a Justice of the Peace, or Commissioner of Small Causes.

In what cases Councillors shall become disqualified.

Vacancy to be filled.  
Proviso.

**43.** It shall be lawful for the said Town Council, from time to time, to make such By-laws as may seem to them necessary or expedient, for the internal government of the Town, for the improvement of the place, for the maintenance of peace and good order, and for the good repair, cleansing and draining of the streets, public squares and vacant or unoccupied lots; for the prevention or suppression of all nuisances whatsoever, for the maintenance and preservation of the public health, and generally for all purposes connected with or affecting the internal management or government of the said Town.

Town Council may make By-laws for certain purposes.

**44.** It shall be lawful for the said Town Council to appoint, remove and replace, when they shall think proper, all such officers, constables and policemen, as they shall deem necessary for the due execution of the By-laws then in force, or to be by them enacted thereafter, and to require from all persons employed by them, in any quality whatsoever, such security as to them shall seem meet, to ensure the due execution of their duties.

May appoint and remove officers.

**45.** In order to raise the necessary funds to meet the expenses of the said Town Council, and to provide for the several necessary public improvements in the said Town, the said Town Council shall be authorized to levy annually on persons, and on moveable and immoveable property in the said Town, the taxes hereinafter designated, that is to say:

Council may levy taxes:

On all lands, town lots, and parts of town lots, whether there be buildings erected thereon or not, with all buildings and erections

Upon real property;

erections thereon, a sum not exceeding one-fourth of a cent in the dollar on their whole value, as entered on the Assessment Roll of the said Town :

**On tenants ;** On all tenants paying rent in the said Town, an annual sum equivalent to two cents in the dollar on the amount of their rent ;

**On certain personal property.** On the following moveable property, kept within the limits of the said Town, viz :

On every covered carriage, with four wheels and two seats, two dollars ;

Every open carriage, with four wheels and two seats, two dollars ;

Every curricule or light waggon, with one seat, fifty cents ;

Every two horse sleigh, one dollar ;

Every one horse sleigh, carirole and caleche, fifty cents ;

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

**Upon merchandize.** On all stocks in trade, or goods kept by merchants or traders, and exposed for sale on shelves in shops, or kept in store-houses, a tax of one-half of one per cent. on the estimated average value of such stocks in trade ;

**Poll tax on male inhabitants.** On each male inhabitant of the age of twenty-one years, who shall have resided in the said Town for six months, and not being a proprietor or tenant, nor an apprentice, nor a domestic servant, an annual sum of one dollar ;

**Dogs.** On every dog kept by persons residing in the said Town, an annual sum of fifty cents ; Provided always, that there shall be no tax paid for dogs kept by farmers on their farms ;

**On certain professions, trades, &c.** And it shall be lawful for the said Town Council to fix, by a By-law or By-laws, and to impose and levy certain annual duties or taxes on the proprietors or occupants of houses of public entertainment, taverns, coffee-houses, and eating-houses, and on retailers of spirituous liquors ; and on pedlars and itinerant traders selling in the said Town articles of commerce of any kind whatsoever ; and on all proprietors, possessors, agents, managers, and keepers of theatres, circuses, billiard-rooms, nine-pin alleys, or other places for games or amusements

of any kind whatsoever; and on all auctioneers, grocers, bakers, butchers, hawkers, carters, livery stable keepers, brewers and distillers; and on all merchants and manufacturers, and their agents; and on all proprietors or keepers of wood yards, or coal-yards, and slaughter-houses, in the said Town; and on all money changers or exchange brokers, pawn brokers, and their agents, and on all bankers and banks and their agents, and on all insurance companies or their agents; and generally on all commerce, manufactures, callings, arts, trades, and professions, which have been or which may be exercised in or introduced into the said Town, whether the same be or be not mentioned herein; and the workmen of all mechanical arts and trades exercised in the said Town, shall be divided into first and second classes, by the person appointed by the said Town Council to make the roll of moveable property, and shall be assessed at one dollar per annum for those of the first class, and at twenty-five cents for those of the second class; and every person in the said Town, practising the profession of a Lawyer, or of a Physician, or of a Land Surveyor, or of a Notary, or any other liberal profession, shall be assessed at the sum of three dollars annually; and the said Town Council may name a person or persons to make a roll of the persons and moveable property mentioned in the different parts of this section;

Auctioneers  
and other  
traders.

Bankers.

Insurance  
Companies.

All callings  
whatever.

Workmen to  
be taxed in  
classes.

Lawyers,  
Doctors, &c.

Roll to be  
made.

And the said Council shall also have the power to levy a special tax for streets, &c.

The Council shall be bound upon the petition of a majority of the Electors of any ward, appearing upon the assessment roll, praying for any amelioration or work within the said ward, to impose a special tax, not exceeding one cent in the dollar, in each year, on the annual assessed value of real property in such ward, for such amelioration or work; which tax may be levied and collected in the same manner as the other taxes of the said Town, and shall form a special fund in the hands of the Treasurer to be applied for the said amelioration or work.

46. The said Council shall also have power to make By-laws :

For determining and regulating the duties of the Clerks of the markets in the said Town, and all other persons they may deem proper to employ to superintend the said markets; and for letting the stalls and other places for selling upon and about the said market places; and for fixing and determining the duties to be paid by any persons selling on any of the said markets any provisions or produce whatever; and for regulating the conduct of all such persons in selling their goods; and to provide for the weighing or measuring, as the case may require, by the officers named for that purpose by the said Council,

Council may  
make By-laws  
with respect  
to—

Clerks of mar-  
kets and their  
duties.

Weighing and  
measuring.

Council, and on the payment of such fees as the said Council may think fit to impose on that behalf, on any thing or things sold or offered for sale on the said markets ;

Vehicles on markets.

For regulating and placing all vehicles in which any article shall be exposed for sale on the said markets ;

Sales in markets.

For preventing persons bringing provisions of any kind into the said Town, from selling or exposing them for sale in any other place than the markets of the said Town ;

For improving the beach roads.  
Powers of Trustees transferred to Corporation.

For macadamizing and improving the beach road, within the said Town, now or heretofore under the control of the Quebec South Shore Turnpike Road Trustees, which shall be, by virtue of this Act, transferred to and vested in the Corporation of the said Town with the same powers and duties as to the said beach road as are now vested in the said Trustees, except that the said Corporation shall not be liable for any debt contracted by the said Trustees, or by the Quebec North Shore Turnpike Road Trustees ;

Amending former By-laws.

For amending, modifying or repealing all By-laws made by the Municipal Councils who have had the management of the internal affairs of the said Town ;

Ferries to Quebec.

And the said Council of the Town of Lévis shall also have power to make such By-laws as they may deem expedient in relation to the ferry between the said Town of Lévis and the City of Quebec, and to impose penalties upon all persons or ferrymen refusing or neglecting to conform to such By-laws, and to regulate the manner and before whom the same shall be recovered, and such penalties shall belong to the said Town of Lévis, by and with the consent of the Mayor, Councillors, and Citizens of Quebec ; provided always, that the said Mayor, Councillors and Citizens only shall have the right to grant licenses to keep such ferry, which licenses shall not exceed a period of ten years, and the revenue from which licenses shall be equally divided between both Corporations ;

Powers of Corporation of Quebec :  
division of proceeds of licenses.

New streets, &c.

For determining and regulating the manner in which lots shall be divided off and new streets opened, and those now existing changed and re-opened ;

Market places.

For establishing one or more market places, of such extent and in such manner as they may think proper, subject, however, to the payment of all damages which may be sustained by individuals, by the establishment, enlargement or any alteration of such market places at the expense of their respective lands, and for obliging all persons to observe in the above matters the By-laws which the said Council shall hereafter deem useful to establish ;

For preventing obstructions of any nature whatsoever in streets ;

Obstructions.

For preventing the sale on the public highway of any wares or merchandize whatsoever ;

Sales in public highways.

For restraining and prohibiting the sale of any spirituous, vinous, alcoholic or intoxicating liquors, or for authorizing such sale, subject to such restrictions as they may deem expedient ;

Sale of intoxicating liquors.

For determining under what restrictions and conditions the Revenue Inspector of the district of Quebec shall grant Licenses to Merchants, Traders, Shop-keepers, Tavern-keepers and other persons to sell such liquors ;

Conditions for licenses.

For fixing the sum payable for every such License, provided that in any case it shall not be less than the sum which is now payable therefor, by virtue of the laws at present in force ;

Sum payable for licenses.

For regulating and governing all Shop-keepers, Tavern-keepers and other persons selling such liquors by retail, and in what places such liquors may be sold, in such manner as they may deem expedient to prevent drunkenness ;

Regulation of shop-keepers.

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

Sale of liquor to children, apprentices, &c.

For preventing the driving of vehicles at an immoderate pace in the said Town, or riding on horseback on the sidewalks of the said Town, or the barbarous or inhuman treatment of horses or other beasts, such as beating them excessively in order to oblige them to draw burdens of too great a weight ;

Cruelty to animals.

For regulating, fixing and determining the weight and quality of bread sold or offered for sale within the limits of the said Town ;

Bread.

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

Servants and apprentices.

To prevent the keeping of gaming-houses, places for gambling or any description of houses of ill-fame in the said Town ;

Gaming houses.

To establish as many public pounds as the said Council shall deem expedient to open for the impounding of animals of any species which may be running at large in the said town ;

Pounds.

For regulating, arming, lodging, clothing and paying a Police Force in the said Town, and for determining their duties ;

Police.

**Burials.**

To regulate and fix the places in which burials shall be allowed within the said Town, for compelling the exhuming of all bodies which shall be buried in contravention of this provision, provided always that this paragraph shall not be deemed to extend to prevent interments within the churches in the said Town;

**Enclosures.**

To compel the proprietors of all land and real property within the said Town, their agents or representatives, to enclose the same; and to regulate the height, description and material of every such enclosure, and to make footways, if the Council should think fit to do so;

**Draining and fencing of lands.**

To compel the proprietors or occupants of lots of land in the said Town to drain or raise such lands, so that the neighbours may not be incommoded nor the public health endangered thereby; and in the event of the proprietors of such lands being unknown, or having no representative or agent in the said Town, it shall be lawful for the said Council to order the said lands to be drained or raised, or to fence in and enclose them at their cost, if they are not already fenced in and enclosed; and the said Council shall have a like power if the proprietors or occupiers of such lands are too poor to drain, raise or fence in the same; and in every case the sum expended by the said Council in improving such lands, shall remain as a special hypothec on such land, subject to registration;

**Encroachments.**

To oblige all proprietors or occupants of houses in the said Town, to remove from the streets all encroachments or obstructions of any sort, such as steps, galleries, porches, posts or other articles whatsoever;

**Old and ruinous buildings.**

To cause to be pulled down, demolished and removed, when necessary, all old or dilapidated walls, chimneys and buildings of any description that may be in a state of ruin, and to cause to be removed from the streets all sheds, stables, and other out-buildings erected on the level of any street, and to determine the time and manner in which the same shall be pulled down, demolished or removed, and by whom the expense thereof shall be borne;

**Width of streets.**

For regulating the width of streets to be opened hereafter in the said Town; for regulating and altering the height or the level of any street or side-walk in the said Town; Provided that if any person shall suffer real damage by the widening, lengthening or altering the level of any street in the said Town, such damage shall be paid to such person, after having been assessed by arbitrators, if any of the parties shall require it;

**Water and gas.**

For defraying out of the funds of the said Town the expenses of furnishing the citizens with water, and of lighting the Town with Gas, or in any other manner, and for obliging the proprietors



proprietors of real property in the said town to allow the necessary works to be performed for such objects on their respective properties, and for obliging all proprietors to allow the necessary pipes, lamps and posts to be fixed upon their houses; Provided always, that in all such cases, the expense of all such pipes, lamps and other necessary works shall be defrayed by the said Council; And provided also, that the solidity of the buildings on and near to which they shall be so placed, shall be in no wise affected, and that any damage that may be caused shall be paid by the said Council;

Proviso.

Proviso.

For assessing the proprietors of all real property situate on any of the streets of the said town, for such sum as shall be deemed necessary for making or repairing any common sewer in any of the streets of the said Town, such assessment being in proportion to the assessed value of such property; and for regulating the mode in which such assessment shall be collected and paid.

Common  
sewers.

For assessing, at the request of the majority of the citizens residing in any of the streets or public squares of the said Town, all the citizens residing in such street or public square, in any sums necessary to meet the expense of sweeping, watering and keeping clean such street or public square, and for removing the snow from any such street, lane or public place, such assessment being in proportion to the assessed value of their property;

Sweeping and  
watering, &c.

To assess, over and above all other rates specially established by this Act, all the citizens of the said town, to meet the expenses of any indemnity which the said Council might be obliged to pay to persons in the said Town, whose houses or buildings of any description might be destroyed or damaged by any riot or tumultuous assembly; and if the said Council shall neglect or refuse, within six months after such destruction or damages caused to any property in the said Town, to pay a reasonable indemnity to be established by arbitrators, if one of the parties shall so desire, then the said Council shall be liable to be sued for such damage in any of the Courts of Justice of competent jurisdiction;

Damages from  
riots and tu-  
mults.

For establishing a Board of Health, and investing them with all the privileges, power and authority necessary for the fulfilment of the duties entrusted to them, or for acquiring every useful information on the progress or general effects of all contagious diseases, or for making such regulations as such Board of Health shall deem necessary for preserving the citizens of the Town from any contagious diseases, or for diminishing the effects or the danger thereof;

Board of  
Health.Contagious  
diseases.

For the better protection of the lives and property of the inhabitants of the said Town, and for more effectually preventing accidents by fire, the said Council may make By-laws for the following purposes, that is to say:

Prevention of  
accidents by  
fire.

For

- Chimneys.** For regulating the construction, dimensions, height and elevation of chimneys above the roofs, or even in certain cases above the neighbouring houses and buildings ;
- Fire engines.** For defraying out of the funds of the said Town any expenses that the Council shall deem necessary to incur for the purchase of fire engines or apparatus of any kind to be used at fires, or for taking such means as shall appear to them most effective for preventing accidents by fire, or arresting the progress of fires ;
- Thefts at fires.** For preventing thefts and depredations which may be committed at any fire in the said town, and for punishing any person who shall resist or maltreat any member or officer of the said Council, in the execution of any duty assigned to him by the said Council under the authority of this section ;
- Enquiring into causes of fire.** For establishing or authorizing and requiring to be established after each fire in the said town, a judicial enquiry into the cause and origin of such fire, for which purpose the said Council, or any Committee thereof, authorized to the effect aforesaid, may summon and compel the attendance of witnesses and examine them on oath, which oath shall be administered to them by any of the Members of the said Council or of such Committee ;
- Sweeping of chimneys.** For regulating the manner in which and the periods of the year when chimneys shall be swept, and for granting licenses to such numbers of chimney-sweeps as the said Council shall think proper to employ, and for obliging all proprietors, tenants or occupants of houses in the said Town to allow their chimneys to be swept by such licensed chimney sweeps ; and for fixing the rates to be paid for sweeping chimneys, either to the Council or such licensed chimney sweeps ; and for imposing a penalty of not less than one dollar nor more than five dollars on all persons who shall refuse to allow them to be swept, and whenever any chimney shall be common to several houses, or be used by several families in the same house, the above penalty shall be paid by the proprietor or occupant of each house or part of house ;
- Ashes and quick lime.** For regulating the manner in which ashes or quick lime shall be kept in the said Town, and for preventing the inhabitants of the said Town from carrying fire in the streets without necessary precaution,—from making a fire in any street,—from going from their houses to their yards and out buildings and entering therein with lighted candles not enclosed in lanterns ; and generally for making such regulations as they may deem necessary for preventing or diminishing accidents by fire ;
- Conduct at fires.** For regulating the conduct of all persons present at any fire in the said Town ; and for obliging all the inhabitants of the said Town to keep at all times upon and in their houses, ladders, in order the more easily to arrest the progress of fires ;

For defraying, out of the funds of the said Town, any expenses which the said Council shall deem expedient to incur, in aiding or assisting any person in their employ, who shall have received any wound or contracted any severe disease at any fire in the said Town; or in assisting or providing for the family of any person in their employ who shall perish at any fire; or in bestowing rewards in money or otherwise upon persons who shall have been particularly useful or zealous at any fire in the said Town;

Persons wounded at fires.

For vesting in such members of the Council or in the fire Inspectors, or either of them, to be designated in such By-laws, the power of ordering to be demolished during any fire, any houses, buildings, outhouses or fences which might serve as fuel to the fire, and endanger the other property of the inhabitants of the said Town;

Demolition of buildings in certain cases.

For appointing all such officers as the said Council shall deem necessary for carrying into execution the By-laws to be passed by them in relation to accidents by fire; for prescribing their duties and powers, and providing for their remuneration, if they think fit, out of the funds of the said Town;

Appointment of officers.

For authorizing such officers, as the Council shall think fit to appoint for that purpose, to visit and examine at suitable times and hours, both the inside and the outside of all houses and buildings of any description within the said Town, for the purpose of ascertaining whether the rules and regulations passed by the said Council, under the authority of this section, are regularly observed, and for obliging all proprietors, possessors or occupants of houses in the said Town, to admit such Officers for the purposes aforesaid;

Authorizing officers to visit and inspect buildings, &c.

For regulating the rate of charges to be paid to carters and to license and number the same.

Carters.

**47.** The Secretary-Treasurer, when he shall have completed his collection roll, shall proceed to collect the rates therein mentioned, and for that purpose shall give or cause public notice to be given on the following or a subsequent Sunday, that the collection roll is completed and deposited in his office, and that all persons therein mentioned, liable to the payment of assessments, are required by him to pay the amount thereof at his office, within the twenty days which follow the publication of the said notice;

Duty of Secretary-treasurer upon completion of collection-roll.

If, at the expiration of the said twenty days, there shall be any arrears of assessment, the Secretary-Treasurer shall leave at the ordinary place of residence or domicile of each person so in arrears, or serve on each person in arrears, personally, a statement of the total amount of assessments due by such persons in arrears, and at the same time, and by a notice annexed to the said

Duty with respect to arrears.

said statement, he shall demand the payment of the assessments therein mentioned, together with the expenses of the serving of the notice, according to such tariff as the Council shall have decided upon ;

Proceedings  
in case of ne-  
glecting to  
pay.

If any person neglect to pay the amount of assessments imposed upon him for a period of fifteen days, after he shall have been requested to do so as aforesaid, the Secretary-Treasurer shall levy the said assessments with costs, by a warrant under the hand of the Mayor, authorizing the seizure and sale of the goods and chattels of the person bound to pay the same, or of all the goods and chattels in his possession, wherever they shall be found within the limits of the said Town, addressed to one of the sworn bailiffs for the district of Quebec, of the Superior Court for Lower Canada, who is hereby authorized to seize and sell the said goods and chattels in the ordinary manner ; and no claim founded on a right of ownership or privilege upon the same shall prevent the sale or the payment of the assessments and expenses out of the proceeds of such sale.

Claims of  
ownership, &c.,  
of property  
seized, not al-  
lowed.

Case of absent-  
tee proprietor  
of vacant prop-  
erty provided

48. In all cases where the persons, who shall be rated in respect of any vacant ground or other real property within the Town, shall not reside within the said Town, and the rates and assessments payable in respect of such vacant ground or property shall remain due and unpaid for the space of six years, then it shall be lawful for the said Town Council, after having obtained a judgment before any Court of civil jurisdiction, to sell and dispose of such property, or so much thereof as shall be judged sufficient for the payment of the sum due, with costs, by a judicial sale ; Provided, always, that all owners of property, sold under the authority of this section, shall be allowed to resume possession of the same, within the space of one year next after the date of such sale, on paying to the purchaser the full amount of the purchase money, with legal interest thereon, and any necessary outlay which may have been made on the said property by order of the said Council in virtue of this Act, on condition, however, that the said purchaser shall have kept the said property in the same state and condition in which it was at the time of the purchase, and shall not have damaged it or allowed it to deteriorate ; together with the costs attendant upon such sale, and ten per centum besides interest both on the amount of the purchase money and of the said outlay ; and provided also, that if after such sale of property belonging to persons residing out of the Town, any surplus shall remain over and above the sum due to the said Council, for assessment and costs, the Sheriff shall pay over such surplus to the Town Council, to whatever sum the same may amount, and the said surplus shall be deposited in the funds of the said Town, as a loan, at the rate of six per cent until called for and claimed by the party to whom it shall belong, to whom the same shall be paid.

Proviso : one  
year allowed  
for redemp-  
tion.

Proviso : as to  
surplus pro-  
ceeds of sale.

**49.** If any person shall transgress any By-law made by the said Town Council under the authority of this Act, such person shall, for every such offence, forfeit the sum specified in any such By-law, with the costs to be allowed by the Justice of the Peace, who shall try such offences in accordance with the tariff then in force for the fees of the officers of the said Justices of the Peace, and to be levied on the goods and chattels of the offender, and in default of such goods and chattels, the offender shall be liable to be committed to the Common Gaol of the District, for a term not exceeding one month, but which may be less in the discretion of the Court; and no person shall be deemed an incompetent witness upon any information under this Act, by reason of his being a resident of the said Town of Lévis; Provided, always, that the information and complaint for any breach of any order or regulation of the said Town Council shall be made within one month next after the time of the offence committed; and provided also, that no fine or penalty shall be inflicted for any such offence, which shall be less than one dollar, nor more than twenty dollars, and that no imprisonment for any such offence shall, in any case, be more than one calendar month, and the costs of transport in effecting such imprisonment shall be borne by the said Town Council, and the said Council shall also have power to punish by forfeiture of their goods, articles and provisions, all persons exposing them for sale on the Markets, or in the streets of the said Town, and infringing at the same time the By-laws of the said Council as regards the weight and quality of such goods, articles and provisions.

Penalties for  
infraction of  
By-laws.

Proviso

Proviso.

**50.** All the debts hereafter due to the said Town Council for all taxes or assessments imposed on moveable or immoveable property in the said Town, shall, by virtue of this Act, be privileged debts, and shall be paid in preference to all other debts, and the said Town Council shall, in all cases of distribution of moneys, be collocated in preference to all other creditors; Provided, always, that this privilege shall only apply to assessments due for one year and no longer; and provided also, that this privilege shall have its full and complete effect without its being necessary to have recourse to registration.

Taxes and  
assessments  
shall be privi-  
leged debts.

Proviso.

Proviso.

**51.** All the fines and penalties recovered under the provisions of this Act, shall be paid into the hands of the Treasurer of the said Town Council, and the proceeds of all licenses for the sale of spirituous liquors, and of all other licenses granted under this Act, shall form part of the public funds of the said Town; any law to the contrary notwithstanding.

To whom pe-  
nalties, &c.,  
shall be paid.

**52.** Before any By-law of the said Town Council shall have force or be binding, such By-law shall be published in the French language and the English language, in one or more newspapers published in the said Town, and in default thereof, in the District of Quebec, and copies of such newspapers containing

By-laws, &c.,  
to be publish-  
ed.

containing any such By-laws shall be *prima facie* evidence of such publication to all intents and purposes whatsoever.

Council may  
effect loans.

**53.** It shall be lawful for the said Town Council, from time to time, to borrow divers sums of money for effecting improvements in the said Town for the purpose of building one or more market houses, or for draining the streets, or for furnishing the said Town with water, and generally for such purposes as the said Council shall deem useful or necessary.

Members of  
Council may  
order arrest  
of disorderly  
persons.

**54.** It shall be lawful for any one of the members of the said Town Council, individually, to order the immediate apprehension of any drunken or disorderly or riotous person whom he shall find disturbing the public peace within the said Town, and to confine him in some place of confinement, in order that such person may be secured until he can be brought before the Mayor or a Justice of the Peace, to be dealt with according to law.

Powers of  
constables in  
certain cases.

**55.** It shall be lawful for any constable, while on duty, to apprehend and arrest all persons whom he shall find disturbing the public peace within the limits of the said Town, and also every person who shall be found sleeping in any field, vacant lot, highway, yard, or other place, or shall be found loitering or idling in any such place, and shall not give satisfactory reasons for his conduct; and every such constable shall deliver such person into the custody of the constable who shall have the charge of the prison, or any other place of detention of the said Town, in order to the safe keeping of the said person, until he shall be brought before the Mayor or other Magistrate, to be dealt with according to law.

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

**56.** Every person who shall assault, beat, or forcibly resist any constable or peace officer appointed by virtue of this Act, and engaged in the execution of his duty, or who shall aid or excite any other person to assault, beat or forcibly resist such officer or constable, shall, upon conviction thereof, before the Mayor or a Justice of the Peace, be liable to a fine of from four to forty dollars currency, or to imprisonment, not exceeding two calendar months, notwithstanding any provisions of this Act to the contrary; Provided always, that it shall be lawful for the said Council, or any other officer, if the offence be serious, to proceed by indictment against any such offender, but nevertheless only one proceeding at law shall be adopted.

Proviso.

Properties ex-  
empt from  
taxation.

**57.** The following property shall be exempt from taxation in the Town of Lévis :

1. All lands and property belonging to Her Majesty, Her Heirs and Successors, held by any public body, officer or person in trust for the service of Her Majesty, Her Heirs and Successors ;

- 2. All provincial property and building ;
- 3. Every place of public worship, presbytery and its dependencies, and every burying-ground ;
- 4. Every public school-house, and the ground on which the same is constructed ;
- 5. Every educational establishment, and the ground on which the same is constructed ;
- 6. All buildings, grounds and property occupied or possessed by hospitals or charitable or educational establishments ;

7. Every Court House and District Gaol, and the grounds attached thereto ; Provided always, that this exemption shall not extend to lots or to other buildings built upon lots leased or occupied by tenants under the Government in the said Town ; but such lands belonging to the Government or to the Ordnance Department occupied by tenants, shall be valued and assessed in like manner as other real property in the said Town ; and such rates or assessment shall be paid by the said tenants or occupiers thereof.

Proviso : exemption not to extend to Crown property leased to private parties.

58. From and after the passing of this Act, the said Town Council shall alone be authorized to grant and deliver certificates for obtaining Tavern Licenses, any law, usage or custom to the contrary notwithstanding ; and such certificates shall be signed by the Mayor and the Secretary-Treasurer of the said Council.

Certificates for Tavern licenses to be granted by Council only.

59. If any action or suit shall be brought against any person for the recovery of any penalty imposed by this Act, or in virtue thereof, such action or suit shall be brought within four calendar months next after the fact committed, and not afterwards.

Limitation of actions for things done under this Act.

60. It shall be lawful for the said Town Council to order the Inspector of the said Town to notify any parties who shall have made, or shall hereafter make encroachments upon the streets or public squares of the said Town, by means of houses, fences, buildings or obstructions of any kind, to cause the removal of such encroachments or obstructions by giving to such person a reasonable delay for the purpose, which delay shall be specified by the said Town Inspector, in giving his notice ; and if such persons shall not have removed such encroachments or obstructions, within the delay specified, the Council may order the said Inspector to remove such encroachments or obstructions, taking with him the assistance necessary for that purpose ; and the said Council may allow to the said Inspector his reasonable expenses, and recover the same before any Court having competent jurisdiction, from any person making such encroachment or obstruction.

Encroachments on public streets or squares.

Penalty for granting false receipts for rent in order to lessen taxes.

**61.** From and after the passing of this Act, every proprietor or agent who shall wilfully grant a certificate or receipt, setting forth a less sum than the rent really paid or payable for the premises therein mentioned or referred to, and every tenant who shall present to the assessors of the said Town, such a receipt or certificate, falsely representing the value of the rent paid by such tenant, in order to procure a diminution or abatement of his assessment, or who shall directly or indirectly deceive the said assessors as to the amount of such rent, shall be liable, on conviction thereof, before the Mayor or a Justice of the Peace, to a penalty of twenty dollars currency, or less, according to the judgment of such Mayor or Justice of the Peace.

Council may prevent re-erection of buildings in certain cases.

**62.** It shall be lawful for the said Council, whenever any house shall encroach upon any of the streets or public squares of the said Town, to prevent the proprietor of such house from re-building on the site occupied by the demolished house, and it shall be lawful for the Council to purchase any part of such lot encroaching upon any street, or to require the proprietor of such land to dispossess himself thereof, in consideration of an indemnity therefor, and such indemnity shall be fixed by arbitrators appointed respectively by the said Council, and by the party they are desirous of dispossessing; and the said arbitrators, in case of difference of opinion, shall appoint a third; and the said arbitrators, after having been sworn by a Justice of the Peace, shall take cognizance of the matter in dispute, and after visiting the place in question, shall decide upon the amount of indemnity to be granted to such proprietor; and the said arbitrators shall be authorized to decide which of the parties shall pay the costs of arbitration.

Council may acquire lands for certain purposes.

**63.** The said Council shall have full power to purchase and acquire, out of the revenues of the said Town, all such lots, lands and real property whatsoever within the said Town, as they shall deem necessary for the opening or enlargement of any street, public square or market-place, or the erection of any public building, or generally for any object of public utility of a municipal nature.

Arbitration in cases of disagreement as to the value of property taken for Town purposes.

**64.** When the proprietor of a lot which the said Council shall be desirous of purchasing, for any object of public utility of a municipal nature, shall refuse to sell the same by private agreement, and shall refuse to appoint an arbitrator to value the same, or in case such proprietor shall be absent from the Province, or in case such lot of land shall belong to infants, issue unborn, lunatics or idiots, the said Council may apply to the Circuit Court sitting in and for the district of Quebec, or to any other Court for the appointment of an arbitrator by the said Court, to make, conjointly with the arbitrator appointed by the said Council, a valuation of such lot, with power to the said arbitrators, in case of a difference of opinion, to appoint a third; and when the said arbitrators shall have made their report to the



the said Council, at a regular meeting thereof, it shall be lawful for the said Council to acquire such lot on depositing the price at which it shall have been valued by the said arbitrators, in the hands of the Prothonotary of the Superior Court, in and for the district of Quebec, for the use of the person entitled thereto; and if no person entitled to such indemnity shall appear within six months after such amount shall have been deposited in the hands of such Prothonotary, to claim the sum so deposited, it shall then be lawful for the said Prothonotary, and he is hereby required to remit such sum to the Secretary-Treasurer of the said Council, to be deposited by him with the moneys of the said Town, and such sum shall bear interest at the rate of six per centum; and both the capital and the interest accruing thereon shall be payable by the said Council to any person entitled to receive the same, within three months after a formal notification to the Mayor and to the Secretary-Treasurer of the said Town to pay the same; Provided always, that it shall be lawful, for any party who deems himself injured by the award of such arbitrators to appeal from such award to the Superior Court at Quebec, and upon a summary petition the said Court may settle the value of such lot of land by a special jury to be struck, summoned and empaneled as such juries now are by law and the practice of the said Court, and thereupon render such judgment as to law and justice shall appertain.

**65.** Every person who, being elected or appointed to any of the offices mentioned in the following list, shall refuse or neglect to accept such office, or to perform the duties of such office, during any portion of the period for which he shall have been so elected or appointed, shall incur the penalty mentioned in such list opposite the name or designation of such office, that is to say :

The office of Mayor, thirty dollars currency ;

Mayor.

The office of Councillor, twenty dollars currency ;

Councillor.

Whenever the valuator neglect to make the valuation which they are required to make under this Act, or neglect to draw up, sign and deliver the valuation roll containing such valuation to the Secretary-Treasurer of the Council, within two months from the date of their appointment, every such valuator shall incur a penalty of two dollars currency for each day, which shall elapse between the expiration of the said period of two months, and the day upon which such valuation roll shall be so delivered, or upon which their successors in office shall be appointed ;

On Valuator's neglecting their duties.

Every member of Council, every officer appointed by such Council, every Justice of the Peace and every other person who shall refuse or neglect to do any act, or perform any duty

Penalties for refusing to perform duties of office.

duty required of, or imposed upon him by this Act, shall incur a penalty not exceeding twenty dollars, and not less than four dollars currency;

For voting without qualification.

Every person who shall vote at any election of Councillors without having, at the time of giving his vote at such election, the qualification by law required to entitle him to vote at such election, shall thereby incur a penalty not less than twenty dollars :

On Inspectors of roads for neglect of duty.

Every inspector or officer of roads who shall refuse or neglect to perform any duty assigned to him by this Act, or by the By-laws of the Council, shall, for each day on which such offence shall be committed or shall continue, incur a penalty of one dollar currency, unless some other and heavier penalty be by law imposed on him for such offence ;

Penalties for hindering officers in the performance of their duties.

Every person who shall hinder or prevent, or attempt to hinder or prevent, any officer of the Council in the exercise of any of the powers or in the performance of any of the duties conferred or imposed upon him by this Act, or by any By-law or order of the said Council, shall incur a penalty of twenty dollars currency for every such offence, over and above any damages which he may be liable to pay ;

Persons defacing notices, &c.

Every person who shall wilfully and maliciously tear down, injure or deface any advertisement, notice or other document, required by this Act or by any By-law or order of the said Council to be posted up at any public place, for the information of persons interested, shall incur a penalty of eight dollars for every such offence.

Penalties, how to be recovered.

**66.** All the penalties imposed by this Act, or by any By-law made by the Council, may be recovered before the Circuit Court for the district of Quebec, or before any Justice of the Peace residing in the said Town ; all penalties and fines incurred by the same person may be included in the same action, and in any such action the party failing shall be condemned with costs of suit, in accordance with the tariff of such Court.

Property of former Municipalities transferred to Lévis.

**67.** All moneys, debts, privileges, actions, assessments, rights and claims which belong either to the County Council of the County of Lévis, or to the Municipal Council of the Parish of Notre-Dame de la Victoire, shall become and be the moneys, debts, privileges, actions, assessments, rights and claims of the Corporation of the Town of Lévis in so far as they shall affect the property included within the limits of the said Town, but no further.

Corporation to have right

**68.** The said Corporation of the Town of Lévis shall have a right of action before any Court of Justice in the District

District of Quebec, sitting at Quebec, for the recovery of the moneys, debts, privileges, actions assessments, of whatsoever nature they may be, and of all rights and claims above mentioned.

so sue at Quebec.

**69.** The Council shall have power to make By-laws for the opening, construction, maintenance, at all seasons of the year, and for the straightening of the streets, roads, bridges, causeways, ditches, wharves, and of all public works whatsoever, under their control, within the limits of the said Town; the ground used for streets and roads shall be the property of the Municipality.

By-laws concerning roads, &c.

Ground for streets.

**70.** The Council, at any one of its sittings, shall divide the area of the said Town into Inspectors' Wards, and shall subdivide the said Wards into Sections, and appoint such number of Inspectors as they may think proper in each Ward.

Division into Inspectors, Wards.

**71.** Besides the duties that may be imposed on them by the Council, the Inspectors shall be bound, each one in his own Ward, to superintend, at all seasons of the year, the works in and about the roads, bridges, causeways, fences and ditches, under the control of the said Council, whether the said works are being executed for the first time or being repaired only.

Additional duties of Inspectors.

**72.** Every Inspector, in his district, shall have power and it shall be his duty to cause to be removed every description of public nuisance, existing either in the roads or elsewhere, and it shall be the duty of each Inspector to execute or cause to be executed, punctually, all orders relating to the said works, given to him by the Inspector of the Ward.

Inspectors to cause nuisances to be removed.

**73.** Any person who is bound, either in virtue of a *procès-verbal*, or in virtue of this Act, or of any By-law of the Council, to the maintenance, repairing, or construction of any roads, bridges, ditches or fences, within the limits of the said Town, who, after having been required by the Inspector of the Ward, shall refuse or neglect to perform labor on and about the said roads, bridges, ditches, and fences, and to do any other work that may be required of him, as aforesaid, shall be subject to a fine of two dollars for each offence, and the said fine shall be recoverable before any Justice of the Peace of the said Town, in accordance with the usages and ordinary practice in such proceedings, or before the Circuit Court for the District of Quebec.

Penalty on persons bound to road work and refusing to perform it.

**74.** Whenever works which ought to have been done, or materials which ought to have been furnished on or for any road, bridge or street, on account of any lot, or by any person whomsoever, have not been done or furnished, after the proprietors of the lot or the said person have been notified to that effect

Inspector may perform road work in default of person bound to do it.

effect by the Inspector, the Inspector may himself do the work, or furnish the materials, and recover the value of the said work done or materials furnished by an action in the Circuit Court for the District of Quebec, together with the sum of two dollars as a penalty and costs.

By whom front roads shall be made.

**75.** If there be no valid *procès-verbal*, By-law or order to the contrary, then the front road of each lot shall be made, repaired and maintained by the proprietor, tenant or occupant.

Present *Procès-verbaux*, &c., to remain in force until altered.

**76.** Any *procès-verbal*, By-law, or order relating to any road, bridge, street or ditch, in force when this Act takes effect, shall continue in force until amended or repealed by the said Council by a *procès-verbal* or By-law, which the said Council is hereby authorized to make, observing all the enactments and formalities which the said Council shall deem it expedient to prescribe.

Public Act.

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

## C A P . L X X I .

An Act to incorporate the Village of Victoriaville, in the County of Arthabaska, and for other purposes.

[Assented to 18th May, 1861.]

Preamble

**W**HEREAS the parish of St. Christophe d'Arthabaska, in the County of Arthabaska, is so divided into two parts by the Village of Arthabaskaville,—and the Village at the Station of the Grand Trunk Railway, situate in the smaller of such parts of the said parish, has of late so augmented, and by reason of the construction of the Three Rivers and Arthabaska Branch Railway, promises to be so further augmented,—and the Roads and Bridges in such part of the said parish are at once so important and so disconnected from those of the other part of the said parish,—as to make it expedient that the part of the said parish lying to the north-west of the said Village of Arthabaskaville, and wherein the said Station is situate, should be separated from the remainder of the said Parish, as a Village Municipality; and whereas the Act passed in the twenty-third year of Her Majesty's Reign, intituled: *An Act for incorporating the Village of Victoriaville, in the County of Arthabaska*, failed of effect by reason of the adverse vote of a small majority, at the meeting held in virtue thereof; And whereas the election held in the year one thousand eight hundred and sixty, for choice of a Local Council for the said parish, was so irregularly conducted that the seats of two of the Councillors thereat chosen have since been declared vacant on account of such irregularities, by judgment of the Superior Court, and the remaining Councillors have since refrained from acting

acting, although not legally ousted of office by such judgment ; and whereas the inhabitants of the said Parish have, by petition, prayed for the passing of an Act to incorporate the said Village, and also to enable the remainder of the said Parish duly and regularly to elect a Local Council therefor ; and whereas it is expedient to grant such prayer : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. From and after the day on which the election firstly hereinafter provided for shall have taken place, all that part of the Parish of St. Christophe d'Arthabaska, in the County of Arthabaska, lying to the north-west of a line drawn across the said Parish between the sixth and seventh lots of the several ranges of the Township of Arthabaska, comprised in the said Parish, shall, for all purposes of this Act only, be detached from the Parish of St. Christophe d'Arthabaska ; and the inhabitants thereof shall be, and they are hereby constituted, a Corporation or Body Politic, under the name of "The Corporation of the Village of Victoriaville," for all Municipal purposes, to all intents as if the erection of such Village had on such day taken place in ordinary course under the provisions of the "Lower Canada Consolidated Municipal Act."

Village of  
Victoriaville  
incorporated.  
Boundaries.

2. It shall be the duty of the Senior Justice of the Peace residing within the said Parish, or, in his default, then of any other such Justice of the Peace, as soon as may be after the passing of this Act, to appoint a place within the said future Village, and a day and hour within the three weeks next following the issue of his notice to that end, for the holding of the first election of a Municipal Council for the said Village, and to give due public notice thereof in manner and form as by law notice is required to be given for a Municipal election held in ordinary course, and to preside thereat, with all the powers and duties by the said Lower Canada Consolidated Municipal Act assigned to the person presiding at any such election.

Meeting for  
first election of  
Councillors.

3. In case of the absence from the meeting, so to be called, of the Justice of the Peace who called the same, any other Justice of the Peace there present, or in default of a Justice of the Peace, any person chosen from among themselves by a majority of the electors present, shall preside thereat, with all the powers and duties aforesaid ; and the meeting may be adjourned from day to day, until such election shall have been duly made.

Election of  
Councillors.  
Who shall  
preside.

4. It shall further be the duty of such senior Justice of the Peace, or in his default, then of any such other resident Justice of the Peace, so soon as may be after the passing of this Act, in like manner to appoint a place within the said Parish, and a day and hour within the three weeks next following the issue of his notice to that end, for the holding of an election of a

Meeting for  
election of  
Councillors  
for the re-  
mainder of  
the parish.

Municipal Council for the said Parish, and to give due public notice thereof in manner and form as by law notice is required to be given for a Municipal election held in ordinary course, and to preside thereat, with all the powers and duties by the said Lower Canada Consolidated Municipal Act assigned to the person presiding at any such election.

Election of  
such parish  
Councillors.  
Who shall  
preside.

5. In case of the absence from such meeting of the Justice of the Peace who called the same, any other Justice of the Peace there present, or in default of a Justice of the Peace, any person chosen among themselves by a majority of the electors present, shall preside thereat, with all the powers and duties aforesaid; and such meeting may be adjourned from day to day, until such election shall have been duly made.

Parish Coun-  
cil consti-  
tuted.

6. On and from the day of the due making of such election for the said Parish, the Local Councillors thereat elected shall become and be such Councillors, to all intents as though the seats of all the Councillors elected in the year one thousand eight hundred and sixty, for the said Parish, had been declared vacant by due judgment in the last resort of a Court of Law, and as though such new election had been duly ordered and made in terms of such judgment.

Act not to af-  
fect liability  
for debts, &c.

7. Nothing in this Act contained, or which may be authorized by or done under this Act, shall in any wise discharge any lands within the Village hereby constituted, or any person, from any liability presently attaching to them under the said Lower Canada Consolidated Municipal Act, whether by reason of any assessment or penalty, or other matter whatsoever.

Public Act.

8. This Act shall be deemed a Public Act.

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

An Act to alter the limits of the Village of Acton Vale, in the County of Bagot.

[Assented to 18th May, 1861.]

Preamble.

WHEREAS the Mayor and Councillors, and the resident proprietors generally, of the Village of Acton Vale, in the County of Bagot, by petition, have set forth that by the Proclamation under date of the third day of August last, whereby the said Village was constituted an Incorporated Village, under the Lower Canada Consolidated Municipal Act, the limits thereof were so laid down as to comprise only lots numbers thirty-three and thirty-four, and the west half of lot number thirty-two, in the fourth Range of the Township of Acton, to the exclusion of lots numbers thirty-two, thirty-three and thirty-four, in the third Range of the said Township, whereon, however, the extensive mining operations upon which

which the said Village mainly depends, are carried on; that, in fact, the said Village, and the houses, and mining buildings on the said last mentioned lots, are already in close connexion, and a very large and important part of the Village must be permanently situate on the said last mentioned lots and beyond such existing limits of the Village as now incorporated, and that all the interested parties are desirous so to extend the said limits as to bring the said lots within them; and whereas it is expedient to grant their prayer for such alteration of the said limits: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. From and after the passing of this Act, the lots numbered thirty-two, thirty-three and thirty-four, in the third range of the Township of Acton, shall be and remain attached to, and shall form part of, the said Incorporated Village of Acton Vale, for all purposes of the Lower Canada Consolidated Municipal Act, and as though the same had been originally comprised within the limits thereof, laid down by the said Proclamation of the third day of August last.

Limits of the Village extended.

2. This Act shall in no wise discharge any land within the tract hereby attached to the said Village, or any person, from liability for any assessment legally imposed under the said Lower Canada Consolidated Municipal Act, before the passing hereof, or by reason of the balance of indebtedness heretofore incurred and presently subsisting of the Township of Acton, after deduction of any portion thereof for which the Village of Acton Vale, as heretofore bounded, may be liable.

Act not to affect the liability of any land for Township debts.

3. The Local Council of the Township of Acton, and the several proprietors of land within the said tract by mutual agreement, may ascertain and fix the total amount for which the land of each such proprietor is so liable as aforesaid, and thereupon such proprietor, by payment of such amount to the Secretary-Treasurer of the Township, may wholly and for ever liberate such his land from such liability.

Township Council may agree on sum to be paid by each proprietor in full.

4. In default of such agreement the total amount of the liability of the said tract, by reason of the said balance of indebtedness of the Township, shall be taken and shall stand as fixed by the respective values set thereon, and on the entire remainder of the Township of Acton, by the Township Assessment Roll presently in force, and until redeemed shall be subdivided from time to time as may be requisite, between the several properties forming the said tract, according to the Assessment Rolls of the Village of Acton Vale, from time to time in force; and each proprietor may at any time wholly and for ever liberate his property therefrom, by payment to the Secretary-Treasurer of the Township of the amount so chargeable on his property or of any balance thereof remaining due.

How such liability shall be settled in default of agreement.

Power of Township Council to levy taxes on paying such debt.

5. Until such time as the said present indebtedness of the Township shall be discharged, the Local Council thereof may impose and levy on all lands forming part of the said tract and not liberated under one or other of the two preceding sections, taxes towards the defraying of such present indebtedness, equivalent to those imposed and levied to the same end on the other lands of the Township, following always the rules of apportionment laid down in the last preceding section; and all taxes so imposed may be levied in the same manner to all intents as though the properties in question had not been hereby annexed to the Village.

Township Council to be furnished with assessment-roll of Village.

6. For the carrying of the foregoing provisions into effect the Secretary-Treasurer of the Village shall be bound from time to time, until the liberation of all the properties in the said tract shall have been effected, to deliver over to the Secretary-Treasurer of the Township, on demand, a copy duly certified of so much of the Assessment Roll of the Village for the time in force, as may relate to the properties forming the said tract.

Public Act.

7. This Act shall be deemed a Public Act.

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

An Act to divide the Municipality of St. Gabriel de Valcartier into two separate Municipalities.

[Assented to 18th May, 1861.]

Preamble.

WHEREAS certain of the inhabitants of the Municipality of St. Gabriel de Valcartier, in the county of Quebec, have, by their petition, represented that those resident in that part of the said Municipality, which is situate on the north-west side of the river Jacques Cartier, suffer serious inconveniencies, and that the Municipal Law cannot be effectually carried out, by reason of the great superficial extent of the said Municipality of St. Gabriel de Valcartier, and the fact of the whole being under the control of one local Council, and have prayed that an Act may be passed to divide the same into two separate Municipalities, for all Municipal purposes, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Municipality of St. Gabriel West constituted.

1. Upon, from and after the first day of January next, all that part of the Municipality of St. Gabriel de Valcartier, in the county of Quebec, which is situate to the north-west of the river Jacques Cartier, shall be erected into and constituted, under the name of the Municipality of St. Gabriel West, a separate local Municipality, and shall have all the rights, powers and privileges of a separate Municipality under the Lower Canada Municipal Act of 1860.



2. The remaining portion of the said Municipality of St. Gabriel de Valcartier shall, from the date aforesaid, be a separate Municipality, with the like rights, powers and privileges, under the name of St. Gabriel de Valcartier. St. Gabriel de Valcartier.

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

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

An Act to legalize certain proceedings of the Agricultural Society of the County of Arthabaska.

[Assented to 18th May, 1861.]

**W**HEREAS the Agricultural Society of the County of Arthabaska, by petition, have represented that in the month of January last, the election of the Officers thereof was duly had, save only that by oversight, although notices for the meeting were sent to the members of the Society, such notices were not placarded and otherwise formally published in the manner required by law, and have prayed that such election (in so far as need be) may be legalized; and whereas it is expedient to grant such prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

1. The election of Officers of the Agricultural Society of the County of Arthabaska, held in the month of January last, is hereby declared valid, notwithstanding any omission to placard and otherwise formally publish, in the manner required by law, the notices issued for the meeting whereat such election took place. Election held in January, 1861, confirmed.

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

### C A P . L X X V .

An Act to allow the establishment of a Commissioners' Court in the Municipality of Hébertville, in the County of Chicoutimi, notwithstanding any deficiency in the number of Electors.

[Assented to 18th May, 1861.]

**W**HEREAS the Council of the Municipality of Hébertville, comprising the Townships of Kinogami, Mesy, Labarre, Plessis, Signay and Caron, in the County of Chicoutimi, have, by their Petition to the Legislature, represented, that the distance of the said Municipality from the nearest Court is thirty-six miles, and the inhabitants are therefore subjected to very heavy expenses in suits for the smallest sums, and that it is Preamble.  
very

very desirable that a Commissioners' Court for the summary trial of small causes should be established in the said Municipality ; yet, that by reasons of the insufficient number of the said inhabitants, they cannot obtain such Court under the Act hereinafter mentioned : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Commissioners' Court may be established at Hébertville notwithstanding deficiency of municipal electors.

1. Notwithstanding any thing to the contrary in chapter ninety-four of the Consolidated Statutes for Lower Canada, respecting Commissioners' Courts for the summary trial of small causes, a Commissioners' Court may be established in the said Municipality of Hébertville, whenever a Petition praying for the establishment of such Court has been presented to the Governor by a majority of the Municipal Electors of the said Municipality, although such majority be less than one hundred, and whatever their number may be ; and all the provisions of the said Act, not inconsistent with this Act, shall apply to the Court so established.

Public Act.

2. This Act shall be deemed a Public Act.

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

An Act to establish the Local and School Municipalities of St. Louis de Blandford and St. Valère de Bulstrode, in the County of Arthabaska, and for other purposes.

[Assented to 18th May, 1861.]

Preamble.

WHEREAS from the petitions of the County Council of the County of Arthabaska, of the Local Council of the Local Municipality of the Townships of Bulstrode and Horton, in the same County, and of the inhabitants generally of the first and second ranges of the Township of Bulstrode, it appears that on the tenth day of March, in the year one thousand eight hundred and fifty-eight, the said County Council did, by resolution, annex the Township of Horton to the Township of Bulstrode, for municipal purposes ; that by reason of the fact that such resolution was not afterwards published in manner and form, as by law was required, and of other irregularities of procedure, the legality of such annexation has been called in question ; and that it is expedient to legalize the same, and also (as well for School as for Municipal purposes) to detach from the Municipality formed by such annexation, the first and second ranges of Bulstrode aforesaid, and of the augmentation thereof, and to attach the same to the Local Municipality, consisting of the parts of the Townships of Blandford and Maddington, which are situate within the said County, so as to form two Local and School Municipalities therein, to be known by the names respectively of St. Louis de Blandford and St. Valère de Bulstrode : Therefore, Her Majesty, by and with

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

1. The annexation, for Municipal purposes, of the Township of Horton to the Township of Bulstrode, ordained by the resolution of the County Council of the County of Arthabaska, of the tenth day of March, in the year one thousand eight hundred and fifty-eight, is declared to have been thereby legally made, notwithstanding any want of due publication thereof, or other default or irregularity of procedure whatever in respect thereof; but no pending litigation wherein the legality of such annexation may be in question, shall be in any wise hereby affected; but, on the contrary, the same shall be adjudged upon, to all intents, as though this Act had not been passed.
 

Annexation of Horton to Bulstrode, confirmed.

Pending suits not affected.
2. From and after the first day of January next, so much of the several Townships of Blandford and Maddington as is situate within the County of Arthabaska, together with the first and second ranges of the Township of Bulstrode and of the augmentation thereof, shall form a Local and School Municipality under the name of the Parish of St. Louis de Blandford, and shall have all the rights, powers and privileges of a separate Parish Municipality, as though so expressly named in the Lower Canada Consolidated Municipal Act, and also of a separate School Municipality under the School Laws of Lower Canada.
 

Municipality of St. Louis de Blandford, constituted.
3. From and after the same day, the remainder of the Township of Bulstrode and the Township of Horton, shall together form a Local and School Municipality under the name of the Parish of St. Valère de Bulstrode, with the like rights, powers and privileges; but the Township of Horton, whenever it shall have the requisite population, may be detached therefrom in manner and form as by the said Municipal and School Acts is provided.
 

Municipality of St. Valère de Bulstrode, constituted.
4. This Act shall not be held to discharge any of the lands comprised within either of the said two Municipalities, from any liability attaching to them as having formed or as forming part of any Local or School Municipality otherwise named or bounded,—or to free any person from any liability presently attaching to them under the Municipal or School Acts,—or to affect, declaratorily or otherwise, the limits of the Parishes of St. Louis de Blandford and St. Valère de Bulstrode, or of either of them, save only as expressly hereby set forth, that is to say, save only for Municipal, Electoral and School purposes, and from and after the first day of January next.
 

Act not to affect municipal liabilities, &c.
5. This Act shall be deemed a Public Act.
 

Public Act.

## CAP. LXXVII.

An Act to amend the Acts regulating the Common of the Seigniorie of Yamaska, and to authorize the partition of the said Common.

[Assented to 18th May, 1861.]

Preamble.

**W**HEREAS the inhabitants of the Seigniorie of Yamaska, interested or having rights in the Common of the said Seigniorie, have represented that it would be more advantageous to them to partition the said Common, or part thereof, into lots or shares suitable to a better system of cultivation than that which they are now obliged to adopt in common; and whereas for this purpose it is expedient to grant more ample powers to the Chairman and Trustees of the said Common elected in virtue of the Act passed in the eighteenth year of Her Majesty's reign, chapter thirty-two, intituled: *An Act to amend the Act to revive the Act authorizing the inhabitants of the Seigniorie of Yamaska to regulate the Common of the said Seigniorie*: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Number, names and rights of those interested to be ascertained by By-law.

**1.** It shall be the duty of the Chairman and Trustees of the Common of the Seigniorie of Yamaska, forthwith after the passing of this Act, to ascertain and determine, by the deeds of concession or otherwise, the number and (as far as possible) the names of the inhabitants who are interested or have rights in the said Common, and to establish and set forth in the form of a By-law the real interest that each such inhabitant has therein.

Publication of By-law, and proceedings for its homologation.

**2.** Such By-law, after having been posted up, read and published at the door of the church of the parish of St. Michel d'Yamaska, at the issue of Divine Service in the morning, for the two Sundays immediately before the day which therein shall be fixed and stated for the presentation thereof to the Superior Court sitting in the district of Richelieu, for homologation, may be presented on such day to such Court for homologation, and by such Court (after summary hearing of any opposing parties, and such summary *enquête* as the Court may ordain,) may be homologated, with or without amendment by the Court, or may be referred back for amendment by the Chairman and Trustees, as to the Court may seem meet; and if so referred back, may, after amendment, be anew presented to the Court in like manner and with the like formalities, and thereupon homologated with or without amendment, by the Court.

Court may order amendment, &c.

After its homologation,

**3.** After homologation of such By-law, the Chairman and Trustees may, with like notice, convene a meeting of the inhabitants

inhabitants qualified as aforesaid, to consider of the division of the Common; and if such meeting, by a vote of a majority of those present thereat, shall decide to divide the Common, or any portion thereof, into parts, it shall be the duty of the Chairman and Trustees to appoint a Sworn Surveyor to make (as soon as the season will allow) a Plan of the land to be so partitioned, and to project thereon the division that would be best suited to the collective interest of such inhabitants.

meeting to be convened, to consider of division.

Surveyor to be appointed, if they determine to divide.

4. So soon as such Surveyor shall have reported his Plan to the Chairman and Trustees, it shall be their duty to prepare thereon a By-law—

Plan to be submitted and By-law to be prepared.

*Firstly*—To carry into effect the partition of such Common, or part thereof, into lots or portions according to such Plan as adopted or amended by them;

*Secondly*—To regulate the distribution of such lots;

*Thirdly*—To regulate the conditions subject to which parties become proprietors of such lots;

*Fourthly*—And to regulate the general administration of the Common and any revenue arising from it, and any and every other matter requiring regulation in the premises.

5. Such By-law, after having been posted up, read and published at the door of the church of the parish of St. Michel d'Yamaska, at the issue of Divine Service in the morning, for the two Sundays immediately before the day which therein shall be fixed and stated for the presentation thereof to the Superior Court sitting in the district of Richelieu, for homologation, may be presented on such day to such Court for homologation, and by such Court (after summary hearing of any opposing parties, and such summary *enquête* as the Court may ordain,) may be homologated, with or without amendment by the Court, or may be referred back for amendment by the Chairman and Trustees, as to the Court may seem meet; and if so referred back, may, after amendment, be anew presented to the Court in like manner and with the like formalities, and thereupon homologated with or without amendment, by the Court.

Publication of such By-law, and proceedings for its homologation.

Court may order amendment, &c.

6. After homologation of such By-law, the same may be registered at full length in the Registry Office of the County of Yamaska, and shall thereupon become and be finally and absolutely obligatory upon the Corporation and upon all parties whomsoever, and in respect of all rights thereby established.

Registration of such By-law.

7. From and after the passing of this Act, at any meeting of the inhabitants interested in the Common, the votes shall be given according to the scale following, that is to say: Two votes

Scale of votes after the passing of this Act.

votes for every one right in the Common, and one vote for every fraction whatever of a right; and the said proportion shall serve as the basis of any partition which the Chairman and Trustees shall hereafter make of the amount which each person interested in the Common shall pay as his contribution to cover the expenses incurred in obtaining the passing of this Act, and of putting it, and the By-laws made in virtue thereof, into force, and for every other purpose relating to the administration of the Common.

Seigniors protected.

8. This Act shall not affect the rights of Seigniors.

Contrary enactments repealed.

9. The Acts relating to the Common of the Seigniori of Yamaska are repealed in so far only as they are repugnant to the provisions of this Act; and the fourth section of the Act passed in the third year of the reign of King George the Fourth, chaptered eighteen, is wholly repealed.

Public Act.

10. This Act shall be deemed a Public Act.

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

An Act to confirm certain Surveys in the Townships of Lingwick, Bury and Orford.

[Assented to 18th May, 1861.]

Preamble.

**W**HEREAS the British American Land Company acquired from the Crown and became the proprietors originally of all the lands in the Township of Bury, in Lower Canada, with the exception of that certain lot of land numbered sixteen in the eighth range of the ranges of the said Township, as delineated in the original survey by the Government of this Province, of the North quarter of the said Township; and whereas the said British American Land Company acquired of the Crown and became originally the proprietors of the whole of the Township of Lingwick, in Lower Canada, except five hundred acres of land therein, situate in that part of the said last mentioned Township as yet unsurveyed; and whereas the said British American Land Company acquired from the Crown and became originally the sole proprietors of a large proportion of the lands in the eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth and eighteenth ranges in the Township of Orford, in Lower Canada, as delineated in the original survey of the said Township of Orford by the Government of this Province; and whereas the said lands in the aforesaid Townships are now held in fee simple to the said British American Land Company and their assigns; and whereas the said British American Land Company, prior to the alienation of such portions of the said lands in the said Townships, as were held by them as proprietors as aforesaid, for the purpose of facilitating the settlement of the said lands,

lands, caused a survey and surveys thereof to be made, with figurative plans thereof, by Provincial Land Surveyors, by accurate measurement, dividing and subdividing the portions of the said Townships so surveyed by them into ranges and lots differing in quantity of land and allocation of lots and denomination of ranges and lots, from the method adopted by the plans of the original surveys by the Government, of the said lands, so far as such original surveys had been made; and whereas the said British American Land Company have conveyed and alienated divers lots and tracts of such lands to settlers thereon, whereof the description in the deeds of alienation and conveyance is based upon the surveys of the said lands and figurative plans made at the instance of the said Company; and to obviate doubts and set at rest all questions of titles respecting the said lands, it is expedient to ratify and confirm the said surveys, measurements and figurative plans of the said lands, made at the instance of the said British American Land Company: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The survey and measurement of such portions of the Township of Bury in Lower Canada, as hath been heretofore made by Joseph Pennoyer, Esquire, and John Sullivan, Esquire, Provincial Land Surveyors, for the British American Land Company, of the lands in the said Township, belonging to the said Company, at the time such survey and measurement was made, whereof the original field notes and figurative plan were deposited and now remain in the office of the said British American Land Company, at the Town of Sherbrooke, in Lower Canada, is hereby confirmed and ratified, and the denominations of the lots and ranges, the measurement and allocation thereof is hereby declared to have, and to have had, respecting the said Company; and all persons deriving title in any manner from them, all the force and effect, and authenticity of a survey made by and at the instance of the Government of this Province; and it is further enacted, that the original survey of the North quarter of the said Township of Bury, by the Provincial Government, save and except of lot numbered sixteen, in the eighth range of the said Township of Bury, is hereby annulled and set aside, and the survey of the said Joseph Pennoyer and John Sullivan is hereby substituted in the place thereof; provided, also, that a true copy of the field notes, and figurative plan of the said survey of Joseph Pennoyer and John Sullivan, certified to be such by the said Joseph Pennoyer, shall be deposited and remain with the Commissioner of Crown Lands, and extracts or copies thereof may be obtained from the said Commissioner of Crown Lands, which shall have the same force and authenticity, and be verified in the same manner in all Courts and places, as original surveys and figurative plans made at the instance of the Government of this Province have and are verified.

Survey of certain portions of Bury by Pennoyer and Sullivan confirmed.

Proviso: copy of field notes and plan to be deposited with Crown Lands.

Their effect.

Survey of certain portions of Lingwick by Pennoyer and Sullivan, confirmed.

2. The survey and measurement of such portions of the Township of Lingwick, in Lower Canada, as hath been made by Joseph Pennoyer, Esquire, and John Sullivan, Esquire, Provincial Land Surveyors for the British American Land Company, of the lands in the said Township, belonging to the said Company, at the time such survey and measurement was made, whereof the original field notes and figurative plan were deposited and now remain in the office of the said British American Land Company, at the Town of Sherbrooke, in Lower Canada, is hereby confirmed and ratified, and the denominations of the lots and ranges, the measurement and allocation thereof is hereby declared to have, and to have had, respecting the said Company, and all persons deriving title in any manner from them, all the force and effect and authenticity of a survey made by and at the instance of the Government of the Province; and it is further enacted, that the original survey of the West quarter of the said Township of Lingwick by the Provincial Government, is hereby annulled and set aside, and the survey of the said Joseph Pennoyer and John Sullivan aforesaid, is substituted in the place thereof; Provided, also, that a true copy of the field notes and figurative plan of the said survey of Joseph Pennoyer and John Sullivan, certified to be such by the said Joseph Pennoyer, shall be deposited and remain with the Commissioner of Crown Lands, and extracts or copies thereof may be obtained from the said Commissioner of Crown Lands, which shall have the same force and authenticity and be verified in the same manner, in all Courts and places, as original surveys and figurative plans made at the instance of the Government of this Province have and are verified.

Proviso: copy of field notes and plan to be deposited with Crown Lands.

Their effect.

Surveys of Pennoyer and Wells of certain portions of Orford confirmed.

3. The surveys, measurements and figurative plan of Joseph Pennoyer, Esquire, and Oliver Wells, Esquire, Provincial Land Surveyors, at the instance of the British American Land Company, heretofore made of portions of the eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth and eighteenth ranges of the township of Orford, in Lower Canada, belonging, at the time such surveys and measurements were made, to the British American Land Company, whereby certain lots, as in the original survey of the said township described, were reversed, subdivided and included within certain larger limits designated as respectively ranges A, B, C, D, E and F, are hereby confirmed and ratified, and the denominations of ranges and lots in the figurative plan of the said surveys and measurements are hereby declared to be and to have been authentic, and the field book of notes of survey and figurative plan made by the said Provincial Surveyors, shall have the same authenticity and binding force respecting titles based upon the said surveys and plan, as the field book of notes and figurative plan indicating the original survey of the said township have, respecting titles based upon such original survey; Provided, also, that a copy of

Proviso: copy of field notes

the



the field notes, and of the figurative plan of the said surveys and measurements of the said Joseph Pennoyer and Oliver Wells, certified to be such by the said Joseph Pennoyer, shall be deposited with the Commissioner of Crown Lands, and there remain, and extracts or copies can be obtained therefrom in the same manner, and be authenticated in the same way as extracts or copies of field notes and plans of any original survey had by the Government, may be obtained and authenticated; Provided, nevertheless, that nothing herein contained shall be construed to have the effect of annulling or setting aside the original survey or any portion thereof, of the said Township of Orford, as descriptive of the general divisions of the said Township into ranges and lots, or in any manner to affect the titles of any person or corporate bodies, save and except such as are based upon the measurements and description contained in the said surveys and figurative plan of Joseph Pennoyer and Oliver Wells, and held by the British American Land Company, or derived from them.

and plan to be deposited with Crown Lands.

Their effect.

Proviso: Act not to affect original survey for certain purposes or titles not based on the survey of Pennoyer and Wells.

4. The surveys made at the instance of the British American Land Company as aforesaid, of the Townships of Lingwick and Bury, so far as the same have been surveyed, shall be held and considered to all intents and purposes the original surveys of the said Townships, and particularly for the purposes mentioned in the seventy-second section of the thirty-seventh chapter of the Consolidated Statutes for Lower Canada, and the reversed lots and subdivisions of original lots in the Township of Orford aforesaid, contained in the survey of Joseph Pennoyer and Oliver Wells, hereinbefore confirmed, shall appear in the plans referred to in the said seventy-second section of the said cited Act, under the same denominations as to ranges and lots as the same are in the figurative plan of the said survey of the said Joseph Pennoyer and Oliver Wells, whereof a copy is to be deposited as aforesaid with the Commissioner of Crown Lands; and, while the original survey of the said Township of Orford remains as descriptive of the general division of the said Township into lots and ranges, the survey of the said Joseph Pennoyer and Oliver Wells, as indicated by their said figurative plan, as forming certain ranges of reversed lots, namely, ranges A, B, C, D, E and F, is hereby held and declared to be recognized as a true and correct survey and measurement of the lands therein designated, and as determining the identity, locality and quantity of any parcel of land within these last named ranges, whenever questioned respecting any title held by said British American Land Company, or any person or party deriving directly or indirectly from them.

The said surveys of Lingwick and Bury to serve for the official plans, &c., under cap. 37, s. 72 of Con. Stat. L. C.

As to reversed lots, &c., in Orford, and original survey of that township.

5. The portions of the said Townships of Bury and Lingwick, remaining as yet unsurveyed, may, at any time hereafter, be surveyed at the instance of the said British American Land Company, by a duly licensed Provincial Land Surveyor or Surveyors, and copies of the field notes and figurative plans of such surveys,

As to portions of Bury and Lingwick now unsurveyed.

Survey thereof may be

made under  
Crown Lands  
Department.

surveys, certified by the Provincial Land Surveyor or Surveyors, making the same, shall be deposited with the Commissioner of Crown Lands, and the originals thereof shall be deposited and remain in the office of the British American Land Company, at the Town of Sherbrooke, in Lower Canada, and if such surveys, so to be made, shall be approved by the Commissioner of Crown Lands, and when and so soon as the same shall be so approved by the said Commissioner of Crown Lands, the said proposed surveys, and the measurements, field notes, and figurative plans thereof, shall have the same force and authenticity, and be verified in the same manner as the surveys, field notes, and figurative plans already made of portions of the said Townships, are by this Act declared to have, and are to be verified.

Public Act.

6. This Act shall be deemed a Public Act.

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

An Act to enable the Municipal Council of the Parish of Ste. Anne de la Pérade to establish certain tolls on the bridge over the river Ste. Anne.

[Assented to 18th May, 1861.]

Preamble.

**W**HEREAS the Mayor and Councillors of the Municipal Council of the Parish of Ste. Anne de la Pérade, have, by their petition, represented that by an order in Council, bearing date the third day of August, one thousand eight hundred and fifty-seven, they obtained from the government the public bridge erected at the expense of the Province over the river Ste. Anne de la Pérade, with all and every the right of collecting tolls, and other privileges connected therewith, upon condition that the said Municipal Council of the said Parish should keep the said bridge in good repair; that it became necessary for the public interest that the said bridge should be demolished, it having become, since its transfer to the said Municipality, unsafe and almost impracticable for the passage of travellers, cattle and vehicles, and to construct a new bridge at the same place; that the said Municipality of the Parish of Ste. Anne de la Pérade have re-constructed the said bridge, and have been obliged, in order to its completion, to effect a loan of twenty thousand dollars on the credit of the Lower Canada Municipal Loan Fund; and that the privileges they now enjoy and the present tolls are not sufficient to enable them to pay to the government of this Province the interest accruing on the said loan; and it is expedient to grant the prayer of the said petitioners: Therefore, Her Majesty, by and with the advice and consent of Legislative Council and Assembly of Canada, enacts as follows

Bridge vested  
in Corporation

1. The Corporation of the Parish of Ste. Anne de la Pérade is hereby confirmed in the property of the said bridge recently erected

erected by the said Corporation over the river Ste. Anne, of Ste. Anne opposite to the church of Ste. Anne de la Pérade, and also in de la Pérade. the property of the toll-houses, toll-gates, approaches, accessories and other dependencies on and about the said bridge; and appertaining thereto, with power to the said Corporation to demand, take, exact, and sue for by civil action, and to recover for its own benefit and behoof, for pontage, as or in the name of toll or duty, even before any passage over the said bridge shall be permitted, not more than the respective sums following, that is to say :

They may take the following tolls.

	£.	s.	d.	
For each two-wheeled vehicle drawn by one horse or ox.....	0	0	6	Tolls.
For each two-wheeled vehicle drawn by two horses or two oxen.....	0	0	7½	
For each two-wheeled vehicle drawn by three horses.	0	0	9	
For each additional horse.....	0	0	3	
For each four-wheeled vehicle drawn by one horse.	0	0	7½	
For each four-wheeled vehicle drawn by two horses.	0	0	9	
For each four-wheeled vehicle drawn by three horses.	0	1	0	
For each saddle-horse and its rider.....	0	0	5	
For each horse, ass, ox, or cow.....	0	0	3	
For each calf, sheep, or pig.....	0	0	1½	
For each foot passenger.....	0	0	2	

But any person going to or returning from a burial, and all children going to and returning from school or catechism, on foot, all persons going to and returning from Divine Service on Sundays and *fêtes d'obligation*, and all members of the clergy, shall be exempt from the above tolls. Exceptions.

2. Provided always, that it shall be lawful for the said Corporation to diminish the said tolls, or any of them, and again to augment the same if they see fit, so as not to exceed in any case the rates by this Act authorized to be taken. Tolls may be modified within the said rates.

3. Provided also, that it shall be lawful for the said Corporation, if they think fit, to take and receive annual payments for passing and repassing the said bridge of such fixed and total amounts as may be agreed upon between them and each person so commuting, for the whole period of such commutation. Commutation for tolls.

4. If any person shall forcibly pass through the said toll-gate, or over or upon the said bridge without paying the requisite toll, or shall interrupt or disturb the said Corporation, or any person or persons employed by them in building, constructing, renewing or repairing the said bridge, toll-house, toll-gate, accessories or other dependencies, approaches, ascents, roads or avenues leading thereto, or shall interrupt or disturb the said Corporation, or any person or persons employed by them in keeping the said bridge or appurtenances hereinbefore mentioned, Penalty on passing the gate without paying toll.

mentioned, or in demanding or collecting the tolls for passing or repassing thereon, or who shall at any time pass on the said bridge at a rate faster than a walk, or shall drive his horse or other animals at a rate faster than a walk, every person so offending shall incur in each of the cases above mentioned and for each offence, a fine of not less than two dollars, nor more than eight dollars, or shall be imprisoned in the common gaol of the district of Three-Rivers for a period not exceeding thirty days.

Limits within which no new bridges are to be erected.

5. So soon as the bridge shall be passable, and opened for the use of the public, and for so long a time as the same shall so remain, no person or persons, Company or Companies whatsoever, shall at any time whatsoever, erect any toll bridge or toll bridges, or establish any ferry or ferries for the passage of any person, cattle or carriage whatsoever for hire, across the said river Ste. Anne, within the distance of two miles above and two miles below the said bridge, measuring along the banks of the said river, and following its windings; and if any person or persons, Company or Companies, shall erect a toll-bridge or toll-bridges, or establish a ferry or ferries over the said river, within the said limits, they shall pay to the said Corporation of the Parish of Ste. Anne de la Pérade treble the tolls hereby imposed for all persons, cattle, horses and carriages passing over such bridge or bridges, or crossing by means of such ferry or ferries.

Destroying or injuring bridge to be a felony.

6. If any person shall maliciously pull down, burn, destroy, break or injure the said bridge, or any part thereof, or the toll-gate, toll-house or other dependencies, or the approaches, ascents, avenues and roads leading thereto, to be erected and made by virtue of this Act, every person so offending and thereof legally convicted, shall be deemed guilty of felony.

In case bridge becomes unsafe.

7. In case the said bridge shall at any time become impassable or unsafe for travellers, carriages, cattle or animals, the said Corporation shall and they are hereby required, whenever the said bridge shall, by the Court of Queen's Bench, in the exercise of its criminal jurisdiction in the District of Three-Rivers, be declared and found to be impassable or unsafe, and notice to that effect shall have been given to them by order of the said Court, forthwith to cause the same to be made safe and commodious for the passage of travellers, cattle and carriages; and if the said bridge be not so forthwith repaired or rebuilt as the case may require, then the said bridge, or such parts thereof as shall be remaining, shall be and be taken and considered to be the property of Her Majesty, and the said Corporation shall cease to have any right, title or claim in or to the said bridge, or to the remaining parts thereof; and the tolls hereby granted, and their and each and every of their rights in the premises, shall be wholly and for ever determined.

8. The penalties hereby inflicted shall be recovered and levied upon complaint made by the Mayor or by any one member of the Municipal Council of the Parish of Ste. Anne de la Pérade, for and in the name of the Corporation of the said Parish, before any one or more of the Justices of the Peace for the said District of Three-Rivers, upon satisfactory proof of the commission of the offence, either by the confession of the offender, or by the oath of one or more credible witness or witnesses (which oath such Justice is hereby empowered and required to administer), with costs of suit, by distress and sale of the goods and chattels of such offender, under any order or warrant signed by such Justice or Justices of the Peace, and the overplus, after such penalties and the charges of such distress and sale are deducted, shall be returned to the offender, and such penalties shall belong to the Corporation.

Recovery and application of penalties.

9. This Act shall be deemed a Public Act.

Public Act.

### CAP. LXXX.

An Act to incorporate the Canada Central Railway Company, and to amend the Act, intituled: *An Act to provide for and encourage the construction of a Railway from Lake Huron to Quebec.*

[Assented to 18th May, 1861.]

**W**HEREAS it has been found that the construction of the Railway authorized by the Act passed in the nineteenth and twentieth years of Her Majesty's Reign, intituled: "*An Act to provide for and encourage the construction of a Railway from Lake Huron to Quebec*," has been attended with difficulty in consequence of the want of a concentrated interest therein; And whereas it is expedient to extend and amend the said Act and to change the name of the Company; and whereas certain persons have, by their petition, represented that the vast country extending through the interior of this Province is wholly without railway communication, and would be greatly benefited if opened up thereby; and whereas the said persons have, in their said petition, prayed to be incorporated for the said purposes, and for the purposes of the said recited Act, under the name of the Canada Central Railway Company: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

19, 20 V. cap. 112a

1. Nicholas Sparks, John Supple, Alexander McIntosh, Christopher Armstrong, William O'Meara, P. Pearson Harris, Thomas Langrell, Peter A. Eglison, William Jno. Wills, J. B. Mongenais, Joseph Hinton, Robert Craig, James Deyke, James Goodwin, Francis Clemow, James Leamy, John Forgie, James Skead, Alexander Scott, J. M. Currier, John W. Loux, Richard W. Scott, and William Frederick Powell, Esquires, with all

Company incorporated.

such other persons, Corporations and Municipalities as shall become Shareholders in the Company hereby constituted shall be, and they are hereby ordained, constituted and declared a body Corporate and Politic, by the name of the "Canada Central Railway Company."

Corporate name.

Certain parts of 19, 20 V. c. 112, repealed and the new Company substituted for those mentioned in it.

Exceptions.

Proviso: as to Montreal and Bytown Railway.

Proviso: as to North Shore Railway.

Provisions of Railway Act to apply.

Line of Railway defined.

Proviso.

The Company and certain others may amalgamate.

**2.** The first, second, third and eleventh sections of the said Act cited in the Preamble of this Act, in so far as they are inconsistent with the provisions of this Act, and so much of any other section thereof or of any other Act as is inconsistent with this Act are hereby repealed, and the said Canada Central Railway Company is hereby declared to be in the place and stead of the Companies therein named; except as regards the Brockville and Ottawa Railway Company, the Carillon and Grenville Railway Company, and the North Shore Railway Company therein named, which last mentioned Companies, together with the Canada Central Railway Company, shall hereafter be entitled to all the benefits, franchises and privileges granted by the above cited Act, except in so far as they are by this Act altered, and all the remaining clauses and provisions of the said recited Act not inconsistent with this Act shall be the same as if incorporated herewith; provided, always, that in conformity with the Act twenty-third Victoria, chapter one hundred and eight, whenever the Montreal and Bytown Railway Company is mentioned in the said Act, the provisions referring thereto shall be held to apply to the Carillon and Grenville Railway Company; provided, also, that the North Shore Railway Company, mentioned in this Act, means the North Shore Railway and St. Maurice Navigation and Land Company.

**3.** All the provisions of the Railway Act shall be incorporated with this Act, save in so far as they may be inconsistent with any express enactment herein contained.

**4.** The Company may lay out, construct and finish a double or single track of Railway from such point on Lake Huron as may be found best adapted for the purpose to the City of Ottawa by way of Pembroke and Arnprior, and from the City of Ottawa to the City of Montreal; Provided, always, that without the consent of the Directors of the said Canada Central Railway Company, the Carillon and Grenville Railway Company shall not have power to construct the section of the said Railway between Hawkesbury and Ottawa until the expiration of three years from the passing of this Act, nor afterwards if the Canada Central Railway Company shall have commenced, and shall proceed with the construction thereof.

**5.** The Company hereby incorporated, the said North Shore Railway Company, the Carillon and Grenville Railway Company, by that name or under the corporate name of the Ottawa Valley Railway Company, or any two of them, lying contiguous

contiguous to each other, may, if they deem it advisable, unite together as one Company; and such union may be made by a deed of agreement between the Companies so amalgamating, first approved of by resolutions passed respectively at meetings of the Stockholders of such Companies specially called for the purpose; And such deed shall specify the name to be used as the corporate name of such amalgamated Company, which shall be the name of one of the Companies so amalgamating, and shall be valid and binding upon all persons and parties concerned;—and upon such amalgamation, the new Company thereby formed shall forthwith cause the fact of such amalgamation and the corporate name thereby assumed to be advertised in *The Canada Gazette*; and thereupon the new Company shall have all the rights, powers, claims and privileges, and shall be subject to all the duties and obligations conferred upon or held by the Companies so amalgamating or to which such Companies were subjected by their Acts of incorporation.

Deed of amalgamation.

New name, rights and obligations.

6. And for the better adjustment of the proportions of the said several Companies in the lands appropriated and set apart in aid of the said line of Railway by the Act cited in the preamble of this Act, it is hereby enacted that they shall be regulated as follows, to wit: setting apart in aid of the said North Shore Railway Company three tenths thereof, and dividing the remainder thereof into as many parts as there are miles in distance between Montreal and the extreme North Western terminus, which could be reached by the main line of any of the five Companies mentioned in the second subsection of the third section of the said Act, under their respective Acts of incorporation, namely, the Village of Pembroke, and appropriating one such part thereof to each and every mile of such distance in aid of the construction thereof; Provided, always, that the powers of the said North Shore Railway Company, the Brockville and Ottawa Railway Company, and of the Carillon and Grenville Railway Company, in respect of the portions of the said line of Railway which they are empowered to construct by their respective Acts of incorporation and by the Acts in amendment thereof, shall not be abridged by the provisions hereof except in so far as they are abridged by the proviso in the fourth clause of this Act; and provided, also, that in the computation of the said distance the line of Railway contemplated by the Act cited in the preamble to this Act, shall be followed as nearly as may be in conformity with the third clause thereof, but without reference to the parts therein established; except that the distance between Vaudreuil and Hawkesbury shall also be computed as part of the said distance, and that no portion of the Grand Trunk Railway, of which any of the said Companies shall avail themselves to reach Montreal, shall be held to form a portion of the distance for which said Company shall be entitled to aid under this Act; Provided, always, that if, within five years from the passing hereof, the Brockville and Ottawa Railway Company shall proceed with

Division of the lands appropriated by 19, 20 V. c. 112, among the several Companies.

Proviso.

Proviso.

Proviso

and

and complete the construction of the portion of the said Railway lying between Arnprior and Pembroke, they shall be entitled to all the privileges in respect of the said appropriation, to which the said Canada Central Railway Company would be entitled under the provisions of this Act on constructing the said portion of the said Railway; and provided, also, that in the event of the Canada Central Railway Company failing to construct the said portion of the said Railway, between the City of Ottawa and Vaudreuil or any part thereof, within five years from the passing hereof, the Vaudreuil Railway Company, under its Act of incorporation, which shall continue to be in force, shall have the right to construct the same, and thereupon shall have all the privileges hereby conferred upon the Canada Central Railway Company in respect of the said portion thereof.

**Proviso.**

**Form and registration of Deeds under this Act.**

**7.** Deeds and Conveyances, under this Act, for the lands to be conveyed to the said Company for the purposes of this Act, shall and may, as far as the title to the said lands or the circumstances of the parties making such conveyance will admit, be made in the form given in the Schedule annexed to this Act, marked A; and all registrars are hereby required to register such Deeds in their Registry Books on the production thereof and proof of execution, without any memorial, and to minute every such entry on the Deed; the said Company are to pay the Registrar for so doing the sum of two shillings and six pence and no more.

**First Directors named.**

**8.** John W. Loux, Robert Craig, James Skead, Richard W. Scott, Henry W. McCann, John McKay, John Supple, Joseph Hinton, William Frederick Powell, Coll McDonell, John Forgie, Peter A. Eglison, William F. Lewis, William Dean and J. B. Mongenais, are hereby constituted and appointed the first Directors of the Company, and, until others shall be named as hereinafter provided, shall constitute the Board of Directors of the Company, with power to fill vacancies occurring thereon, and to associate with themselves thereon not more than three other persons, who, on being so named, shall become and be Directors of the Company equally with themselves, to open Stock Books, to make a call upon the shares subscribed therein, to call a meeting of the Subscribers thereto, for the election of other Directors as hereinafter provided, and with all such other powers as under the Railway Act are vested in such Board.

**Their powers.**

**First general meeting of Shareholders and election of Directors.**

**9.** So soon as one-tenth of the capital stock shall have been subscribed, and not less than five per cent of the amount subscribed shall have been paid in and deposited in some Chartered Bank to the credit of the Company, it shall be lawful for the said Directors, or a majority of them, by public notice, to be given at least thirty days previous in the *Canada Gazette*, and in one or more newspapers published in the Cities of Montreal and Ottawa, to call a first General Meeting



Meeting of the Shareholders, at such time and place as they shall think proper; and, at such Meeting, and at every Annual General Meeting of the Company thereafter, there shall be elected not less than seven nor more than ten Directors, to serve until the next Annual General Meeting, and until their successors are appointed; and at every such Meeting, each Municipal or other Corporation, holding Stock to the amount of twenty thousand dollars or more, and not being in arrear for any call thereon, may either take part in such election as an ordinary Shareholder, or may abstain from so doing; and each such Corporation, as shall so abstain, may, either then or at any time thereafter, by By-law in that behalf, name one other Director, who need not himself be a Shareholder, to serve for the like term—the thirty-fourth and seventy-eighth sections of the Railway Act being in this behalf hereby superseded.

Votes of  
Municipal  
Corporation  
holding stock.

**10.** The Directors may require, should they deem it desirable, all parties subscribing for stock in the said Company to pay a deposit of not more than ten per cent thereon; the amount of such deposit shall be decided by the Board of Directors, and future calls for instalments shall at no one time exceed five per cent, nor shall more than one call be made within thirty days.

Ten per cent.  
may be re-  
quired down.

Instalments.

**11.** No person shall be qualified to be elected such Director by the Shareholders, unless he be a shareholder holding at least ten shares of stock in the Company, and has paid all calls thereon.

Qualification  
of Directors.

**12.** The Annual General Meetings of the Company shall be held thereafter on the first Wednesday in the month of June yearly, or on such other day as shall be appointed by any By-law of the Company, and, at such place and hour as by such By-law shall be appointed; and public notice thereof shall be given at least thirty days, previously, in the *Canada Gazette* and in one or more newspapers published in the Cities of Montreal and Ottawa.

Annual ge-  
neral meet-  
ings.

**13.** Every proprietor of shares in the said Company shall be entitled on every occasion when the votes of the members of the said Canada Central Railway Company are given, to one vote for every share held by him.

One vote for  
each share.

**14.** At all meetings of the Company, the Stock held by Municipal and other Corporations may be represented by such person as they shall have respectively appointed in that behalf by By-law, and such person shall, at such meeting, be entitled equally with other Shareholders, to vote by proxy; and no Shareholders shall be entitled to vote on any matter whatever, unless all calls due on the stock held by such Shareholder shall have been paid up at least one week before the day appointed for such meeting.

Votes of  
Municipal  
Corporations.

Proxies.

Shareholders  
in arrears not  
to vote.

Directors.

**15.** From and after the first General meeting of the Company, the Directors so chosen as aforesaid by the Shareholders as aforesaid, and the Directors representing Corporations as aforesaid, shall form the Board of Directors of the Company; and if any vacancy shall occur by death, resignation or otherwise, among the Directors of the former class, a majority of the remaining members of the Board may elect any qualified Shareholder to fill the same; and if any vacancy shall occur among the Directors of the latter class, the Corporation interested may, by By-law, name another person to fill the same.

Vacancies,  
how to be  
filled.

Quorum.

**16.** Five members of the Board of Directors of the Company shall be a *quorum* thereof for the transaction of business; and the Board may employ one or more of their number as paid Director or Directors.

Capital and  
shares.

**17.** The Capital Stock of the Company shall be the sum of seven millions of dollars, to be divided into seventy thousand shares of one hundred dollars each, and shall be raised by the persons and Corporations who may become Shareholders in such Stock; and the money so raised shall be applied, in the first place to the payment and discharge of all fees, expenses and disbursements for procuring the passage of this Act, and for making the Surveys, Plans and Estimates connected with the works hereby authorized; and all the remainder of such money shall be applied to the making, maintaining and working thereof, and the other purposes of this Act, and to no other purpose whatever; and until such preliminary expenses shall be paid out of the said Capital Stock, the Municipality of any County, Town, Township, Parish or Village, on the line of such works, may pay out of the general funds of such Municipality its fair proportion of such preliminary expenses, which shall thereafter be refunded to such Municipality from the Capital Stock of the Company, or be allowed to it in payment of Stock.

To what pur-  
pose to be ap-  
plied.

Preliminary  
expenses.

Directors to  
issue certifi-  
cates, bonds,  
&c.

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

Company may  
raise money  
by loan.

**19.** The Company may raise, by way of loan upon their Bonds or Debentures, in addition to their authorized Share Capital, any sum not exceeding one half of their capital, and such Bonds or Debentures may be for such amount respectively as the said Company may deem expedient, and all Bonds and debenture to be executed by the said Company, may be payable to bearer; and all such Bonds, Debentures, or other Securities

Debentures,  
&c.

Securities of the said Company, and all dividends and interest warrants thereon respectively, which shall purport to be payable to bearer, shall be assignable at law by delivery, and may be sued on and enforced by the respective bearers and owners thereof, for the time being, in their own names.

**20.** It shall be lawful for the Board of Directors, out of the Capital of the Company, to provide and pay such sum as may, from time to time, with the earnings of the Company available for dividend, be sufficient to pay interest upon the Loan and Stock and Share Capital of the Company, until the completion of the authorized works of the undertaking of the Company; Provided, always, that such payments shall not continue to be made upon the Stock and Share Capital, except out of the earnings of the Company, after the first day of May, one thousand eight hundred and sixty-six

Payment of interest until the works are completed.

Proviso.

**21.** The Company, for any of their Stations or Depots, at any place where such Station or Depot may be required for any of their works hereby authorized, may take land to the extent of twenty acres, without the consent of the proprietor thereof, but subject otherwise to the provisions of the Railway Act in that behalf.

Extent of land to be taken for Depots.

**22.** The Company may enter into any agreement with the said North Shore Railway Company, the Grand Trunk Railway Company, or any other Railway Company, whose line of operations may, in any wise, connect with the line of route of the Company, for the leasing of their Railway or any part thereof, to such other Company, or for the leasing or hiring out to such other Company, of any Locomotives, Cars, Carriages, Tenders, or other moveable property of the Company, either altogether, for any time or times, occasion or occasions, or for the leasing from such other Company, of any Railway or part thereof, or for the leasing or hiring from such other Company, of any Locomotives, Cars, Carriages, Tenders, or other moveable property, either altogether, or for any time or times, occasion or occasions, or for the using of the whole or any part of the Railway, or moveable property of the Company, or of the Railway or moveable property of such other Company, in common by the two Companies, or generally may make any agreement or agreements with such other Company touching the use by one or other, or both of such Companies, of the Railway or moveable property of either or both, or of any part thereof, or touching any service to be rendered by the one Company to the other, and the compensation therefor; But no such agreement as aforesaid shall be valid or binding for more than one year from the date thereof, unless in the course of such year, it be ratified by the Shareholders of the Company, duly assembled at a general meeting thereof.

Agreements with other Railway Companies.

Proviso.

Company may have an Agent in England with certain powers.

Transfer of shares from England to Canada and vice versa

**23.** The Directors of the Company may, subject to the rules and regulations, from time to time, of the Board, appoint an Agent in the City of London, in England, with power to pay dividends, to open and keep books of transfer for the shares of the Company, and for the issue of Scrip and Stock Certificates, and thereupon shares may be transferred from the Canada Office to the London Office in the names of the transferees, in the same manner as shares may be transferred in the former office, and *vice versa*; and shares originally taken and subscribed for in Great Britain may be entered upon the books at the London Office, and Scrip Certificates be issued for them, and the Agent or other officer shall transmit an accurate list of all such transfers and Scrip Certificates so issued, to the Secretary or other officer of the Company in this Province, who shall thereupon make the requisite entries respecting such transfer and Scrip Certificates in the Register kept in the Province, and thereupon the same shall be binding on the Company as to all the rights and privileges of Stockholders, as though the Scrip Certificates had been issued by the Secretary of the Company in this Province.

When a section of the Railway is completed, a proportionate extent of public lands may be granted to the Company, &c.

**24.** It shall not be necessary, previous to the Railway Companies having a right to a share in the said land appropriation in virtue of this Act, or any one or more of them, being entitled to have their respective proportions of the said lands, that any other Railway or portion of Railway should be made by any other Company, but on the contrary, so soon as any portion of any of the said Railways, not less than twenty miles in length, shall be actually completed in a good and permanent manner, with stations, rolling stock and other appurtenances, sufficient for the proper working of such portion of such Railway, then and thereafter, from time to time, upon the completion of similar portions thereof or of any other of the said Railways, upon the report of the Inspector of Railways for the time being, the Company which shall have constructed the same shall be entitled to a corresponding proportion of such grant of lands as they would be entitled to under the said Act nineteenth and twentieth Victoria, Chapter one hundred and twelve, as amended by this Act, in the event of each of the Companies forming the Lake Huron and Quebec Railway Company, complying with the conditions precedent to such grant provided for by the Act incorporating the said last mentioned Company; and if no ungranted lands of the Crown front on the said Railway, then such grant of lands may be made from the vacant lands of the Crown lying within the watershed of the Ottawa River.

Debentures to be a general charge on the lands of the Company.

**25.** Any debentures issued by the said Companies, or any one or more of them shall form a general mortgage and hypothèque upon all the lands hereafter to be granted to the Company so issuing such debentures, provided the said lands be referred to in such debentures in general terms

as being thereby charged or mortgaged; but the payment to the Treasurer of the Company, or to any other person appointed for the purpose as hereinafter provided, by any *bond fide* purchaser of any of the said lands, of the purchase money thereof, and the acquittance by such Treasurer, or other person so appointed on behalf of the holders of such debentures of such purchase money, shall operate as a discharge of such mortgage, in respect of the lands so paid for; and until other provision be made under the power conferred by this Act for the reception of such moneys, the Treasurer of such Company is hereby authorized to receive such purchase money for and on behalf of the holders of such debentures, and shall keep all moneys so received separate and apart from the ordinary funds of the Company; and shall be liable for such moneys, as a special depository thereof, until they are invested as hereinafter mentioned, and the moneys so received by such Treasurer shall be invested, from time to time, in Government securities, or in the stock of some solvent and well established Chartered Bank in Canada, in the formation of a fund for the payment of the interest on such debentures as it becomes due, and for their redemption at maturity.

Provision when such lands are sold and the purchase money paid.

**26.** If it should be deemed more beneficial to the said Companies, or any one or more of them, to allot the said lands so to be granted, or any portion thereof, to the stockholders therein, in proportion to the amount of stock taken by each stockholder, such Company may do so, first regulating by a By-law the mode in which such allotment shall be made and evidenced; and the shares in favor of which any allotment or appropriation of lands may be made, shall be called "Land Shares."

The lands may be allotted to the Stockholders if deemed more beneficial.

**27.** The holders of the debentures of any of the said Companies, having mortgage or hypothecation in said lands, or if the said lands be allotted among the shareholders, or any class of the shareholders thereof, then the holders of land shares, shall have the right to elect from among themselves three trustees, which election shall be made by such holders of debentures or of land shares as the case may be, at a meeting of such holders called for the purpose, in the same manner as is provided by the Act incorporating such Company for special meetings of the shareholders thereof; and may be made by a majority in amount of such holders present at such meeting, either in person or by proxy; And such Trustees shall have the sole and entire control, management, disposition and direction of the lands represented by the holders of the debentures or land shares, or in which such shareholders have any interest; and for and on behalf of such shareholders, may mortgage or sell and dispose of such lands and collect and receive the proceeds thereof, as they may see fit, and for that purpose may appoint an agent or agents and have an office or offices either in Canada or elsewhere, and on realizing the proceeds of the said lands or any of them, may divide

Election of Trustees to manage and dispose of the said lands.

Their powers.

divide the proceeds among such holders or invest the same for the benefit of such holders, and otherwise manage and administer such lands in such manner as may be prescribed by such holders, by resolution or by-law passed at a meeting thereof, called and held in the manner hereinbefore provided for the election of such Trustees; and such Trustees shall also have the power, either in person or by proxy, to vote as Directors at meetings of the Directors of such Company; Provided, always, that the proceeds, after payment of expenses of management, to be audited and approved by the Directors of the Company, of the sale of any such lands, if hypothecated as security for any debentures, on being received by the said Trustees or their agent in that behalf, shall *pro tanto* extinguish such debentures; and provided, also, that if such lands be allotted in favor of land shares, such Trustees shall not have any control over such lands until such land shares be paid up, and until that time, such lands shall be managed by the Directors of the Company, for the benefit of such land shares.

Proviso.

Proviso.

Public Act. 28. This Act shall be a Public Act.

## SCHEDULE A.

Know all men by these presents, that I (or we, as the case may be) A. B. of in consideration of paid to me (or us, as the case may be) by the receipt whereof is hereby acknowledged, do hereby grant, bargain, sell, convey, and confirm unto the said Company, their successors and assigns for ever all that tract or parcel (or those tracts or parcels, as the case may be) of land situate (here describe the lands) the same having been selected and laid out by the said Company for the purposes of their Railway: To have and to hold the said lands and premises, with all appurtenances thereto, to the said their successors and assigns for ever (here add clause for release of Dower if any)

Witness my hand and seal (or our hands and seals, as the case may be) this day of in the year of Our Lord, one thousand eight hundred and

Signed, sealed and delivered in presence of

CAP. LXXXI.

An Act to incorporate the Montreal and Vermont Junction Railway Company, (1861.)

[Assented to 18th May, 1861.]

Preamble.

WHEREAS the persons hereinafter named and others have, by their petitions to the Legislature, prayed that an Act may be passed authorizing the completion of a line of railway

railway communication between the Province Line, at or near Highgate, in the State of Vermont, and the City of Montreal ; And whereas a railway so constructed is much required, and would greatly tend to the improvement of the section of country through which it would pass, as well as to the promotion and increase of trade and commerce between the American States and this Province, and it is therefore expedient to grant the prayers of the said petitions, and to incorporate the said persons for the purpose of carrying the same into effect : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

**1.** The Honorable John Young, the Honorable Philip Henry Moore, Hannibal Hodges Whitney, Esquire, M. P. P., Joshua Chamberlain, Esquire, M. D., Henri Larocque, William McGinnis, Abel L. Taylor, C. R. Cheeseman, George Clayes, Galloway Freligh, William Alexander Osgood, William Mead Pattison, J. S. Brigham, Chester Roberts and Orin J. Kemp, Esquires, together with such other persons, corporations and municipalities as shall, under the provisions of this Act, become shareholders in the company hereby incorporated, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, by and under the name of "The Montreal and Vermont Junction Railway Company." Company incorporated.

**2.** The several clauses of the Railway Act, with respect to the first, second, third and fourth clauses thereof, and also the several clauses of the said Act, with respect to "Interpretation," "Incorporation," "Powers," "Plans and Surveys," "Lands and their valuation," "Highways and Bridges," "Fences," "Tolls," "General Meetings," "President and Directors, their Election and Duties," "Calls," "Shares and their transfer," "Municipalities," "Shareholders," "Actions for Indemnity and Fines, and Penalties and their prosecution," "By-laws, Notices, &c.," "Working of the Railway," and "General Provisions," shall be incorporated with this Act, and shall accordingly apply to the said Company and the said Railway, except in so far as may be inconsistent with the express enactments hereof ; and the expression, "this Act," when used herein, shall be understood to include the said mentioned provisions of the Railway Act incorporated with this Act as aforesaid. Certain provisions of the Railway Act incorporated with this Act.

**3.** The said Company, and their servants and agents, shall have full power, under this Act, to lay out, construct and complete a line of Railway from such point on the Province Line, at or near Highgate, in the State of Vermont, as the Company may deem expedient, for the purpose of forming a junction with a Railway from Burlington, Vermont, to some point on the line of the Stanstead, Shefford and Chambly Railway, at or near the town of Iberville, in the County of Iberville. Line and extent of the Railway.

Deeds and conveyances of land and registration thereof.

4. Deeds and Conveyances for the lands to be conveyed to the said Company, under this Act, may be in the form given in the Schedule marked A, hereunto annexed; and all Registrars are hereby required to record such deeds, on the production thereof, and proof of execution, without any memorial, in Registry Books to be furnished by and at the expense of the said Company, with copies of the form given in the said Schedule A, one to be printed on each page, leaving the necessary blanks to suit the circumstances of each separate conveyance, and to minute every such entry on the deed, the sum of fifty cents being first paid to the Registrar by the party requiring the same to be recorded; and such registration shall be valid in law.

Fee.

Provisional Directors.

5. The above-mentioned persons shall be the Provisional Directors of the said Company, for carrying into effect the objects and purposes of this Act.

Powers of Provisional Directors.

Filling vacancies among them.

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

First general meeting for the election of Directors, how, when and where to be called and held.

Proviso.

Notice of such meeting.

7. When and so soon as shares to an amount equivalent to one hundred thousand dollars in the Capital Stock of the said Company shall be taken, and ten per centum thereon shall have been paid into some one of the chartered Banks of this Province, it shall and may be lawful for the Provisional Directors of the said Company, for the time being, to call a meeting at the Village of Bedford, of the subscribers for stock in the said Company, and who have paid ten per centum thereon as aforesaid, for the purpose of electing Directors of the said Company; Provided, always, that if the said Provisional Directors shall neglect or omit to call such meeting, then the same may be called by any two of the holders of shares in the said Company, holding among them not less than an amount equivalent to two thousand dollars; And provided, always, that in either case public notice of the time and place of holding such meeting shall be given during one month, in some one newspaper published in the Town of Saint Johns, and also in some one newspaper published in each of the Counties through which the said



said Railway shall pass, or be intended to pass, or in such of the said Counties as shall have a newspaper published therein respectively; and, at such general meeting, the Shareholders assembled, with such proxies as shall be present, shall choose seven persons to be Directors of the said Company, being each a proprietor of shares in the said Company, to an amount of not less than one thousand dollars, and shall also proceed to pass such Rules, Regulations and By-laws as shall seem to them fit, provided they be not inconsistent with this Act; And provided, also, that such ten per centum shall not be withdrawn from such Bank, or otherwise applied, except for the purpose of such Railway, or upon the dissolution of the Company from any cause whatever.

Election of Directors.

Money paid into Bank to be withdrawn only for certain purposes.

8. The Directors so elected, or those appointed in their stead in case of vacancy, shall remain in office until the second Wednesday in January, one thousand eight hundred and sixty-three; and on the said second Wednesday in January, and on the second Wednesday in January in each year thereafter, or such other day as shall be appointed by any By-law, an annual general meeting of the Shareholders shall be held at the office of the Company for the time being to choose Directors in the room of those whose period of office shall have expired, and generally to transact the business of the Company; but if, at any time, it should appear to any three or more of such Shareholders, holding together sixty shares at least, that a special general meeting of the Shareholders is necessary to be held, it shall be lawful for such three or more of them to cause ten days' notice at least to be given thereof in such newspapers as are hereinbefore provided, or in such manner as the Company shall by any By-law direct or appoint, specifying in such notice the time and place, and the reason and intention of such special meeting respectively; and the Shareholders are hereby authorized to meet pursuant to such notice, and proceed to the execution of the powers by this Act given to them, with respect to the matters so specified only; and all such acts of the Shareholders, or a majority of them, at such special meetings assembled, shall be as valid to all intents and purposes as if the same were done at annual meetings.

Duration of office: annual general meetings.

Special general meetings.

To be for specified purposes only.

9. For the purpose of making, constructing and maintaining the Railway and other works necessary for the proper use and enjoyment of the Railway by this Act authorized to be constructed, the Directors of the said Company, for the time being, may raise, by subscriptions of stock, the sum of two hundred thousand dollars, divided into four thousand shares of fifty dollars each; provided, always, that the said capital sum may, from time to time, if necessary, be increased in the manner provided for in those clauses of the Railway Act, which in and by the second section of this Act are expressed to be incorporated with this Act.

Capital and shares.

Provision for increasing capital.

Directors to issue scrip and shares certificates.

Application of capital.

**10.** The Directors of the said Company for the time being, may make, execute and deliver all such scrip and share certificates as to the said Directors for the time being shall, from time to time, seem most expedient for raising the said sum, or for raising any part thereof; and the said money so raised shall be applied in the first place towards the payment and discharge of all fees, expenses and disbursements for procuring the passage of this Act, and for making the surveys, plans and estimates connected with the Railway, and all the rest and remainder of such money shall be applied towards the acquisition in the manner herein directed of the lands necessary for the purposes of the said Railway, and the lands to be occupied by the same, and the buildings in connection therewith, and also towards the making, completing and maintaining the said Railway and providing it with rolling stock, and other purposes of this Act, and to no other purpose whatever.

Company may raise \$200,000 by loan.

**11.** The Directors of the said Company shall have the power, upon being duly authorized thereto by a vote of the majority of the Stockholders in the said Company present at any Special General Meeting duly convened for that purpose, or at any annual General Meeting, to issue Bonds, Debentures or other securities, signed by the President or Vice-President, and countersigned by the Secretary and Treasurer, and sealed with the seal of the Company, for the purpose of raising by loan any amount not exceeding in the whole two hundred thousand dollars.

Bonds, &c., may be made payable to bearer and transferable by delivery.

Form of debentures.

To be a charge on Company's lands, &c.

**12.** All bonds, debentures, and other securities of the said Railway Company, may be payable to bearer, and all such bonds, debentures, or other securities of the said Company, and all dividend and interest warrants or coupons thereon, respectively, which shall purport to be payable to bearer, shall be assignable at law by delivery, and may be sued on and enforced by the respective bearers and owners thereof for the time being, in their own names; and the said debentures may be in the form contained in the Schedule B, annexed to this Act, or in any other convenient form similar thereto, and need not be before Notaries, and shall have the effect of creating a mortgage or hypothec upon the said Railway and the lands and property thereof; and the debenture, and mortgage, and hypothec thereby created shall be to all intents and purposes binding upon the said Company in favor of the holder of the debenture, and have the effect of mortgaging and charging all the land and property of the said Company without any more formal or particular description, and without registration; and the description in the said Schedule B shall be held to comprehend all the lands and tenements of the said Company, all wharves and buildings of every nature thereon, and in short all the immovable estate belonging to the said Company, including the rails and iron thereto affixed, any law or usage to the contrary notwithstanding; and such debentures may be made

made payable either in currency or sterling, and either at any place in Canada or at any place in Great Britain, or elsewhere, as the Directors of the said Company may see fit.

May be in sterling or currency.

13. The said Company shall have power to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars ; and any such promissory note made or endorsed, and any such bill of exchange drawn, accepted or endorsed by the President of the Company or Vice-President, and countersigned by the Secretary and Treasurer, and under the authority of a majority of a quorum of the Directors, shall be binding upon the said Company ; and every such promissory note so made, drawn, accepted or endorsed by the President or Vice-President of the said Company, and countersigned by the Secretary and Treasurer as such, shall be presumed to have been properly made, drawn and accepted, as the case may be, for the Company, until the contrary be shown ; and in no case shall it be necessary to have the seal of the Company affixed to any such bill of exchange or promissory note, nor shall the President, Vice-President or Secretary and Treasurer of the Company so making, drawing, accepting or endorsing any such promissory note or bill of exchange, be thereby subjected individually to any liability whatever ; provided, always, that nothing in this section shall be construed to authorize the said Company to issue any note payable to bearer, or any promissory note intended to be circulated as money or as the notes of a Bank.

Company may be parties to notes, bills, &c., and how.

Seal not required.

Company not to issue Bank notes.

14. Every proprietor of shares in the said Company shall be entitled on every occasion when the votes of the members of the said Montreal and Vermont Railway Company are to be given, to one vote for every share of fifty dollars held by him.

One vote for each share.

15. Any Shareholder in the said Company, whether a British subject or an alien, and whether resident in Canada or elsewhere, shall have equal right to hold stock in the said Company, and to vote on the same, either in person or by proxy, and to be eligible to office in the said Company.

Aliens may vote or hold office.

16. The Mayor, Warden or Reeve of any Municipality owning stock to the amount of twenty thousand dollars or more in the said Company, shall be, *ex officio*, one of the Directors thereof ; and such Directors shall be in addition to the other Directors provided for by this Act.

Heads of municipalities holding \$20,000 to be Directors.

17. Any meeting of the Directors of the said Company, at which not less than five of such Directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said Directors ; and the said Board of Directors may employ one or more of their number as paid Director or Directors.

Quorum of Directors.

Paid Directors.

Calls.

Amount limited.

Directors may require 10 per cent. on subscribing.

**18.** Calls may be made by the Directors of the said Company for the time being; Provided that no call to be made upon the subscribers for stock in the said Railway Company, shall exceed the sum of ten per centum upon the amount subscribed for by the respective shareholders in the said Company; Provided, also, that upon the occasion of any person or corporation becoming a subscriber for stock in the said Company, it shall and may be lawful for the Provisional and other Directors of the said Company, for the time being, to demand and receive to and for the use of the said Company, the amount of such calls as shall have already been made payable in respect of the stock then already subscribed, at the time of such person or corporation respectively subscribing for stock.

Company may take land for gravel pits.

May construct work shop, &amp;c., thereon and dispose of surplus.

**19.** And whereas it may be necessary for the said Company to possess gravel pits, and lands containing deposits of gravel, as well as lands for stations and other purposes, at convenient places along their line of railway, for constructing and keeping in repair, and for carrying on the business of the said railway; and as such gravel pits or deposits cannot at all times be procured without buying the whole lot of land wherein such deposits may be found; therefore, it shall be lawful for the said Company, and they are hereby authorized, from time to time, to purchase, have, hold, take, receive, use and enjoy, along the line of the said railway, or separate therefrom, and if separated therefrom, then with the necessary right of way thereto, any lands, tenements and hereditaments which it shall please Her Majesty, or any person or persons, or bodies politic, to give, grant, sell or convey unto, and to the use of or in trust for the said Company, their successors and assigns; and it shall and may be lawful for the said Company to establish stations or workshops on any such lots or blocks of land, and from time to time, by deed of bargain and sale or otherwise, to grant, bargain, sell or convey any portions of such lands not necessary to be retained for gravel pits, sidings, branches, wood-yards, station grounds or workshops, or for effectually repairing, maintaining and using, to the greatest advantage, the said railway and other works connected therewith.

Company may agree with land owners as to making and keeping up fences, &amp;c.

Provide.

**20.** The said Company may agree with any proprietor and proprietors of land over whose property the said Railway may go, as to the making and keeping up of the fences separating the said Railway from such lands, and as to the making and keeping up of any gates, bridges, culverts, crossings, or cattle guards, and as to the consequences of the neglect of keeping the same, or any of them in repair, and such agreement, being registered in the Registry Office for the County wherein the land is situate, shall be binding as well on the then proprietors of such land as on their successors, according to the tenor and purport of such agreement; Provided, always, that nothing in this section shall be considered

as preventing the laws of prescription from applying to these transactions according to the usual course of the law in Lower Canada.

21. The Company may make traffic arrangements with any other Railway Company or Companies in this Province, or elsewhere, or may lease the railway or bridge of any such Company, or may lease their railway, lands and works to any such Company, with the necessary conveniences for the purposes of such occupation or traffic arrangements; and the Board of Directors of such railways may agree upon such lease or traffic arrangements, and grant facilities for the same.

Company may make arrangements with other Companies, as to traffic, &c.

SCHEDULE A.

Know all men by these presents, that I, (insert  
*the name of the wife also, if she is to release her dower, or for*  
*any other reason to join in the conveyance,)* do hereby, in con-  
 sideration of paid to me (or as the  
*case may be)* by the Montreal and Vermont Railway Company,  
 the receipt whereof is hereby acknowledged, grant, bargain,  
 sell, convey and confirm unto the said Montreal and Vermont  
 Railway Company, their successors and assigns forever, all  
 that certain parcel or tract of land, situate *(describe the land)*  
 the same having been selected and laid out by the said Com-  
 pany for the purpose of their Railway; To have and to hold  
 the said land and premises, together with every thing apper-  
 taining thereto, to the said Montreal and Vermont Railway  
 Company, their successors and assigns forever, *(if there be*  
*dower to release, add)* and I, *(name the wife)* hereby release my  
 dower in the premises.

Witness my *(or our)* hand *(or hands)* and seal *(or seals)*  
 this day of one thousand eight  
 hundred and

A. B., [L. S.]  
 C. D., [L. S.]

Signed, sealed and delivered }  
 in the presence of }  
E. J., }  
G. H., }

SCHEDULE B.

Montreal and Vermont Junction Railway Company, Number  
 £ Sterling (or Currency.)

This Debenture witnesseth that the Montreal and Vermont  
 Railway Company, under the authority of the Act passed by  
 the Parliament of Canada, in the twenty-fourth year of Her  
 Majesty's Reign, intituled; *An Act to incorporate the Montreal*  
*and Vermont Junction Railway Company, 1861,* have received

from \_\_\_\_\_, of \_\_\_\_\_, the sum of \_\_\_\_\_ Currency (or Sterling,) as a loan, to bear interest from the date hereof at the rate of \_\_\_\_\_ per centum per annum, payable half yearly, on the \_\_\_\_\_ day of \_\_\_\_\_, and on the \_\_\_\_\_ day of \_\_\_\_\_, which sum of \_\_\_\_\_ Sterling (or Currency,) the said Company bind and oblige themselves to pay on the \_\_\_\_\_ to the said \_\_\_\_\_, or to the bearer hereof, and to pay the interest thereon half-yearly as aforesaid on the production of the coupons therefor which now form part of the Debenture; and, for the due payment of the said sum of money and interest, the said Company, under the power given them by the said Act, do hereby mortgage and hypothecate the real estate and appurtenances hereinafter described, that is to say: all their Railway extending from its terminus near the \_\_\_\_\_ at \_\_\_\_\_, in the \_\_\_\_\_ of \_\_\_\_\_, to its terminus at \_\_\_\_\_, in the \_\_\_\_\_ of \_\_\_\_\_, together with all and singular the stations, station houses, turnouts, sidings, and appurtenances, thereto belonging.

In testimony whereof, President of the said Company, hath hereto set and affixed his signature, and the common seal of the said Company, at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, one thousand eight hundred and \_\_\_\_\_

Countersigned and entered.

President.

Secretary.

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

An Act to incorporate the "Montreal Railway Terminus Company."

[Assented to 18th May, 1861.]

Preamble.

**W**HEREAS the construction of a Railway to connect the Grand Trunk Depots at Point St. Charles with the City of Montreal, and the erection of Stations, Offices and Depots in the said City, would tend to facilitate trade, and be of public benefit, and the persons hereinafter named have petitioned to be incorporated for that purpose: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Company incorporated.

1. The Honorable John Young, the Honorable Louis Renaud, the Honorable Luther Hamilton Holton, Thomas Cramp, John Esdaile, Victor Hudon, John Grant, Ira Gould, Harrison Stephens, H. L. Routh, David Torrance, D. L. McDougall, Henry J. Joseph, Hugh Allan, Theodore Hart, Robert Esdaile, James McDougall, John M. Young, E. Lane, E. Atwater, Andrew Allan, with such other person or persons, corporation and corporations, as shall, under the provisions of this Act, become

become shareholders in the Company hereby incorporated, shall be and are hereby constituted and declared to be a body politic and corporate under the name of "The Montreal Railway Terminus Company."

2. The said Company shall have full power, under this Act, to lay out, construct and complete a Railway with one or more Tracks, from the Tracks, Depot, and Station of the Grand Trunk Railway Company at Point St. Charles, near Montreal, or from such other point on the line of the said Railway, as may be thought most suitable, along and over such streets or property as the said Company may be permitted to occupy and use or may acquire, to such point in the said city as may be found most convenient for a Terminus within the same; and to construct in and upon such lands as they may acquire at such point, all such Stations, Depots, Offices, Turn-tables, Sidings, Works and erections as may be necessary for the accommodation of passengers, traffic and business between the City and the Station and Depots and Tracks of the Grand Trunk Railway Company.

Powers of the Company, and works to be constructed by them.

3. It shall be lawful for the said Company to make all contracts and arrangements that may be necessary with the Grand Trunk Railway Company, for the purchase of the said Road and Works, or as to the use and working of the said Road by the Engines and Plant of the said Grand Trunk Railway Company, and as to the rates and tolls thereof, or as to the leasing of said road, and the Stations, Depots and Offices to be constructed under this Act, to the said Grand Trunk Railway Company, either for a fixed rent, or for rates for freight and passengers, to be agreed upon; and also to make all such other contracts and agreements as may be necessary to carry this Act into full effect, and the said Grand Trunk Railway Company are hereby authorized and empowered to enter into such contracts and agreements; Provided always, that it shall be lawful for the Governor in Council or for the Grand Trunk Railway Company to purchase the property of the said Terminus Company at any time after the passing of this Act, upon giving the said Company six months' notice in writing and upon payment of a sum equal to the entire outlay of the said Terminus Company, together with such further sum as may be necessary to make up the past dividends of the Company to eight per cent per annum, and also a bonus of ten per cent upon such outlay, and upon the assumption of all liabilities and engagements of the said Terminus Company; and provided also, that if the Terminus Company be of opinion that such amount is inadequate, it shall be left to the arbitration of three disinterested persons (one to be named by each party and the third by a Judge of the Superior Court on application of either party) to determine what, if any, additional amount shall be paid to the said Terminus Company.

May make arrangements with the Grand Trunk Railway Company for certain purposes.

Proviso: the Government or the G. T. Railway may purchase the Company's works on certain terms.

Arbitration if the parties do not agree.

Company may make arrangements with the commissioner of public works or the corporation of Montreal.

4. It shall be lawful for the said Company to make all such arrangements and contracts with the Commissioner of Public Works or with the Corporation of the City of Montreal, as may be necessary to preserve the rights of the Crown or of the Corporation, in case any land vested in Her Majesty or belonging to the Corporation, be required for the works authorized to be constructed under this Act, or in case any streets, drains, water pipes, tail-race or other property of the Crown or of the Corporation shall be interfered with or damaged by the said works, and all such agreements and contracts shall be held to be legal and binding.

Capital Stock.  
Shares.

5. The Capital Stock of the said Company shall be two hundred thousand pounds currency, divided into four thousand shares of fifty pounds currency each.

Location and Plans of Road and Bridge over the Lachine Canal to be approved by the Governor in Council.

6. The said Company shall not break ground, or commence work under this Act, until the location of the said road, and the plans thereof, and especially the location and plans of any bridge which they may apply for permission to construct across the Lachine Canal, shall have been submitted to and approved of by the Governor in Council; and the said Company shall comply with the directions to be at any time given in writing by or on behalf of the Commissioner of Public Works, as to the location and construction of any such Bridge across the said Canal, or as to the use and working thereof when constructed, so as to interfere as little as possible with the business of the said Canal.

Certain provisions of the Railway Act incorporated with this Act.

7. The several clauses of the "Railway Act," with respect to the first, second, third, fourth and fifth clauses thereof; and also the several clauses of the said Act under the headings, "Interpretation," "Incorporation," "Powers," "Plans and Surveys," "Lands and their Valuation," "Highways and Bridges," "Fences," "Tolls," "General Meetings," "President and Directors, their Election and Duties," "Calls," "Shares, and their Transfer," "Municipalities," "Shareholders," "Actions for Indemnity, and Fines and Penalties, and their prosecution," "Working of the Railway," and "General Provisions," shall be incorporated with this Act, and shall accordingly apply to this Company and the said Railway, except only in so far as may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the provisions of *The Railway Act* which are incorporated with this Act as aforesaid.

Provisional Directors.

8. From and after the passing of this Act, the Honorable John Young, Ira Gould, Thomas Cramp, the Honorable L. H. Holton, the Honorable Louis Renaud, John Esdaile, Hugh Allan, E. Atwater, John Grant, shall be Provisional Directors of the said Company for carrying into effect the objects and purposes of this Act.



9. The Provisional Directors for the time being, or a majority of them, may supply and fill up the place or places of any of their number dying or declining to act as such Provisional Director or Directors, out of the several owners of stock in the said Company, to the amount of at least five hundred pounds currency, and such Provisional Directors shall be, and they are hereby invested with all the powers, rights and privileges of the elected Directors of the said Company, upon their being elected by the Stockholders under the provisions of *The Railway Act*, or of this Act.

Powers of  
Provisional  
Directors.

10. So soon as shares to an amount equivalent to fifty thousand pounds currency in the Capital Stock of the said Company shall be taken, and ten per centum thereon shall have been paid up and deposited in some of the Chartered Banks in this Province, it shall and may be lawful for the Provisional Directors of the Company, for the time being, or a majority of them, to call a general meeting in the City of Montreal, of the subscribers for stock who have paid ten per centum as aforesaid, for the purpose of electing Directors of the Company, such notice to be so given during at least one week in one newspaper published in the English language, and one in the French language in the said City; and at such general meeting the shareholders assembled, with such proxies as shall be present, shall choose seven Directors of the Company, being each a proprietor of shares to the amount of five hundred pounds currency, at least, five of whom shall be a quorum, and competent to exercise all the powers vested in the Directors, and shall also proceed to pass such Rules, Regulations and By-laws as shall seem to them fit, provided they be not inconsistent with this Act.

Election of  
Directors.

Number of  
Directors.

By-Laws,  
Rules, and  
Regulations.

11. The Directors so elected, or those appointed in their stead in case of vacancy, shall remain in office for one year, and until the day fixed by a By-law for the Annual General Meeting of the shareholders, at which meeting three Directors shall be elected in the room of those whose term of office shall have expired, and generally to transact the business of the Company.

Directors'  
term of office.

12. For the purpose of making, constructing, and maintaining the said Railway and works authorized to be constructed under this Act, it shall and may be lawful for the Directors of the Company to raise and borrow, under the authority of this Act, by loan, and in such sums and at such rates and for such times as they may deem meet, the sum of one hundred and fifty thousand pounds currency, and to make, issue and deliver therefor the bonds or debentures of the Company, signed by the President and countersigned by the Secretary thereof, and with or without coupons, and payable to bearer or otherwise, and in such form as the Directors may approve, and if made payable to bearer, they shall be assignable by delivery, and may be

Power to bor-  
row £150,000  
currency.

And to issue  
bonds or de-  
bentures with  
lien and hy-  
potheque.

be

be sued on by the holders thereof for the time being in their own names, and to grant in and by such bonds and debentures, or by notarial obligation, a lien, privilege, mortgage, and hypothec over the said Railway, Rolling Stock and Plant thereof, for the moneys so borrowed; or the said sum may be raised by subscription of stock and issuing of shares or otherwise, and it shall be lawful for any Corporation to subscribe for stock in the said Company.

Calls may be made.

**13.** Calls may be made by the Directors for the time being, provided no call shall exceed ten per cent. upon the amount subscribed; and it shall be lawful for the Provisional Directors to demand and receive for the use of the Company, from any person or Corporation, at the time of his or their subscription, ten per cent. on such subscription, and also an amount equal to the calls theretofore made payable in respect of stock previously subscribed.

Ten per cent. payable on subscription.

Rates of toll to be subject to approval of Governor in Council.

**14.** The rates to be charged by the Company for the conveyance of passengers and Freight, and the Tariff to be by them from time to time adopted, shall, at all times, be subject to the approval of the Governor in Council, and shall, from time to time, be liable to be modified by Order in Council, on the report of the Board of Railway Commissioners, in such particulars as may be deemed expedient.

Company not to interfere with any Public property or Work without permission.

**15.** Nothing in this Act contained shall give or be construed to give the Company the power of taking possession of, or of interfering with, or of exercising any control whatever over any lands belonging to Her Majesty, or any works or water powers under the control of the Commissioner of Public Works of this Province for the time being; and any works which the Commissioner of Public Works may consider to injure, affect or interfere with any Public Work of this Province, or to limit the exercise of any right granted or which might now lawfully be granted by Her Majesty, shall in all things be subject to the approval of the Governor in Council.

This act not to affect the rights of the Harbour Commissioners of Montreal.

**16.** Nothing herein contained shall be held to abate or restrict any jurisdiction or power of the Commissioners of the Harbor of Montreal, or to authorize the Company to do any act whatever in any wise affecting the rights or the exercise of the jurisdiction or powers of the said Commissioners; but the said Commissioners and the Company are hereby authorized to enter into and carry out all such contracts and agreements as may be deemed expedient for the better effecting the objects of the incorporation of the Company.

Time of commencing works.

**17.** The said Railway and Terminus shall be commenced within one year and completed within two years, from the passing of this Act, otherwise the same shall become null and void.

Public Act.

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

## CAP. LXXXIII.

## An Act to incorporate the Toronto Street Railway Company.

[Assented to 18th May, 1861.]

**W**HEREAS Alexander Easton has, by his petition, prayed that an association under the title of "The Toronto Street Railway Company," may be incorporated for the purpose of constructing and operating Street Railways in the City of Toronto, and the Municipalities adjoining thereto; And whereas it is expedient to grant the prayer of the petitioner: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The said petitioner, and such other persons as shall become shareholders of the said Company, are hereby constituted a body corporate and politic, for the purposes herein mentioned, by the name of "The Toronto Street Railway Company."

2. The capital stock of the Company shall be two hundred thousand dollars, in shares of twenty-five dollars each.

3. The Company may commence operations and exercise the powers hereby granted, so soon as one hundred thousand dollars of the capital stock shall be subscribed and twenty per cent. thereon shall be paid up; Provided always, that not less than seven persons residents and rate-payers of the said City and the other Municipalities, shall be subscribers to an amount of not less than twenty thousand dollars.

4. The Company are hereby authorized and empowered to construct, complete, maintain and operate a double or single iron Railway, with the necessary side tracks, switches and turn-outs, for the passage of cars, carriages and other vehicles adapted to the same, upon and along any of the streets or highways in the City of Toronto and the Municipalities immediately adjoining the limits of the said City, or any of them, and to take, transport and carry passengers upon the same by the power and force of animals, and to construct and maintain all necessary works, buildings and conveniences therewith connected.

5. The Company shall have full power and authority to use and occupy any and such parts of any of the streets or highways aforesaid, as may be required for the purpose of their Railway track and the laying of the rails and the running of their cars and carriages; Provided always, that the consent of the said City and Municipalities, respectively, shall be first had and obtained, who are hereby respectively authorized to grant permission

Preamble.

Company  
Incorporated.

Name.

Capital.

When the  
Company may  
commence.

Proviso.

Company may  
construct and  
work a Street  
Railway by  
animal power.May use the  
Streets.Proviso:  
Consent of  
municipal

authorities to be obtained.

permission to the said Company to construct their Railway as aforesaid within their respective limits, across and along, and to use and occupy the said streets or highways or any part of them for that purpose, upon such conditions and for such period or periods as may be respectively agreed upon between the Company and the said City or other Municipalities aforesaid, or any of them.

Railway to be flush with the streets.

6. The rails of the Railway shall be laid flush with the streets and highways, and the Railway track shall conform to the grades of the same so as to offer the least possible impediment to the ordinary traffic of the said streets and highways; and the gauge shall be such that the ordinary vehicles now in use may travel on the said tracks, which it shall and may be lawful for them to do, provided they do not interfere with or impede the running of the cars of the Company; and in all cases, any carriage or vehicle coming in the opposite direction to the cars shall be required to turn off the track.

Board of Directors.

Qualification.

Election.

Vacancies.

7. The affairs of the Company shall be under the control of and shall be managed and conducted by a Board of Directors of not less than three nor more than seven, each of whom shall be a Stockholder to an amount of not less than one hundred dollars, and shall be elected on the first day of October of any year, at the office of the Company; and all such elections shall be by ballot, by a plurality of the votes of the Stockholders present, each share to have one vote, and Stockholders not personally attending may vote by proxy; and the Directors so chosen shall, as soon as may be, elect one of their number to be President, which President and Directors shall continue in office one year and until others shall be chosen to fill their places; and, if any vacancy shall at any time happen of the President or Directors, the remaining Directors shall supply such vacancy for the remainder of the year.

First Directors.

8. Alexander Easton, Alexander Blakely and Daniel Smith, shall be the first Directors of the Company, and the said Alexander Easton, first President thereof, who shall severally hold their offices till the first day of October next after the Company go into operation.

Directors to make By-laws for certain purposes.

9. The Directors of the Company shall have full power and authority to make, amend, repeal and re-enact all such By-laws, rules, resolutions and regulations, as shall appear to them proper and necessary, touching the well ordering of the Company, the number of Directors, the acquirement, management and disposition of its stock, property and effects, and of its affairs and business, the entering into arrangements and contracts with the said City or Municipalities, the declaration and payment of dividends out of the profits of the said Company, the form and issuing of stock certificates, and the transfer of shares, the calling of special and general meetings of the Company,

Company, the appointment, removal and remuneration of all officers, agents, clerks, workmen and servants of the Company, the fares to be received from persons transported over the Railway or any part thereof, and in general to do all things that may be necessary to carry out the objects and the exercise of any powers incident to the Company. General powers.

**10.** The stock of the Company shall be deemed personal estate, and shall be transferable in such way as the Directors shall by By-law direct. Stock to be personalty.

**11.** If the election of Directors be not made on the day appointed by this Act, the Company shall not for that reason be dissolved; but the Stockholders may hold the election on any other day in the manner provided for by any By-law passed for that purpose; and all acts of Directors, until their successors are elected, shall be valid and binding upon the Company. Failure of election not to dissolve the Company, &c.

**12.** The Company may purchase, lease, hold or acquire, and transfer any real or personal estate necessary for carrying on the operations of the Company. Company may hold real estate.

**13.** The Directors of the Company may, from time to time, raise or borrow for the purposes of the Company, any sum or sums not exceeding in the whole one hundred thousand dollars, by the issue of Bonds or Debentures, in sums of not less than one hundred dollars, on such terms and credit as they may think proper, and may pledge or mortgage all the property, tolls and income of the Company or any part thereof, for the re-payment of the moneys so raised or borrowed and the interest thereon; provided always, that the consent of three-fourths in value of the Stockholders of the Company shall be first had and obtained at a special meeting to be called and held for that purpose. Company may borrow \$100,000 on Debentures.

**14.** The said City and the said adjoining Municipalities or any of them, and the said Company, are respectively hereby authorized to make and to enter into any agreement or covenants relating to the construction of the said Railway, for the paving, macadamising, repairing and grading of the streets or highways, and the construction, opening of and repairing of drains or sewers, and the laying of gas and water pipes in the said streets and highways, the location of the railway and the particular streets along which the same shall be laid, the pattern of rail, the time and speed of running of the cars, the amount of license to be paid by the Company annually, the amount of fares to be paid by passengers, the time within which the works are to be commenced, the manner of proceeding with the same and the time for completion, and generally for the safety and convenience of passengers, the conduct of the agents and servants of the Company, and the non-obstructing or impeding of the ordinary traffic. The City and adjoining Municipalities may agree with the Company as to certain matters.

City and Municipalities may pass By-laws for giving effect to any such agreement.

15. The said City and the said Municipalities are hereby authorized to pass any By-law or By-laws, and to amend, repeal or enact the same, for the purpose of carrying into effect any such agreements or covenants, and containing all necessary clauses, provisions, rules and regulations for the conduct of all parties concerned, and for the enjoining obedience thereto, and also for the facilitating the running of the Company's cars, and for regulating the traffic and conduct of all persons travelling upon the streets and highways through which the said Railway may pass.

Existing agreement with the City recited and confirmed.

16. And whereas the said Corporation of Toronto, on the twenty-second day of March, one thousand eight hundred and sixty-one, entered into an agreement, bearing that date, under the seal of the said City, with the said Alexander Easton, for the construction and operating of street Railways within the said City, upon certain conditions therein mentioned, and among other things it was agreed that so soon as Legislative sanction was given to the same, that a By-law of the said City should be passed in accordance therewith, therefore the said recited agreement shall be held to be a valid and binding agreement, and that the Corporation of Toronto had full power and authority to enter into and make such agreement upon the conditions and for the purposes therein mentioned, and the said Corporation are hereby authorized to pass any By-law or By-laws for the purpose of carrying into effect the said recited agreement.

City may pass a By-law to give it effect.

Public Act.

17. This Act shall be deemed a Public Act.

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

### An Act to incorporate the Montreal City Passenger Railway Company.

[Assented to 18th May, 1861.]

Preamble.

**W**HEREAS the persons hereinafter named have, by their petition, prayed that they may be incorporated under the title of "The Montreal City Passenger Railway Company," for the purpose of constructing and operating Street Railways in the City and Parish of Montreal; And whereas it is expedient to grant the prayer of the petitioners: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Incorporation of Company.

1. Willam Molson, John Ostell, William Dow, Johnston Thomson, William Macdonald, John Carter, Thomas Ryan, William E. Phillips, and such other persons as shall become shareholders of the said Company, are hereby constituted a body corporate and politic, for the purposes herein mentioned, by the name of "The Montreal City Passenger Railway Company of Montreal."

2. The capital stock of the Company shall be three hundred thousand dollars, in shares of fifty dollars each. Capital.

3. The Company may commence operations and exercise the powers hereby granted so soon as one hundred thousand dollars of the capital stock shall be subscribed, and twenty per cent. thereon paid up. When the Company may commence.

4. The Company are hereby authorized and empowered to construct, complete, maintain, and from time to time remove and change, a double or single track iron Railway, with the necessary side tracks, switches and turn-outs and other appliances, for the passage of cars, carriages and other vehicles and particularly those adapted to the same, upon and along any of the streets in the City of Montreal, mentioned in the By-law of the Corporation of the City of Montreal, numbered two hundred and sixty-five, and in conformity with the said By-law, and upon and along any other streets in the said City which they may be authorized to pass along by any subsequent By-law of the said Corporation, and with the divisions and subject to the limitations set forth and provided by the said By-law, or by any such subsequent By-law, and upon and along the highways in the Parish of Montreal, leading into the said streets and contiguous thereto, or any of them; and to take, transport and carry passengers upon the same, and to construct and maintain all necessary works, buildings and conveniences therewith connected; and to use and occupy any and such parts of any of the streets or highways aforesaid as may be required for the purpose of their Railway track and the laying of the rails and the running of their cars and carriages; but the Company shall not be permitted to use steam power upon the said Railway. Company may construct and work a Street Railway by animal power.  
May use the streets and highways, subject to the By-law on the subject.  
Not to use steam power.

5. The rails of the Railway shall be laid flush with the streets and highways, and the Railway track shall conform to the grades of the same so as to offer the least possible impediment to the ordinary traffic of the said streets and highways; and the gauge shall be such that the ordinary vehicles now in use may travel on the said tracks, which it shall and may be lawful for them to do, provided they do not interfere with or impede the running of the cars of the Company; and in all cases, any carriage or vehicle on the track shall give place to the cars by turning off the track. Railway to be flush with the streets.

6. The affairs of the Company shall be under the control of and shall be managed and conducted by a Board to consist of five Directors, each of whom shall be a stockholder to an amount of not less than five hundred dollars, and shall be elected on the first Wednesday of November of every year at the office of the Company; and all such elections shall be by ballot, by plurality of the votes of the stockholders present, each share to have one vote, and stockholders not personally attending may Board of Directors.  
Qualification.

**Election.** may vote by proxy ; and the Directors so chosen shall, as soon as may be, elect one of their number to be President, which President and Directors shall continue in office one year and until others shall be chosen to fill their places ; and, if any vacancy shall at any time happen of the President or Directors, the remaining Directors shall supply such vacancy for the remainder of the year.

**First Directors.** 7. The said William Molson, John Ostell, William Dow, Johnston Thomson and William Macdonald, shall be the first Directors of the Company, and shall severally hold their offices till the first Wednesday of November, next after the Company goes into operation.

**Directors may make By-laws for certain purposes.** 8. The Directors of the Company shall have full power and authority to make, amend, repeal and re-enact all such By-laws, rules, resolutions and regulations as shall appear to them proper and necessary, touching the well ordering of the Company, the acquirement, management and disposition of its stock, property and effects, and of its affairs and business, the entering into arrangements and contracts with the said City or the adjoining Municipalities, the declaration and payment of dividends out of the profits of the said Company, the form and issuing of stock certificates, and the transfer of shares, the calling of special and general meetings of the Company, the appointment, removal and remuneration of all officers, agents, clerks, workmen, and servants of the Company, the fares to be received from persons transported over the Railway or any part thereof, and in general to do all things that may be necessary to carry out the objects and exercise the powers incident to the Company.

**General powers.**

**Stock to be personalty.** 9. The stock of the Company shall be deemed personal estate, and shall be transferable in such way as the Directors shall by By-law direct.

**Failure of election not to dissolve the Company.** 10. If the election of Directors be not made on the day appointed by this Act, the Company shall not for that reason be dissolved ; but the stockholders may hold the election on any other day in the manner provided for by any By-law passed for that purpose ; and all acts of Directors, until their successors are elected, shall be valid and binding upon the Company.

**Power to hold real estate.** 11. The Company may purchase, lease, hold, acquire and transfer all real or personal estate necessary for carrying on the operations of the Company.

**Power to borrow \$100,000 on Debentures.** 12. The Directors of the Company may, from time to time, raise or borrow, for the purposes of the Company, any sum or sums not exceeding in the whole, one hundred thousand dollars by the issue of Bonds or Debentures, in sums of not less than



than one hundred dollars, on such terms and credit as they may think proper, and may pledge or mortgage all the property, tolls and income of the Company or any part thereof, for the re-payment of the moneys so raised or borrowed and the interest thereon; Provided always, that the consent of three-fourths in value of the Stockholders of the Company, shall be first had and obtained at a special meeting to be called and held for that purpose. Proviso.

**13.** The said City and the adjoining Municipalities or any of them, and the said Company, are respectively hereby authorized to make and to enter into any agreement or covenants relating to the construction of the said Railway, for the paving, macadamising, repairing and grading of the streets or highways, and the construction, opening of and repairing of drains or sewers, and the laying of gas and water pipes in the said streets and highways—the location of the railway and the particular streets along which the same shall be laid—the pattern of rail—the time and speed of running of the cars—the amount of license to be paid by the Company annually—the amount of fares to be paid by passengers—the time within which the works are to be commenced—the manner of proceeding with the same and the time for completion—and generally for the safety and convenience of passengers—the conduct of the agents and servants of the Company, and the non-obstructing or impeding of the ordinary traffic. The City and adjoining Municipalities may agree with the Company as to certain matters.

**14.** The said By-law number two hundred and sixty-five of the Corporation of the City of Montreal is hereby confirmed, and the provisions thereof shall be binding upon the said Corporation and upon the said Company to the same extent as if the same were incorporated into this Act, and the said City and the said Municipalities are hereby authorized to pass any further By-law or By-laws, and to amend, repeal and enact the same for the purpose of carrying into effect any such agreements or covenants, and containing all necessary clauses, provisions, rules and regulations, for the conduct of all parties concerned, and for the enjoining obedience thereto,—and also for facilitating the running of the Company's cars, and for regulating the traffic and conduct of all persons travelling upon the streets and highways through which the said Railway may pass; Provided also, that no such further By-law or By-laws, shall infringe upon the privileges granted to the said Company by the said By-law, number two hundred and sixty-five, and by this Act. City and Municipalities may pass By-laws for giving effect to such agreement.

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

Public Act.

## C A P . L X X X V .

An Act to extend the period fixed for the completion of the works of the North Shore Railway and St. Maurice Navigation and Land Company.

[Assented to 18th May, 1861.]

Preamble.

**W**HEREAS the Directors of the North Shore Railway and St. Maurice Navigation and Land Company have, by their petition, prayed that the period fixed for the construction of their works may be extended for the reasons set forth in the said petition, and it is expedient to accede to their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Period for the completion of the company's works extended.

**1.** The North Shore Railway and St. Maurice Navigation and Land Company may continue the construction of their Railway and other works after the month of June, one thousand eight hundred and sixty-two, but such Road and works must be completed by the thirtieth day of October, one thousand eight hundred and sixty-six, and the said Company shall, during and after the month of June, one thousand eight hundred and sixty-two, continue to enjoy all the powers, rights and privileges granted to and enjoyed by them, in virtue of the Acts respecting the said Company, any limitation or provision in any such Act to the contrary notwithstanding.

Directors may issue scrip, debentures, &c., for raising capital.

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

Company may raise a loan to the amount of half their capital.

**3.** The Company may raise, by way of loan upon their Bonds or Debentures, in addition to their authorized Share Capital, any sum not exceeding one half of their capital, and such Bonds or Debentures may be for such amount respectively as the said Company may deem expedient, and all Bonds and Debentures, to be executed by the said Company, may be payable to bearer; and all such Bonds, Debentures, or other Securities of the said Company, and all dividends and interest warrants thereon respectively, which shall purport to be payable to bearer, shall be assignable at law by delivery, and may be sued on and enforced by the respective bearers and owners thereof, for the time being, in their own names.

4. It shall be lawful for the Board of Directors, out of the capital of the Company, to provide and pay such sum as may, from time to time, with the earnings of the Company available for dividend, be sufficient to pay interest upon the Loan and Stock and Share Capital of the Company, until the completion of the authorized works of the undertaking of the Company; Provided, always, that such payments shall not continue to be made upon the Stock and Share Capital, except out of the earnings of the Company, after the thirteenth day of October, one thousand eight hundred and sixty-six.

Company may pay interest on capital until the works are completed.

Proviso.

5. The Directors of the Company may, subject to the rules and regulations, from time to time, of the Board, appoint an Agent in the City of London, in England, with power to pay dividends, to open and keep books of transfer for the shares of the Company, and for the issue of Scrip and Stock Certificates, and thereupon shares may be transferred from the Canada Office to the London Office in the names of the transferees, in the same manner as shares may be transferred in the former office, and *vice versa*; and shares originally taken and subscribed for in Great Britain may be entered upon the books at the London Office, and Scrip Certificates be issued for them, and the Agent or other officer shall transmit an accurate list of all such transfers and Scrip Certificates so issued, to the Secretary or other officer of the Company in this Province, who shall thereupon make the requisite entries respecting such transfer and Scrip Certificates, in the Register kept in the Province, and thereupon the same shall be binding on the Company as to all the rights and privileges of Stockholders, as though the Scrip Certificates had been issued by the Secretary of the Company in this Province.

Directors may appoint an agent in England with certain powers.

6. This Act shall be deemed a Public Act.

Public Act.

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

An Act to amend the Charter of the Drummond and Arthabaska Counties Railway Company.

[Assented to 18th May, 1861.]

WHEREAS the Drummond and Arthabaska Counties Railway Company, by the Provisional Board of Directors thereof, have prayed for amendment of their Charter, in the particulars hereinafter set forth; and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. The Drummond and Arthabaska Counties Railway Company, with the consent of the proper Municipal authority, approved as hereby is provided, but not otherwise, may lay out, construct

Company may lay a tramway on any road

construct

with the consent of the Municipality.

By-law granting such consent may impose conditions.

By-law must be assented to by the Company, and approved by the municipal electors.

Rights of the Company under such By-law.

Capital for commencing with tramway only.

Public Act.

How to be construed.

construct, finish, maintain and work, the whole or any part of any Tramway authorized by their Charter, upon the line of any road duly laid out or to be laid out by such Municipal authority, and upon any bridge or other work constructed or to be constructed by or for such Municipal authority.

2. Any By-law of a County or Local Council to be passed for the granting of such consent, may attach to such consent all such terms and conditions as to such Council may seem meet, touching the laying out, construction, finishing and maintenance of any such road or bridge, or the laying out, construction, finishing and maintenance of such Tramway thereon, or the use of such road or bridge or tramway, by the public and the Company jointly, or by the Company exclusively, for any term of years or in perpetuity; and every such Council, for all purposes of any such By-law, shall have all the powers which, by the seventh sub-section of the twenty-sixth section of the Lower Canada Consolidated Municipal Act, are vested in County Councils in respect of roads and bridges under their control, and may, by any such By-law, exercise such powers by, or depute the same to, the Company, in whole or part, and otherwise on such terms and conditions as to such Council may seem meet; but no such By-law shall have any force or effect, nor yet shall any By-law for the repeal, amendment or alteration thereof, unless expressly assented to by the Company, nor until approved in the manner provided by the Act intitled: *An Act respecting the Consolidated Municipal Loan Fund*, all the sections whereof, numbered from twelve to thirty-three inclusively, so far as the same are at all applicable, shall apply to every such By-law, to all intents as though expressly enacted by this Act.

3. The Company, upon compliance with the terms of any such By-law, and without observance of other formalities than may thereby be prescribed, shall have, hold and enjoy all such rights whatsoever in, to and upon every such road and bridge, and in, to and upon their Tramway thereon, as by such By-law may be accorded, or as may be requisite for the due conduct of their undertaking, according to the fair scope and intent of such By-law.

4. For the construction of a Tramway only, should the Company decide not to commence with the construction of a Railway, the Company may organize, in the first instance, with a Capital Stock of two hundred thousand dollars.

5. This Act shall be a Public Act, and shall be construed and applied to all intents as though forming part of the Act passed in the twenty-third year of Her Majesty's reign, intitled: *An Act to incorporate the Drummond and Arthabaska Counties Railway Company*, hereby amended; and the expression, "The Charter of the Drummond and Arthabaska Counties Railway Company," shall constitute a sufficient citation, as well of this Act as of the said Act hereby amended.

## CAP. LXXXVII.

An Act to amend the Acts incorporating the Carillon and Grenville Railway Company.

[Assented to 18th May, 1861.]

**W**HEREAS the Carillon and Grenville Railway Company Preamble. have, by their Petition, prayed for certain amendments to their Act of Incorporation and to the subsequent Act amending and extending the same, and it is expedient that such Petition should be granted: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The Company may, at their option, extend their line to a point at or near Lachine instead of Point Claire, for the purpose of connecting with the Montreal and Champlain Railway; and all the provisions of the Acts referred to in the Preamble of this Act shall apply to such extension. Company may extend their line to Lachine.

2. This Act shall be a Public Act.

Public Act.

## CAP. LXXXVIII.

An Act to incorporate "The Petroleum Springs Road Company."

[Assented to 18th May, 1861.]

**W**HEREAS Henry C. R. Becher, John Wilson, Alexander McDonald, George Macbeth, Stearne John Ball, James Shanly and Caldwell Ashworth, Esquires, and others, have, by petition to the Legislature, represented that the construction of a Tram Road or Way connecting the Southern part of the Township of Enniskillen and the Township of Dawn, with Wanstead, on the Sarnia branch of the Great Western Railway, and with Bothwell or Newbury, on the main line of that Railway, would tend much to develop the resources of the said townships, and the surrounding country, and be of great public convenience and benefit, and that they are desirous of becoming incorporated as a Company, for the construction and working of the said Tram Road or Way, with other proper powers in that behalf, under the name of "The Petroleum Springs Road Company," and have prayed to be so incorporated; And whereas it is proper that the prayer of the said petition be granted: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The said Henry C. R. Becher, John Wilson, Alexander McDonald, George Macbeth, Stearne John Ball, Caldwell Ashworth Company incorporated.

Ashworth and James Shanly, together with all such other persons as shall, under the provisions of this Act, become Shareholders, shall be, and are hereby declared and constituted a body corporate and politic, by the name of "The Petroleum Springs Road Company."

Name.

Line of Company's road defined.

Right of way, etc., and other powers.

Rate of travel limited.

Capital.

When the Company may begin work.

Calls—amount limited.

Provisional Directors.

Elective Directors.

Votes.

President.

2. The said Company, their servants and Agents, shall have full power under this Act to lay out, construct and complete a double or single Tram Road or Way of Wood, or wood and iron, or other materials, from Wanstead or Wyoming, in the Township of Plympton, to any point in the Southern part of the Township of Enniskillen, and from thence to any point in the Township of Dawn, and from thence to Bothwell or Newbury aforesaid, and to take and hold all lands for the purposes and conveniences of their Road or Way, and the buildings and constructions connected in any way therewith, or aiding the traffic thereof; and they shall have full power to carry and transport on their said Road or Way and any and every part thereof, all manner of goods, property and passengers, at such reasonable rates as the Directors of the Company for the time being shall impose, or as shall be from time to time fixed by the Governor of the Province; and the said Road may be worked by horse or other power, but if by steam the rate of travelling shall not be greater than ten miles per hour.

3. The capital stock of the said Company shall be fifty thousand dollars, divided into two thousand five hundred shares of twenty dollars each; but the Company may commence their operations under this Act so soon as sixteen thousand dollars of such capital stock shall have been subscribed, and ten per cent thereof paid in; and the payment of all stock shall be made by calls on each shareholder, for such sums and at such times as the Board of Directors of the Company shall determine; Provided that at least one month's notice be given of every such call.

4. The affairs of the Company shall be administered, and its powers exercised, until the first general meeting thereof, by a Provisional Board of Directors, to consist of the said Henry C. Becher, John Wilson, Alexander McDonald, George Macbeth and James Shanly, and thereafter by a Board of five Directors, to be elected at such meeting, being severally shareholders to the amount of four hundred dollars or more, in the capital stock of the Company, the shareholders electing them, at such first meeting, having paid in ten per cent. on their stock; and two of such Directors, in rotation, shall thenceforth retire annually from such Board, but may always be re-elected; and, at the elections for Directors, each Stockholder shall be entitled to one vote for every share of stock he holds, and in respect of which he is not in arrear for any call; and any Stockholder may vote by proxy; and the Directors shall elect one of their number to be President; and such President and other

other Directors may be remunerated by the Stockholders for their services ; and three Directors of such Board shall form the quorum thereof ; and in case of the death, resignation, removal or other disqualification of any Director, such Board may fill the vacancy until the next annual general meeting of the Company, by appointing any qualified shareholder thereto.

Quorum.  
Vacancies.

5. The said Provisional Board of Directors shall have full power to open stock books, assign stock to parties subscribing, make calls on stock, and grant certificates and receipts therefor, and to do all other things for the well-being of the said Company, and to conduct its affairs until the election of the Board of Directors thereof.

Powers of  
Provisional  
Directors.

6. The first general meeting of the Company shall be held at the City of London, in this Province, at such time, within six months at furthest, after an amount of sixteen thousand dollars has been subscribed, and ten per cent. thereof paid in, and at such place as the said Provisional Board of Directors shall appoint, and after at least one week's due notice given thereof ; and Annual General Meetings of the Company shall thereafter be held at such time and place, and after such notice to be given thereof, as by the By-laws of the Company shall from time to time be ordained.

First general  
meeting.

Annual meet-  
ings.

7. In case of any failure of election of Directors, the Corporation shall not thereby be dissolved, and the term of office of the then Directors or any of them, shall not be deemed to have expired until the appointment of their successors.

Provision in  
case of failure  
of election.

8. The Board of Directors of the Company may make and enter into, on behalf of the Company, all necessary contracts, and shall administer the affairs of the Company, and make By-laws for the proper regulation of all matters concerning the said Company, and for the forfeiture of stock for non-payment of calls ; for regulating or prohibiting the assignment of stock until fully paid up, or for any other matter or thing connected with the said Company, and may repeal such By-laws from time to time and enact new By-laws.

Powers of  
Directors.  
By-laws.

9. The shareholders of the Company shall not, as such, be held responsible for any act, default or liability whatever of the Company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever, relating to or connected with the Company, beyond the amount of their respective shares in the capital stock thereof.

Liabilities of  
Shareholder  
limited.

10. The said Company shall complete their Road or Way within five years from the passing of this Act, and if the same be not then completed, the powers of the said Company, except as to the portion thereof that may then be in operation, shall cease.

Road to be  
completed in  
five years.  
Penalty.

Certain provisions in cap. 49 of Con. Stat. U. C. incorporated with this Act.

**11.** The said Company shall have all the powers and benefits, and be subject to the liabilities, duties and restrictions, given to and imposed upon Joint Stock Road Companies, in the fourth, fifth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh, twenty-eighth, twenty-ninth, thirtieth, thirty-first, thirty-second, thirty-fourth, thirty-fifth, fifty-third, fifty-fourth, fifty-fifth, fifty-sixth, sixtieth, sixty-third, sixty-fourth, sixty-fifth, sixty-sixth, one hundred and tenth and one hundred and eleventh clauses of the Act chapter forty-nine of the Consolidated Statutes for Upper Canada; and those clauses are, for the purposes of this Act, and in regard to all Corporations and persons, to be read and taken as part of this Act.

Municipalities may allow the Company to use the public highway.

**12.** The Council of any Township may, by By-law or otherwise, permit the said Company to construct their said Road or Way, or any part thereof, in, along, over and upon the whole or any part and parts of any original Government allowance for road in such Township, and from thenceforth the portion and portions or the whole of such original allowance for road to which such permission extends shall be vested absolutely in the said Company, divested of any public right; but whenever the Tram Road or Way is intersected by any open and travelled public highway, the Company shall make, keep and maintain, on either side of and on their track, a sufficient slope and guard or platform of plank or other material, so that the public may cross the same without inconvenience to themselves or injury to the track.

Precautions in such case.

Penalty on persons trespassing on the Company's property or works.

**13.** In case any person or persons shall, with horses, cattle or carriages, go or travel on, upon or across the said Tram Road, or Way or track, or any part thereof, except at the slope or crossing mentioned in the preceding section, or upon any bridge of the said Company, whether doing injury or not to the same, or if any person or persons shall in any way do or cause to be done any injury to such road, or way, or track, or any timber, tie, rail, fence, bridge or building connected therewith, or to any car, carriage, horse or engine of the Company, or any other property belonging to them or in their custody or charge, or shall interrupt or impede the passage of any train, car, carriage, horse or engine of the Company, such person and persons shall, upon conviction thereof in a summary way before any Justice of the Peace, be sentenced to pay all damages, if any, sustained by the Company, which damages shall be ascertained and settled by the Justice hearing the complaint, and also to pay a fine of not more than twenty dollars and not less than one dollar, together with all costs; which damages, fine and costs shall be paid within a time to be limited by the Justice, and, in default thereof, shall be levied as in the one hundred and seventh section of the said Act, chapter forty-nine of the Consolidated Statutes for Upper Canada, is directed; and

How to be enforced.



and in case of no goods or chattels to satisfy the warrant, the offender may be committed to Gaol as in the said section is provided; and the damages so ascertained shall be paid to the Company, and the fines one-half to the complainant and the residue to the Receiver General for the uses of the Province.

Application of penalty.

14. Should the said Company find it expedient, they may convert their Tram Road or Way, or any part or parts thereof, into a plank or gravelled road, or road of other material; and in such event, all and singular the clauses in the said Act chapter forty-nine of the Consolidated Statutes for Upper Canada in any way relating to tolls, shall then be taken as applicable to the said road, or the part or parts thereof so converted, and shall be in force in relation thereto.

Company may convert their road into a plank road, &c.

15. This Act shall be deemed a Public Act.

Public Act.

## CAP. LXXXIX.

### An Act to incorporate The Merchants' Bank.

[Assented to 18th May, 1861.]

**W**HEREAS Hugh Allan, the Honorable Louis Renaud, Harrison Stephens, the Honorable John Young, Hannibal Hodges Whitney, Damase Masson, Edwin Atwater, William Edmonstone, Andrew Allan, John Smith, Ira Gould, Robert Anderson, and others, have, by their petition, prayed that they and their legal representatives might be incorporated for the purpose of establishing a Bank in the City of Montreal; And whereas it is desirable and just that the said persons and others, who see fit to associate themselves with them, should be incorporated for the said purpose: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. The several persons hereinabove named, and such other persons as may become Shareholders in the Company to be by this Act created, and their assigns, shall be and they are hereby created, constituted and declared to be a Corporation, body corporate and politic, by the name of "The Merchants' Bank," and shall continue such Corporation, and shall have perpetual succession and a Corporate Seal, with power to alter and change the same at pleasure, and may sue and be sued, implead or be impleaded in all Courts of Law as other Corporations may do, and shall have the power to acquire and hold real and immoveable Estate for the management of their business, not exceeding the yearly value of two thousand five hundred pounds currency, and may sell, alienate or exchange the same and acquire other instead, and may, when duly organized as hereinafter provided, make, ordain and establish such rules, regulations and by-laws as to them shall seem meet

Certain persons incorporated.

Corporate name and general powers.

Real property limited.

May make By-laws.

meet and necessary for the due and proper administration of their affairs, and the due management of the said Bank, (such by-laws and regulations not being inconsistent with this Act, or contrary to the laws of this Province;) Provided, however, that such rules, regulations and by-laws shall be submitted for approval to the Stockholders or Shareholders in the said Bank, at their regular annual meetings.

Proviso: they must be approved by Stockholders.

Capital \$2,000,000 in shares of \$100 each

Capital may be reduced.

2. The Capital Stock of the said Bank hereby incorporated shall be two millions of dollars divided into twenty thousand shares of one hundred dollars each, which said shares shall be and are hereby vested in the several persons who shall subscribe for the same, their heirs, legal representatives and assigns; provided always, that if within the period of five years after the said Bank shall have commenced the business of Banking, it be resolved at any annual general meeting of the Shareholders of the said Bank, that the Capital Stock thereof be reduced to the amount thereof then actually subscribed, or to the sum of one million of dollars, if the amount of stock then subscribed thereon be less than one million of dollars, and if notice of such resolution be forthwith thereafter given in the *Canada Gazette*, then, and thereupon, the capital of the said Bank shall be held to be reduced to the said sum of one million of dollars or to such sum of money exceeding one million of dollars as shall then have been subscribed, and this Act shall be construed and enforced, as if the capital thereof had been herein fixed at the sum to be named in such resolution.

Stock books may be opened by Provisional Directors.

At Montreal and elsewhere.

First meeting for election of Directors.

Election of seven Directors.

3. For the purpose of organizing the said Bank, and of raising the amount of the said Capital Stock, the first seven of the persons hereinbefore mentioned and hereby incorporated shall be provisional Directors thereof, and they, or the majority of them, may cause Stock Books to be opened after giving due public notice, upon which Stock Books shall and may be received the signatures and subscriptions of such persons or parties as desire to become shareholders in the said Bank, and such Books shall be opened at Montreal, and elsewhere, at the discretion of the said provisional Directors, and shall be kept open so long as they shall deem necessary; and so soon as five hundred thousand dollars of the said Capital Stock shall have been subscribed upon the said Stock Books, and two hundred thousand dollars thereof actually paid in thereupon, a public meeting shall be called of the subscribers thereof, by notices published at least two weeks in two of the newspapers of the City of Montreal, such meeting to be held at such time as such notice shall indicate; and at such meeting the subscribers shall proceed to elect seven Directors, having the requisite stock qualification, who shall from thenceforward manage the affairs of the said corporation, shall take charge of the Stock Books hereinabove referred to, and shall continue in office until the first Monday in July next thereafter, and until their successors.

successors in office shall be duly elected, and the said election shall be had in the same manner as the annual election, herein-after provided for, as respects the regulating of votes according to the number of shares subscribed for, and immediately upon such election being had the functions of the said provisional Directors shall cease.

4. The shares of the Capital Stock subscribed for shall be paid in and by such instalments, and at such times and places as the said Directors shall appoint; and executors, administrators, and curators paying instalments upon the shares of deceased Shareholders, shall be and are hereby respectively indemnified for paying the same; provided always, that no share or shares shall be held to be lawfully subscribed for, unless a sum equal, at least, to ten per centum on the amount subscribed for, be actually paid at the time of subscribing; provided further, that the remainder of the Capital Stock, over and above the said sum of five hundred thousand dollars, shall be subscribed for, and paid up within five years after the said Bank shall have so commenced the business of banking, under penalty of forfeiture of their charter.

Shares to be paid in by instalments

Proviso: ten per cent. to be paid on subscribing.

Remainder in five years.

5. If any shareholder or shareholders shall refuse or neglect to pay any or either of the instalments upon his, her, or their shares of the said Capital Stock, at the time or times as aforesaid, such shareholder or shareholders shall incur a forfeiture, to the use of the said Corporation, of a sum of money equal to ten per centum on the amount of such shares; and, moreover, it shall be lawful for the Directors of the said Corporation (without any previous formality, other than thirty days of public notice of their intention,) to sell at public auction the said shares, or so many of the said shares as shall, after deducting the reasonable expenses of the sale, yield a sum of money sufficient to pay the unpaid instalments due on the remainder of the said shares, and the amount of forfeitures incurred upon the whole; and the President or Vice-President or Cashier of the said Corporation shall execute the Transfer to the purchaser of the shares of stock so sold, and such transfers, being accepted, shall be as valid and effectual in law as if the same had been executed by the original holder or holders of the shares of stock thereby transferred; provided always, that nothing in this section contained shall be held to debar the Directors or Shareholders, at a general meeting, from remitting, either in whole or in part, and conditionally or unconditionally, any forfeiture incurred by the non-payment of instalments as aforesaid, or to prevent the said Bank from enforcing the payment of any call or calls by suit in lieu of forfeiting the same.

Shareholders neglecting to pay instalments to forfeit ten per cent. on amount of shares.

Shares may be sold to pay instalments.

Proviso: forfeiture may be remitted.

6. The chief place or seat of business of the said Corporation shall be in the City of Montreal aforesaid; but it shall and may be lawful for the Directors of the Corporation to open and establish in other Cities, Towns and places in this Province, branches or offices of discount and deposit of the said Corporation,

Chief place of business to be Montreal.

Branches elsewhere.

Corporation, under such rules and regulations for the good and faithful management of the same, as to the Directors shall, from time to time, seem meet, and as shall not be repugnant to any Law of this Province, to this Act, or to the By-laws of the said Corporation.

Affairs to be managed by seven Directors to be elected yearly.

7. For the management of the affairs of the said Corporation, there shall be seven Directors, who shall be annually elected by the Shareholders of the Capital Stock of the Corporation, at a general meeting of them, to be held annually on the first Monday in July, beginning on the first Monday in July, which shall be next after the first election of Directors hereinbefore provided for, at which meeting each Shareholder shall have one vote for every share by him held in the Stock of the said Bank; and the Directors elected by a majority of votes shall be capable of serving as Directors for the ensuing twelve months, and at their first meeting after such election shall choose out of their number a President and Vice-President, who shall hold their offices respectively, during the same period; and in case of vacancy occurring in the said number of seven Directors, the remaining Directors shall fill the same by election from among the Shareholders, and the Director so elected shall be capable of serving as a Director until the next Annual General Meeting of the Shareholders; and if the vacancy, occurring in the said number of seven Directors, shall also cause the vacancy of the office of President, or Vice-President, the Directors at the first meeting after their number shall have been completed as aforesaid, shall fill the vacant office by choice or election from among themselves, and the Director so chosen or elected, shall fill the office to which he shall be so chosen or elected until the next General Annual Meeting of the Shareholders; Provided, always, that each of the Directors shall be the holder and proprietor, in his own name, of not less than forty shares of the capital stock of the said Corporation, upon which not less than four thousand dollars shall have been paid up, and shall be a natural born or naturalized subject of Her Majesty, and shall have resided seven years in Canada.

President and Vice-President.

Vacancies, how filled.

Proviso: qualification of Directors.

Failure of election not to dissolve the Corporation.

8. If at any time it shall happen that an election of Directors shall not be made or take effect on the day fixed by this Act, the said Corporation shall not be deemed or taken thereby to be dissolved; but it shall be lawful at any subsequent time to make such election at a General Meeting of the Shareholders to be duly called for that purpose.

Books, &c., of Corporation to be subject to inspection of Directors.

9. The books, correspondence and funds of the Corporation, shall at all times be subject to the inspection of the Directors, but no Shareholder, not being a Director, shall inspect or be allowed to inspect the account or accounts of any person or persons dealing with the Corporation.

**10.** At all meetings of the Directors of the said Corporation, not less than four of them shall constitute a board or quorum for the transaction of business, and at the said meetings, the President, or in his absence, the Vice-President, or in their absence, one of the Directors present, to be chosen *pro tempore*, shall preside, and the President, Vice-President or President *pro tempore*, so presiding, shall vote as a Director, and, if there be an equal division on any question, shall have a casting vote.

Four Directors to constitute a quorum.

Casting vote.

**11.** It shall and may be lawful for the Directors of the Corporation hereby constituted from time to time to make and enact By-laws, rules and regulations (the same not being repugnant to this Act, or to the laws of this Province) for the proper management of the affairs of the said Corporation, and from time to time to alter or repeal the same, and others to make and enact in their stead; provided, always, that no By-law, rule or regulation so made by the Directors shall have force or effect until the same shall, after six weeks public notice, have been confirmed by the Shareholders at an annual General Meeting, or a special General Meeting called for that purpose.

Directors may make By-laws, &c.

Proviso. By-laws subject to confirmation by Stockholders.

**12.** No Director of the Corporation, hereby constituted, shall, during the period of his services, act as a private Banker, or Director of any other Bank, but the President and Directors may be compensated for their services, either by an annual vote of a sum of money by the shareholders, at their annual General Meetings, or if not so provided for, then in such manner, and at such rates as the Directors may see fit to fix and regulate by resolution; provided, always, that the sum of money to be appropriated by the Directors for that purpose, shall not in any one year exceed the sum of six thousand dollars.

No Director to act as a private Banker.

President and Directors may be paid.

Proviso.

**13.** The Directors of the said Corporation shall have power to appoint such Cashiers, Officers, Clerks and servants under them, as shall be necessary for conducting the business of the Corporation, and to allow reasonable compensation for their services, respectively; and also shall be capable of exercising such power and authority, for the well governing and ordering of the affairs of the Corporation, as shall be prescribed by the By-laws thereof; provided, always, that before permitting any Cashier, Officer, Clerk or servant of the Corporation, to enter upon the duties of his office, the Directors shall require every such Cashier, Officer, Clerk, or servant, to give bond, to the satisfaction of the Directors, in such sum of money as the Directors consider adequate to the trust to be reposed, with conditions for good and faithful behavior.

Directors may appoint Cashiers and officers.

Proviso: they must take security from officers.

**14.** It shall be the duty of the Directors to make half-yearly dividends, of so much of the profits of the Corporation, as to them shall appear advisable; and such dividends shall be payable at such place, or places, as the Directors shall appoint, and

Directors may make half-yearly dividends.

Proviso.

and of which they shall give public notice, thirty days previously ; provided, always, that such dividend shall not in any manner lessen or impair the Capital Stock of the Corporation.

Annual meetings of Stockholders for election of Directors.

**15.** The annual general meeting of the Shareholders of the Corporation, to be held in the City of Montreal, on the first Monday in the month of July, in each year for the purpose of electing Directors in the manner hereinbefore provided, shall also take into consideration all other matters generally touching the affairs and the management of the affairs of the Corporation ; and at each of the said annual general meetings of the Directors shall submit a full and clear statement of the affairs of the Corporation, containing, on the one part, the amount of Capital Stock paid in, the amount of notes of the Bank in circulation, the net profits in hand, the balances due to other Banks and Institutions, and the Cash deposited in the Bank, distinguishing deposits bearing interest from those not bearing interest ; and, on the other part, the amount of current coins and gold and silver bullion in the vaults of the Bank, the value of Buildings, and other real estate belonging to the Bank, the balance due to the Bank from other Banks or Institutions, and the amount of debts owing to the Bank, including and particularizing the amounts so owing on bills of exchange, discounted notes, mortgages and hypothèques, and other securities ; thus exhibiting, on the one hand, the liabilities of or debts due by the Bank ; and on the other hand, the assets and resources thereof ; and the said statement shall also exhibit the rate and amount of their last dividend declared by the Directors, the amount of profits reserved at the time of declaring such dividend, and the amount of debts to the Bank overdue and not paid, with an estimate of the loss which may probably be incurred from the non-payment of such debts.

Statement of affairs to be made.

Its form and contents.

Last dividend, reserved fund and bad debts to be stated.

Shareholders ratio of votes to number of shares.

**16.** At all meetings of the Corporation, the shareholders shall be entitled to give one vote for every share held by them ; and it shall be lawful for absent shareholders to give their votes by proxy, such proxy being also a shareholder, and being provided with a written authority from his constituent or constituents, in such form as shall be established by a By-law, and which authority shall be lodged in the Bank ; Provided, always, that a share or shares of the Capital Stock of the said Corporation, that shall have been held for a less period than three calendar months immediately prior to any meeting of the Shareholders, except the first meeting, shall not entitle the holder or holders to vote at such meeting either in person or by proxy ; Provided, also, that where two or more persons are joint holders of shares, it shall be lawful that only one of such joint holders be empowered by letter of Attorney from the other joint holder or holders, or a majority of them, to represent the said shares and vote accordingly.

Proviso.

Shares must have been held a certain time:

Exception.

Proviso : as to joint holders.

**17.** No Cashier, Bank Clerk, or other Officer of the Bank, shall either vote in person or by proxy at any meeting for the election of Directors, or hold a proxy for that purpose. Officers not to vote.

**18.** Any number, not less than twenty, of the shareholders of the said Corporation, who together shall be proprietors of at least five hundred shares of the paid up Capital Stock of the Corporation, by themselves or proxies, or the Directors of the Corporation, or any four of them, shall respectively have power at any time to call a special general meeting of the Shareholders of the Corporation, to be held at their usual place of meeting in the City of Montreal, upon giving six weeks previous public notice thereof, and specifying in such notice the object or objects of such meeting; and if the object of any such special general meeting be to consider of the proposed removal of the President or Vice-President or of a Director or Directors of the Corporation, for mal-administration or other specified and apparently just cause, then and in such cases, the person or persons whom it shall be so proposed to remove, shall, from the day on which the notice shall first be published, be suspended from the duties of his or their office or offices, and if it be the President or Vice-President, whose removal shall be proposed as aforesaid, his office, shall be filled up by the remaining Directors (in the manner hereinbefore provided in the case of a vacancy occurring in the office of President,) who shall choose or elect a Director to serve as such President or Vice-President, during the time such suspension shall continue or be undecided upon. Special meetings may be called by 20 Shareholders. Notice. Suspension from office of officers whose removal is the subject of such meeting.

**19.** The shares of the Capital Stock of the said Corporation shall be held and adjudged to be personal estate and be transmissible accordingly, and shall be assignable and transferable at the Bank according to the form of Schedule A., annexed to this Act; but no assignment or transfer shall be valid and effectual unless it be made and registered in a book or books, to be kept in the office of the said Bank for that purpose, nor until the person or persons making the same shall previously discharge all debts actually due and exigible by him, her, or them, to the Corporation, which may exceed in amount the amount paid up on the remaining Stock (if any) belonging to such person or persons; and no fractional part or parts of a share, or other than a whole share, shall be assignable or transferable; and when any share or shares of the said Capital Stock shall have been sold under a writ of execution, the Sheriff by whom the writ shall have been executed, shall, within thirty days after the sale, leave with the Cashier of the Corporation, an attested copy of the writ, with the certificate of such Sheriff endorsed thereon, certifying to whom the sale has been made; and thereupon (but not until after all debts due by the original holder or holders of the said shares to the Corporation shall have been discharged as aforesaid) the President or Vice-President or Cashier of the Corporation shall execute the transfer of the share or shares, Stock to be deemed personal estate. Assignment—manner of effecting. Parts of shares not assignable. Sale of share under seizure and transfer to purchaser.

shares, so sold, to the purchaser, and such transfer, being duly accepted, shall be, to all intents and purposes, as valid and effectual in law as if it had been executed by the original holder or holders of the said shares—any law or usage to the contrary notwithstanding.

Bank to have preferential lien upon shares and deposits.

**20.** The said Bank shall have a preferential lien for any debt due to it by any Shareholder thereof, upon the shares of such Shareholder, and upon the dividends on such shares; and shall, at any time, be entitled to appropriate any deposits to or towards the payment of any debt due to it by the depositor thereof, notwithstanding that such shareholder or depositor may be insolvent.

In what business only the Bank shall engage, and what species of property it may hold.

**21.** The said Corporation hereby constituted shall not, either directly or indirectly, hold any lands or tenements (save and except such as by the first section of this Act they are specially authorized to acquire and hold) or any ships or other vessels, or any share or shares of the Capital Stock of the Corporation, nor in any other Bank in this Province, nor shall the said Corporation, either directly or indirectly, lend money or make advances upon the security, mortgage or hypothecation (hypothèque) of any lands or tenements, or of any ships or other vessels, nor upon the security or pledge of any share or shares of the Capital Stock of the Corporation, or of any goods, wares or merchandize; nor shall the said Corporation, either directly or indirectly, raise loans of money or deal in the buying, selling or bartering of goods, wares, or merchandize, or be engaged in any trade whatever, except as dealers in gold and silver bullion, bills of Exchange, discounting of promissory notes and negotiable securities, and in such trade generally as legitimately appertains to the business of banking; Provided, always, that the fifty-fourth chapter of the Consolidated Statutes of Canada, intituled: *An Act respecting incorporated Banks*, and each and every of the provisions thereof shall apply to the Corporation hereby created as fully and completely as if incorporated in the present Act.

Proviso: the 54th cap. of Con. Stat. Canada shall apply to Bank.

Aggregate amount of liabilities of Directors to the Bank, limited.

**22.** The aggregate amount of the liabilities of all the Directors to the said Corporation shall not exceed at any one time one tenth of the total amount of the then current discounts or advances made by the Corporation.

Corporation may pay interest on deposits:—and retain discount.

**23.** It shall and may be lawful for the said Corporation to allow and pay interest upon moneys deposited in the Bank; and also, it shall and may be lawful for the Corporation, in discounting promissory notes or other negotiable securities, to receive or retain the discount thereon, at the time of discounting or negotiating the same; any law or usage to the contrary notwithstanding.



**24.** The bonds, obligations, and bills obligatory and of credit of the said Corporation, signed by the President or Vice-President, and countersigned by the Cashier thereof, which shall be made payable to any person or persons, shall be assignable by indorsement thereon, under the hand or hands of such person or persons, and of his, her or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in the several assignees successively, and to enable such assignee or assignees to bring and maintain an action or actions thereupon in his, her or their own name or names; and signification of any such assignment by indorsement shall not be necessary, any law or usage to the contrary notwithstanding; and bills or notes of the Corporation, signed by the President or Vice-President, and countersigned by a Cashier thereof, promising the payment of money to any person or persons, his, her or their order or to the bearer, though not under the seal of the Corporation, shall be binding and obligatory upon the same, in the like manner and with the like force and effect as they would be upon any private person or persons, if issued by him, her or them in his, her or their private or natural capacities, and shall be assignable or negotiable in the like manner as if they were so issued by such private person or persons; Provided, always, that nothing in this Act contained shall be held to debar the Directors of the Corporation from authorizing or deputing, from time to time, any Cashier or officer of the Corporation, or any Director, other than the President or Vice-President, or any Cashier, Manager, or local Director of a branch or office of discount or deposit of the said Corporation, to sign, and any Cashier, Accountant or Book-keeper of the said Corporation, or of any branch or office of discount and deposit thereof, to countersign the bills or notes of the said Corporation intended for general circulation, and payable to order, or bearer, on demand.

Bonds, bills, notes, &c., of Corporation may be assigned by indorsement.

Need not be under seal.

Proviso: officers may be deputed to sign back notes.

**25.** The notes or bills of the said Corporation made payable to order or bearer, and intended for general circulation, whether the same shall issue from the chief place or seat of business of the Corporation in the city of Montreal, or from any of the branches, shall bear date at the place of issue and not elsewhere; and shall be payable on demand in specie at the same place of issue; and each and every office of discount and deposit established or hereafter to be established shall be subject to the restriction as to the issuing and redemption of notes provided in this section.

Notes to bear date and be payable at place of issue.

Provision to apply to each office.

**26.** A suspension by the said Corporation (either at the chief place or seat of business or at any of their branches or offices of discount and deposit at other places in this Province) of payment, on demand, in specie of the notes or bills of the said Corporation, payable on demand, shall, if the time of suspension extend to sixty days, consecutively or at intervals, within any twelve consecutive months, operate as and be a forfeiture of this

Suspension for sixty days to work a forfeiture of charter.

Act of Incorporation, and all and every the privileges hereby granted.

Total amount of notes under five dollars, not to exceed one fifth of capital paid in.

Proviso: no note to be under one dollar.

Legislature may make further limitation.

**27.** The total amount of the notes or bills of the said Corporation, being for a less sum than five (5) dollars, current money of Canada, each, that shall be or may have been issued and put in circulation, shall not exceed at any one time one-fifth of the amount of the Capital Stock of the Corporation then paid in; provided, always, that no notes, under the nominal value of one dollar, shall, at any time, be issued or put into circulation by the corporation; nor shall any further limitation by the Legislature of the total amount of notes to be issued or re-issued by the said Corporation be held to be any infringement upon the privileges hereby granted.

Total liabilities of Bank limited and of its Bank notes.

Penalty for excess.

Liability of Directors.

**28.** The total amount of the debt which the said Corporation shall, at any time, owe, whether by bond, bill, note or otherwise, shall not exceed three times the aggregate amount of the Capital Stock paid in and the average amount of the deposits made in the Bank in specie and Government securities for money; and at no one period after the passing of this Act shall the notes or bills of the said Bank in circulation, payable on demand or to bearer, exceed the amount of the actually paid up Capital Stock of the Corporation; and if at any time the Directors of the said Bank shall wilfully and knowingly contract such debts or issue or cause to be issued such notes or bills to an amount exceeding that hereinbefore limited, then and in that case the said Corporation shall forfeit this Act of Incorporation and all the privileges hereby granted, and those of the directors, with whose knowledge and participation such contracting of debts or issue of such notes or bills in such excess shall have taken place, shall be liable, jointly and severally, for such excess in their private capacities, as well to the shareholders as to the holders of the bonds, bills and notes of the Corporation, and an action or actions in this behalf may be brought against them or any of them, and the heirs, executors, administrators, or curators of them or any of them, and be prosecuted to judgment and execution according to law, but such action or actions shall not exempt the Corporation, or their lands, tenements, goods or chattels from being also liable for such excess.

Liability of Shareholders defined and limited.

Proviso: as to Directors.

**29.** In the event of the property and assets of the Corporation hereby constituted, becoming insufficient to liquidate the liabilities and engagements or debts thereof, the Shareholders of the Corporation, in their private or natural capacities, shall be liable and responsible for the deficiency, but to no greater extent than to double the amount of Capital Stock held by them, that is to say: that the liability and responsibility of each Shareholder shall be limited to the amount of his or her share or shares of the said Capital stock, and a sum of money equal in amount thereto; provided, always, that nothing in this section contained

contained shall be construed to alter or diminish the additional liabilities of the Directors of the Corporation hereinbefore mentioned and declared.

**30.** Besides the detailed statement of the affairs of the said corporation, hereinbefore required to be laid before the Shareholders thereof, at their annual general meeting, the Directors shall make up and publish, on the first day of each month, in every year, statements of the assets and liabilities of the corporation, in the form of the Schedule B, hereunto annexed, shewing, under the heads specified in the said form, the average of the amount of the notes of the corporation in circulation and other liabilities, at the termination of each month, and the average amount of specie and other assets which, at the same time, were available to meet the same; and it shall also be the duty of the Directors to submit to the Governor, Lieutenant Governor, or person administering the Government of this Province, a copy of each such monthly statement; and if by him required to verify all or any part of the said statements, the said Directors shall verify the same by the production of the monthly balance sheet, from which the said statement shall have been compiled; and furthermore, the said Directors shall, from time to time, when required, furnish to the said Governor, Lieutenant Governor, or person administering the Government of this Province, such further information respecting the state and proceedings of the corporation, and of the several branches and offices of discount and deposit thereof, as such Governor, Lieutenant Governor, or person administering the Government of this Province, may reasonably see fit to call for; provided always, that the monthly balance sheet, and the further information that shall be so produced and given, shall be held by the said Governor, Lieutenant Governor or person administering the Government of this Province as being produced and given in strict confidence that he shall not divulge any part of the contents of the said monthly balance sheet or of the information that shall be so given; and provided also, that the Directors shall not, nor shall any thing herein contained, be construed to authorize them, or any of them, to make known, the private account or accounts of any person or persons whatever, having dealings with the corporation.

Monthly statements of the affairs of the Bank to be made and published.

How verified.

Governor may require further information.

Proviso.

Proviso.

**31.** It shall not be lawful for the corporation hereby constituted, at any time whatever, directly or indirectly, to advance or lend to, or for the use of or on account of any foreign Prince, Power or State, any sum or sums of money, or any securities for money; and if such unlawful advance or loan be made, then, and from thenceforth, the said corporation shall be dissolved, and all the powers, authorities, rights, privileges and advantages hereby granted shall cease and determine, any thing in this Act to the contrary notwithstanding.

Bank not to lend money to foreign powers:

Penalty.

**32.** The several public notices, by this Act required to be given, shall be given by advertisement in one or more of the newspapers

How notices under this Act

shall be published.

newspapers published in the City of Montreal, and in the *Canada Gazette*, or such other Gazette as shall be generally known and accredited as the Official Gazette for the publication of official documents and notices emanating from the Civil Government of this Province.

Transfer of shares in Great Britain.

**33.** Shares of the Capital Stock of the Bank may be made transferable, and the dividends accruing thereon may be made payable in the United Kingdom in like manner as such shares and dividends are respectively made transferable and payable at the Bank, in the City of Montreal; and to that end the Directors may, from time to time, make such rules and regulations, and prescribe such forms and appoint such Agent or Agents as they may deem necessary.

Provision in case of the transmission of shares otherwise than by regular transfer.

**34.** If the interest in any share in the said Bank become transmitted in consequence of the death, or bankruptcy, or insolvency of any Shareholder, or in consequence of the marriage of a female Shareholder, or by any other lawful means than by a transfer according to the provisions of this Act, the Directors may require such transmission to be authenticated by a declaration in writing, as hereinafter mentioned, or in such other manner as the Directors of the Bank shall require, and every such declaration or other instrument so signed, made and acknowledged, shall be left at the Bank with the Cashier or other Officer or Agent of the Bank, who shall thereupon enter the name of the party entitled under such transmission in the Register of the Shareholders, and until such transmission shall have been so authenticated, no party or person claiming by virtue of any such transmission shall be entitled to receive any share of the profits of the Bank, nor to vote in respect of any such share or shares as the holder thereof; provided, always, that every such declaration and instrument as by this and the following section of this Act is required to perfect the transmission of a share in the Bank, and as shall be made in any other country than in this or some other of the British Colonies in North America, or in the United Kingdom of Great Britain and Ireland, shall be further authenticated by the British Consul or Vice-Consul, or other the accredited representative of the British Government in the country where the declaration shall be made, or shall be made directly before such British Consul or other accredited representative; and provided, also, that nothing in this Act contained shall be held to debar the Directors, Cashier, or other Officer or Agent of the Bank from requiring corroborative evidence of any fact or facts alleged in any such declaration.

Proviso: as to authentication of the requisite proof.

Proviso: as to fuller evidence.

If the change of ownership be by marriage of a female Shareholder, or by will, &c.

**35.** If the transmission of any share in the Bank be by virtue of the marriage of a female Shareholder, the declaration shall contain a copy of the register of such marriage, or other particulars of the celebration thereof, and shall declare the identity of the wife with the holder of such share, and if the transmission

transmission have taken place, by virtue of any testamentary instrument, or by intestacy, the probate of the will, or the will itself, if authentic, or the letters of administration, or of tutorship, or curatorship, or an official extract therefrom, or the requisite certificates of birth and marriage, shall, together with such declaration, be produced and left with the Cashier, or other Officer or Agent of the Bank, who shall then enter the name of the party entitled under such transmission, in the Register of Shareholders.

**36.** Whenever the interest in any share or shares of the said Bank, or in the dividend accrued thereon, or the right of property in any deposit therein, shall be transmitted by the death of any Shareholder, or otherwise, or whenever the ownership of, or legal right of possession in any such share or shares, dividend or deposit, shall change by any lawful means, other than by transfer, according to the provisions of this Act, or shall be disputed, and the Directors of the said Bank shall entertain reasonable doubts as to the legality of any claim to and upon such share or shares of stock, dividend or deposit, then, and in such case, it shall be lawful for the said Bank to make and file, in the Superior Court for Lower Canada, a declaration and petition in writing addressed to the Justices of the said Court, setting forth the facts, and the number of shares previously belonging to the party, in whose name such shares stand in the books of the Bank, or the amount of deposits standing in the name of the depositor thereof, and praying for an order or judgment, adjudicating and awarding the said shares, dividends or deposits, to the party or parties, legally entitled to the same; by which order or judgment the Bank shall be guided and held fully harmless, and indemnified and released from all and every other claim, for the said shares or deposits, or arising therefrom; provided always, that notice of such petition shall be given to the party claiming such shares, dividends or deposits, who shall, upon the filing of such petition, establish his right to the shares, dividends or deposits, referred to in such petition, and the delays to plead, and all other proceedings in such cases shall be the same as those observed in interventions in cases pending before the said Superior Court; provided also, that the costs and expenses of procuring such order and adjudication, shall be paid by the party or parties to whom the said shares, dividends or deposits shall be declared lawfully to belong, and such shares, dividends or deposits shall not be transferred or paid over, as the case may be, until such costs and expenses be paid, saving the recourse of such party, against any party contesting his right.

Mode of obtaining the decision of the Court as to title to shares, when the Bank entertains reasonable doubt.

Proviso.

Proviso.

**37.** The Bank shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the shares of the Bank may be subject, and the receipt of the party in whose name any share shall stand in the books of the Bank, or if it stand in the names of more parties than one, the receipt

Bank not bound to see to execution of trusts to which shares may be subject.

receipt of one of the parties shall, from time to time, be a sufficient discharge to the Bank for any dividend or other sum of money payable in respect of such share, notwithstanding any trust to which such share may then be subject, and whether or not, the Bank have had notice of such trust, and the Bank shall not be bound to see to the application of the money paid upon such receipt; and the transfer of any share or the payment of any dividend or deposit shall not cause any liability on the part of the said Bank to the rightful owner or administrator of such shares, dividend or deposit, if such transfer be made by, or such payment be made to, the person in whose name such share shall stand in the books of the said Bank, or to whose credit such deposits may appear therein, whether such person be ordinarily competent to make such transfer or receive such payment or not.

One tenth of paid up capital to be invested in debentures of certain kinds.

Return to be made and attested.

**38.** It shall be the duty of the Directors of the said Bank to invest, as speedily as the debentures hereinafter mentioned can be procured, and to keep invested at all times in the debentures of this Province, payable within the same, or of the Consolidated Municipal Loan Fund, one tenth part of the whole paid up capital of the said Bank; and to make a return of the numbers and amount of such debentures, verified by the oaths and signatures of the President and Chief Cashier or Manager of the said Bank to the Minister of Finance, in the month of January in each year, under the penalty of the forfeiture of the Charter of the said Bank, in default of such investment and return.

Within what time the Bank must be in operation.

Duration of this Act.

**39.** The said Bank shall be organized and put in operation within one year from the passing of this Act, and this Act shall be and remain in force until the first day of June, which will be in the year of Our Lord, one thousand eight hundred and seventy, and from that time until the end of the then next Session of the Parliament of this Province, and no longer.

Public Act.

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

**FORM OF SCHEDULE A**

*Referred to in the Nineteenth Section of the foregoing Act.*

For value received from \_\_\_\_\_, I, (or we), \_\_\_\_\_ of \_\_\_\_\_ do hereby assign and transfer unto the said \_\_\_\_\_ shares (on each of which have been paid \_\_\_\_\_ dollars, \_\_\_\_\_ cents currency, amounting to the sum of \_\_\_\_\_ dollars, \_\_\_\_\_ cents,) in the capital stock of The Merchants' Bank, subject to the rules and regulations of the said Bank.

Witness my (or our) hand (or hands) this \_\_\_\_\_ day of \_\_\_\_\_, in the year one thousand eight hundred and \_\_\_\_\_.

(Signature.)

I,

I, (or we) do hereby accept the foregoing assignment of shares in the stock of The Merchants' Bank, assigned to me (or us) as above mentioned, at the Bank, this \_\_\_\_\_ day of \_\_\_\_\_, one thousand eight hundred and \_\_\_\_\_.

(Signature.)

FORM OF SCHEDULE B

*Referred to in the Thirtieth Section of the foregoing Act.*

RETURN of the average amount of liabilities and assets of The Merchants' Bank during the period from first \_\_\_\_\_ to \_\_\_\_\_, one thousand eight hundred and \_\_\_\_\_.

Promissory Notes in circulation, not bearing interest.....	\$
Bills of Exchange in circulation, not bearing interest.....	\$
Bills and Notes in circulation, bearing interest.....	\$
Balances due to other Banks.....	\$
Cash deposits, not bearing interest.....	\$
Cash deposits, bearing interest.....	\$
<b>Total average liabilities.....</b>	<b>\$</b>

ASSETS.

Coin and Bullion.....	\$
Landed or other property of the Bank.....	\$
Government Securities.....	\$
Promissory Notes or Bills of other Banks.....	\$
Balances due from other Banks.....	\$
Notes and Bills discounted, or other debts due to the Bank, not included under the foregoing heads.....	\$
<b>Total average assets.....</b>	<b>\$</b>

C A P. X C.

An Act to incorporate *La Banque Jacques Cartier*.

[Assented to 18th May, 1861.]

**W**HEREAS Louis Beaudry, Simon-Valois, Romuald Trudeauau, R. A. R. Hubert, C. S. Rodier, junior, Hubert Paré, J. B. Beaudry, André Lapierre, J. B. Couillard, Charles Lacaille, Jean B. Rolland, Romain St. Jean, Esquires, and others, of the City of Montreal, have, by their petition signed by them, prayed that they and their legal representatives might be incorporated for the purpose of establishing a Bank in the City of Montreal; and whereas the establishment of such Bank would greatly promote the internal commerce and the industry of the country; and whereas it is but just that the said persons

Preamble.

and others who see fit to associate themselves, should be incorporated for the said purpose : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Incorporation.

**1.** The several persons hereinbefore named, and such other persons as may become shareholders in the Company to be by this Act created, shall be and they are hereby constituted and declared to be a Corporation, body corporate and politic, by the name of "La Banque Jacques Cartier," and shall continue such corporation, and shall have perpetual succession and a corporate seal, with power to alter and change the same at pleasure, and may sue or be sued, plead or be impleaded, in all Courts of Law as other corporations may do; and shall have the power to acquire and hold real and immoveable estate for the management of their business, not exceeding the yearly value of five thousand dollars, and may sell, alienate or exchange the same, and may, when duly organized as hereinafter provided, make, ordain and establish such rules, regulations and by-laws as to them may seem meet and necessary for the due and proper administration of their affairs and the management of the said Bank, (such by-laws, rules and regulations not being inconsistent with this Act, or contrary to the laws of this Province); provided, however, that such by-laws, rules and regulations shall be submitted for approval to the stockholders or shareholders in the said Bank, at their regular annual meetings.

Corporate name and powers.

Real estate limited.

By-laws.

Proviso.

Capital \$1,000,000; shares of \$50 each.

Proviso.

**2.** The Capital Stock of the said Bank (the words "the said Bank" meaning throughout this Act the corporation aforesaid) shall be one million of dollars, divided into shares of fifty dollars, which shall be and are hereby vested in the several persons who shall subscribe for the same, their legal representatives and assigns; provided always, that the majority in number and value of the said shareholders shall always be British subjects.

First Directors appointed—their duties.

**3.** The said Jean Louis Beaudry, Romuald Trudeau, R. A. R. Hubert, C. S. Rodier, junior, J. B. Beaudry, J. B. Couillard, Charles Lacaille, Jean B. Rolland, Simon Valois, Hubert Paré, André Lapierre and Romain St. Jean, shall be the Provisional Directors of the said Bank, for the purpose of opening books of subscription for the stock of the said Bank, at the City of Montreal, and at such other places as to them shall seem meet, and to receive subscriptions for the said Stock, and to do such other things relative to the said subscription and the management of the affairs of the said Bank as it may be requisite to do before the first general meeting of the stockholders for the election of Directors as hereinafter mentioned.

First meeting for election of Directors.

**4.** As soon as the sum of four hundred thousand dollars of the said Capital Stock shall have been subscribed, and forty thousand dollars actually paid in thereupon, to some one of the



the present chartered Banks of this Province, it shall and may be lawful for the subscribers, or a majority of them, to call a meeting at some place to be named in Montreal, for the purpose of proceeding to the election of the number of Directors for the said Bank hereinafter mentioned, and such elections shall then and there be made by a majority of shares voted upon, in the manner hereinafter prescribed in respect of the annual election of Directors, and the persons then and there chosen shall be the first Directors, and shall be capable of serving during the ensuing twelve months; provided always, that no such meeting of the said subscribers shall take place until a notice specifying the object of such meetings is published in one or more newspapers published in Montreal, at least twenty days previous to such time of meeting; provided also, that unless the said subscription of Capital Stock and the said payment thereon be completed within twelve months after the passing of this Act, this Charter and Act shall be null and void.

Directors to serve during twelve months.

Proviso: notice to be given.

Time for subscription, &c., limited.

5. The shares of the Capital Stock subscribed for shall be paid in and by such instalments, and at such times and places as the said Directors shall appoint; and executors, administrators and curators paying instalments upon the shares of deceased shareholders, shall be and are hereby respectively indemnified for paying the same; provided always, that no share or shares shall be held lawfully subscribed for unless a sum equal to at least ten per centum on the amount subscribed for be actually paid at the time of subscribing; provided further, that it shall not be lawful for the subscribers to the Capital Stock hereby authorized to be raised, to commence the business of Banking until a sum not less than one hundred thousand dollars shall have been duly paid in by such subscribers, to some one of the present Chartered Banks of this Province; provided further, that the remainder of the said Capital Stock shall be subscribed and paid up as follows, that is to say: the further sum of two hundred thousand dollars, within two years; the further sum of three hundred thousand dollars, within four years; and the further sum of four hundred thousand dollars, within five years after the said Bank shall have so commenced the business of Banking under penalty of forfeiture of their Charter.

Instalments on shares.

Proviso: ten per cent. payable on subscribing.

Proviso: condition precedent to commencing the business of Banking.

Proviso: within what time the full capital to be paid up.

6. If any person or persons subscribing for shares of the Capital Stock of the said Bank shall also be willing to pay up, at the time of subscribing, the full amount of the shares subscribed for, it shall and may be lawful for the Directors of the Bank, and at any time within the period hereinbefore limited for subscribing for such Stock, to admit and receive such subscriptions and full payment or payment of any number of instalments.

Subscribers may pay in full on subscribing, &c.

7. If any shareholder or shareholders shall refuse or neglect to pay any instalment upon his, her or their shares of the said Capital

Forfeiture for non-payment of calls.

Sales of shares on which calls are not paid.

Capital Stock at the time or times required by the Directors as aforesaid, such shareholder or shareholders shall incur a forfeiture to the use of the said Bank of a sum of money equal to ten per centum on the amount of such shares; and moreover, it shall be lawful for the Directors of the said Bank without any previous formality other than thirty days' public notice of their intention, to sell at public auction the said shares, or so many of the said shares as shall, after deducting the reasonable expenses of the sale, yield a sum of money sufficient to pay the unpaid instalments due on the remainder of the said shares, and the amount of forfeitures incurred on the whole; and the President with the Vice-President, or the cashier of the said Bank, shall execute the transfer to the purchaser of the shares of stock so sold, and such transfer being accepted shall be as valid and effectual in law as if the same had been executed by the original holder or holders of the shares of stock thereby transferred; provided always, that nothing in this section contained shall be held to debar the Directors or shareholders at a general meeting from remitting either in whole or in part, and conditionally or unconditionally, any forfeiture incurred by the non-payment of any instalment as aforesaid.

Proviso: forfeiture may be remitted.

Chief place of business.

8. The chief place or seat of business of the said Bank shall be in Montreal, but it shall and may be lawful for the Directors of the Bank to open and establish in other places, Towns and Cities in or out of this Province, Branches or Agencies, or offices of discount and deposit of the said Bank, under such rules and regulations for the good and faithful management of the same as to the said Directors shall from time to time seem meet, not being repugnant to any law of this Province, to this Act, or to the By-laws of the said Bank.

Branches.

Nine Directors to be elected annually by a majority of votes.

9. For the management of the affairs of the said Bank, there shall be nine Directors annually elected by the shareholders of the Capital Stock thereof, at a general meeting of them to be held annually on such day as from time to time shall be fixed by By-law in that behalf; at which meeting the shareholders shall vote according to the scale or rule of votes hereinafter established; and the Directors elected by a majority of votes given in conformity to such rule or scale shall be capable of serving as Directors for the ensuing twelve months; and at their first meeting after such election the Directors shall chose out of their number a President and a Vice-President, who shall hold their offices respectively during the same period; and in case of a vacancy occurring in the said number of nine Directors, the remaining Directors shall fill the same by election from among the shareholders, and such Director so elected shall be capable of serving as a Director until the next annual general meeting of the shareholders; and if the vacancy occurring in the said number of nine Directors shall also cause the vacancy of the office of President or of Vice-President, the Directors, at their first meeting after their

President and Vice-President.

Vacancies, how filled.

number

number shall have been completed as aforesaid, shall fill the vacant office by choice or election from among themselves, and the Director so chosen or elected to be President or Vice-President shall fill the office to which he shall be so chosen or elected until the next general annual meeting of the shareholders; Provided always, that each of the Directors shall be the holder and proprietor in his own name of not less than forty shares of the capital stock of the said Bank, twenty per cent of which shall be actually paid thereon before he can act as such Director, and shall be a natural born or naturalized subject of Her Majesty; And provided also, that it shall be lawful for the shareholders at any annual meeting to pass a By-law limiting the number of Directors to retire from office annually.

Proviso: qualification of Directors—they must be H. M. subjects.

Proviso: as to retirement of Directors.

**10.** If at any time it shall happen that an election of Directors shall not be made or take effect on the day fixed by this Act, the said corporation shall not be deemed or taken to be thereby dissolved, but it shall be lawful at any subsequent time to make such election at a general meeting of the shareholders to be called for that purpose; and the Directors in office, when such failure of election shall take place, shall remain in office until such election shall be made.

Provision if any election should fail.

**11.** The books, correspondence and funds of the said Bank shall at all times be subject to the inspection of the Directors; but no shareholder, not being a Director, shall inspect or be allowed to inspect the account or accounts of any person or persons dealing with the said Bank.

Who may inspect the Bank books.

**12.** At all meetings of the Directors of the said Bank, not less than three of them shall constitute a board or quorum for the transaction of business; and at the said meetings the President or in his absence the Vice-President, or in their absence one of the Directors present to be chosen *pro tempore* shall preside; and the President, Vice-President or President *pro tempore* so presiding shall vote as a Director only.

Quorum of Directors and who to preside.

Casting vote of President, &c.

**13.** It shall and may be lawful for the Directors of the said Bank from time to time to make and enact By-laws, Rules and Regulations (the same not being repugnant to this Act or to the laws of this Province), for the proper management of the affairs of the said Corporation, and from time to time to alter or repeal the same and others to make and enact in their stead; Provided always, that no By-law, Rule or Regulation so made by the Directors, shall have force or effect until the same shall, after six weeks public notice, have been confirmed by the shareholders at an annual general meeting, or at a special general meeting called for that purpose.

Directors to make By-laws for certain purposes.

Proviso: for notice, and confirmation by Shareholders.

**14.** The shareholders may, by a By-law, appropriate a sum of money for the remuneration of the President and Directors as

payment of President and Directors.

as such, and the President and Directors may annually apportion the same among themselves, as they may think fit; No Director shall act as a Private Banker, nor shall he act for the Bank in any other capacity but in the capacity of Director during his continuance in office.

**15.** The Directors of the said Bank shall have power to appoint a Cashier, Assistant Cashier and Secretary, and Clerks and Servants under them, and such other officers, as shall be necessary for conducting the business of the said Bank, and to allow reasonable compensation for their services respectively, and shall also be capable of exercising such powers and authority for the well governing and ordering of the affairs of the said Bank as shall be prescribed by the By-laws thereof; Provided always, that before permitting any Cashier, Assistant Cashier, Officer, Clerk, or servant of the Bank to enter upon the duties of his office, the Directors shall require him to give bond with sureties to the satisfaction of the Directors, that is to say: Every Cashier in a sum not less than twenty thousand dollars, every Assistant Cashier in the sum of twelve thousand dollars, and every other officer, clerk, or servant in such sum of money as the Directors shall consider adequate to the trust reposed in him, with condition for good and faithful behaviour.

**16.** It shall be the duty of the Directors to make half-yearly dividends of so much of the profits of the said Bank as to them shall appear advisable; and such dividends shall be payable at such place or places as the Directors shall appoint, and of which they shall give thirty days' public notice previously; Provided always, that such dividends shall not in any manner lessen or impair the capital stock of the said Bank.

**17.** The general meetings of the shareholders of the said Bank to be held annually, as aforesaid, in Montreal, for the purpose of electing Directors in the manner hereinbefore provided, shall be general meetings also for all other general purposes touching the affairs, and the management of the said Bank; and at each of the said annual general meetings the Directors shall exhibit a full and clear statement of the affairs of the Bank.

**18.** The number of votes which the shareholders of the said Bank shall respectively be entitled to give at their meetings shall be according to the following scale, that is to say: For twelve shares or more, but less than forty, one vote; for forty or more, but less than eighty, two votes; for eighty shares or more, but less than one hundred and twenty, three votes; for one hundred and twenty shares or more, but less than two hundred and forty, four votes; and for two hundred and forty shares or more, five votes; Provided always, that a share or shares of the capital stock of the said Bank, which shall have

been

been held for a less period than three calendar months immediately prior to any meeting of the shareholders shall not entitle the holder or holders to vote at such meeting, except at the meeting which will take place for the first choice of Directors, in virtue of the fourth clause of the present Act; Provided also, that where two or more persons are joint holders of shares, it shall be lawful that one only of such joint holders be empowered by letter of Attorney from the other joint holder or holders, or a majority of them, to represent the said shares and vote accordingly; And provided also, that no shareholder who shall not be a natural born or naturalized subject of Her Majesty, or who shall be a subject or citizen of any Foreign Prince or State, shall vote at any meeting whatever of the shareholders of the said Bank, or shall assist in calling any meeting of the shareholders; any thing contrary to this Act notwithstanding.

Proviso: as to Joint Stock-holders.

Voters must be British subjects.

**19.** No Cashier, Assistant Cashier, Bank Clerk or other officer of the Bank shall vote at any meeting for the election of Directors.

Bank officers not to vote.

**20.** Any number not less than twenty-five of the shareholders of the said Bank, who together shall be proprietors of at least one hundred shares of the paid up capital stock of the said Bank, by themselves or their proxics, or the Directors of the said Bank, or any four of them, shall respectively have power at any time to call a special general meeting of the shareholders of the said Bank, to be held at their usual place of meeting in Montreal, upon giving six weeks' previous public notice thereof, and specifying in such notice, the object or objects of such meeting; and if the object of any such special general meeting be to consider of the proposed removal of the President or of a Director or Directors of the Corporation for mal-administration, or other specified or apparently just cause, then in any such case the person or persons whom it shall be so proposed to remove, shall, from the day on which the notice shall be first published, be suspended from the duties of his or their office or offices, and if it be the President or Vice President whose removal shall be proposed as aforesaid, his office shall be filled up by the remaining Directors (in the manner hereinbefore provided in the case of a vacancy occurring in the office of President or Vice President), who shall choose or elect a Director, to serve as such President or Vice President during the time such suspension shall continue to be undecided on.

Special general meetings, how called, &c.

Six weeks' notice to be given.

If the object be the removal of a Director, &c.

And if of the President or Vice-President.

**21.** The shares of the capital stock of the said Bank shall be held and adjudged to be personal estate, and shall be transmissible accordingly, and shall be assignable and transferable at the chief place of business of the said Bank, or at any of its Branches which the Directors shall appoint for that purpose, and according to such form as the Directors shall from time to time prescribe, but no assignment or transfer shall be valid and effectual unless it be made and registered in a Book or Books to

Shares to be personal estate.

Transfers of shares must

be registered  
in the Bank  
books.

Shares sold  
under execu-  
tion: transfer  
thereof.

Bank's lien  
upon shares.

Shares may be  
transferred  
and dividends  
paid in the  
United King-  
dom.

By what de-  
claration, &c.,  
the transmis-  
sion of shares  
otherwise than  
by regular  
transfer shall  
be authentic-  
ated.

to be kept by the Directors for that purpose, nor until the person or persons making the same shall previously discharge all debts actually due or contracted, and not then due by him, her or them to the Bank, which may exceed in amount the remaining stock (if any) belonging to such person or persons; and no fractional parts or part of a share or other than a whole share shall be assignable or transferable; and when any share or shares of the said capital stock shall have been sold under a writ of execution, the Sheriff by whom the writ shall have been executed shall, within thirty days after the sale, leave with the Cashier of the Bank, an attested copy of the writ, with the certificate of such Sheriff endorsed thereon, certifying to whom the sale has been made, and thereupon (but not until after all debts due or contracted but not then due by the original holder or holders of the said shares, to the Bank, shall have been discharged as aforesaid), the President, or Vice-President, or Cashier of the Corporation shall execute the transfer of the share or shares so sold to the purchaser, and such transfer, being duly executed, shall be to all intents and purposes as valid and effectual in law as if it had been executed by the original holder or holders of the said share or shares; any law or usage to the contrary notwithstanding.

**22.** Shares in the capital stock of the said Bank may be made transferable, and the dividends accruing thereon may be made payable in the United Kingdom in like manner as such shares and dividends are respectively transferable and payable at the chief office of the said Bank in Montreal; and to that end the Directors may from time to time make such regulations and prescribe such forms, and appoint such agent or agents as they may deem necessary.

**23.** If the interest in any share in the said Bank become transmitted in consequence of the death or bankruptcy, or insolvency of any shareholder, or in consequence of the marriage of a female shareholder, or by any other lawful means than by a transfer according to the provisions of this Act, such transmission shall be authenticated by a declaration in writing as hereinafter mentioned, or in such other manner as the Directors of the Bank shall require; and every such declaration shall distinctly state the manner in which, and the party to whom, such share shall have been so transmitted, and shall be by such party made and signed; and every such declaration shall be, by the party making and signing the same, acknowledged before a Justice of a Court of Record, or before the Mayor, Provost or Chief Magistrate of a City, Town, Borough or other place, or before a Public Notary, where the same shall be made and signed; and every such declaration so signed and acknowledged shall be left with the Cashier or other Officer or Agent of the Bank, who shall thereupon enter the name of the party entitled under such transmission in the Register of Shareholders; and until such transmission shall have been so authenticated,

authenticated, no party or person claiming by virtue of any such transmission, shall be entitled to receive any share of the profits of the Bank, nor to vote in respect of any such share as the holder thereof; Provided always, that every such declaration and instrument as by this and the following section of this Act is required to perfect the transmission of a share in the Bank which shall be made in any other country than in this or some other of the British Colonies in North America, or in the United Kingdom of Great Britain and Ireland, shall be further authenticated by the British Consul or Vice-Consul, or other the accredited Representative of the British Government in the country where the declaration shall be made, or shall be made directly before such British Consul or Vice-Consul or other accredited Representative; And provided also, that nothing in this Act contained shall be held to debar the Directors, Cashier or other officer or agent of the Bank from requiring corroborative evidence of any fact or facts alleged in any such declaration.

Proviso: as to declarations made in foreign parts.

Proviso: Directors may require further proof.

**24.** If the transmission of any share of the said Bank be by virtue of the marriage of a female shareholder, the declaration shall contain a copy of the register of such marriage or other particulars of the celebration thereof, and shall declare the identity of the wife with the holder of such share; and if the transmission have taken place by virtue of any testamentary instrument, or by intestacy, the probate of the will or the letters of administration, or Act of curatorship, or an official extract therefrom, shall, together with such declaration, be produced and left with the cashier or other officer or agent of the Bank, who shall thereupon enter the name of the party entitled under such transmission in the Register of Shareholders.

If the transmission be by the marriage of a female Shareholder, or by will or intestacy.

**25.** If the transmission of any share or shares in the Capital Stock of the said Bank be by the decease of any Shareholder, the production to the Directors and deposit with them of any probate of the will of the deceased Shareholder, or of letters of administration of his estate, granted by any Court of this Province having power to grant such probate or letters of administration, or by any prerogative, diocesan, or peculiar court or authority in England, Wales, Ireland, India, or any other British Colony, or of any testamentary, or testamentary expede in Scotland, or if the deceased Shareholder shall have died out of Her Majesty's dominions, the production to and deposit with the Directors of any probate of his will or letters of administration of his property, or other document of like import, granted by any court or authority having the requisite power in such matters, shall be sufficient justification and authority to the Directors for paying any dividend or transferring, or authorizing the transfer, of any share in pursuance of, and in conformity to such probate, letters of administration, or other document as aforesaid.

If the transmission be by the decease of a Shareholder.

Bank not bound to see to trusts to which stock may be subject.

**26.** The said Bank shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the shares of its stock shall be subject; and the receipt of the party in whose name any such share shall stand in the books of the Bank, or if it stands in the name of more parties than one, the receipt of one of the parties shall, from time to time, be a sufficient discharge to the Bank for any dividend or other sum of money payable in respect of such share, notwithstanding any trust to which such share may then be subject, and whether or not the Bank have had notice of such trust; and the Bank shall not be bound to see to the application of the moneys paid upon such receipt, any law or usage to the contrary notwithstanding.

Bank to invest one tenth of its paid up capital in provincial or municipal debentures and to make a return thereof

**27.** It shall be the duty of the Directors of the said Bank to invest, and to keep invested at all times in the Debentures of this Province, payable within the same, or secured upon the Consolidated Municipal Loan Fund, one-tenth part of the whole paid-up capital of the said Bank, and to make a return of the numbers and amount of such Debentures, verified by the oaths and signatures of the President and Chief Cashier or Manager of the said Bank, to the Minister of Finance, in the month of January in each year, under the penalty of the forfeiture of the Charter of the said Bank in default of such investment and return; Provided always, that the said Directors shall not commence the ordinary business of Banking until the sum of ten thousand dollars shall have been invested in such Debentures.

Proviso.

Bank not to hold real property except as in sect. 1.

**28.** The said Bank shall not, either directly or indirectly, hold any lands or tenements (save and except such as by the first section of this Act it is specially authorized to acquire and hold) or any ships or other vessels, or any share or shares of the Capital Stock of the said Bank, or of any other Bank in this Province; nor shall the said Bank, either directly or indirectly, lend money, or make advances upon the security, mortgage or hypothecation (*hypothèque*) of any lands or tenements, or of any ships or other vessels, nor upon the security or pledge of any share or shares of the Capital Stock of the said Bank, or of any goods, wares or merchandize; nor shall the said Bank, either directly or indirectly, raise loans of money, or deal in the buying, selling or bartering of goods, wares or merchandize, or engage or be engaged in any trade whatever, except as a dealer in gold and silver bullion, bills of exchange, discounting of promissory notes and negotiable securities, and in such trade generally as legitimately appertains to the business of Banking; Provided always, that the said Bank may take and hold mortgages and *hypothèques* on real estate, and on ships, vessels and other property in this Province, by way of additional security for debts contracted to the Bank in the course of its dealings, and also for such purpose may purchase and take any outstanding mortgages, judgments or other charges upon

Nor exercise any but banking business.

Proviso: may hold mortgages, &c., as additional security.



upon the real or personal property of any debtor of the said Bank.

**29.** The aggregate amount of the liabilities of all the Directors to the said Corporation shall not exceed at any one time one twentieth of the total amount of the then current discounts or advances made by the Corporation.

Total liabilities of Directors to the Bank, limited.

**30.** The Bank may allow and pay interest not exceeding the legal rate in this Province, upon money deposited in the Bank; and in discounting promissory notes, bills, or other negotiable securities or paper, may receive or retain the interest thereon, at the time of discounting or negotiating the same; and when notes, bills, or other negotiable securities or paper are *bonâ fide* payable at a place within the Province different from that at which they are discounted, the Bank may also, in addition to the discount, receive or retain an amount, not exceeding one-half per centum on the amount of each such note, bill, or other negotiable security or paper; and the Bank may charge any note or bill held by and made payable at the Bank, against the deposit account of the maker or acceptor of such note or bill, at the maturity thereof, any law, statute or usage to the contrary notwithstanding; Provided always, that nothing herein contained shall derogate in any wise from the restrictions imposed by chapter fifty-eight of the Consolidated Statutes of Canada, intituled: *An Act respecting interest.*

Bank may allow interest, retain discount, &c.

May charge a premium in certain cases.

May charge notes, &c., against deposit accounts.

Proviso: Con. Stat. Can. c. 58.

**31.** The bonds, obligations, and bills obligatory or of credit, of the said Bank, under its common seal, and signed by the President or Vice-President, and countersigned by a Cashier or Assistant-Cashier thereof, which shall be made payable to any person or persons, shall be assignable by indorsement thereon under the hand or hands of such person or persons, and of his, her or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in the several assignees successively, and to enable such assignee or assignees to bring and maintain an action or actions thereon, in his, her or their own name or names; and signification of any assignment by indorsement shall not be necessary, any law, custom or usage to the contrary notwithstanding; and bills or notes of the said Bank, signed by the President, Vice-President, Cashier and other officer appointed by the Directors of the said Bank to sign the same, promising the payment of money to any person or persons, his or their order, to the bearer, though not under the corporate seal of the said Bank, shall be binding and obligatory upon it, in the like manner and with the like force and effect as they would be upon any private person, if issued by him in his private or natural capacity, and shall be assignable in like manner as if they were so issued by a private person, in his natural capacity; Provided always, that nothing in this Act shall be held to debar the Directors of the said Bank from authorizing or deputing

Certain bonds, &c., of the Bank to be assignable by endorsement.

Bills and notes valid though not under seal and how assignable.

Proviso: Directors may authorize any

officers to sign notes. deputed from time to time any Cashier, Assistant-Cashier, or officer of the Bank, or any Director other than the President or Vice-President, or any Cashier, Manager or local Director of any branch or office of discount and deposit of the said Bank, to sign the Bills or notes of the Corporation intended for general circulation and payable to order or to bearer on demand.

Recital.

**32.** And whereas it may be deemed expedient that the name or names of the person or persons intrusted or authorized by the Bank to sign Bank notes and bills on behalf of the Bank, should be impressed by machinery in such form as may from time to time be adopted by the Bank, instead of being subscribed in the handwriting of such person or persons respectively; And whereas doubts might arise respecting the validity of such notes; Be it further declared and enacted, that all bank notes and bills of *La Banque Jacques Currier*, whereon the name or names of any person or persons intrusted or authorized to sign such notes or bills on behalf of the Bank, shall or may become impressed by machinery provided for that purpose, by or with the authority of the Bank, shall be and be taken to be good and valid to all intents and purposes, as if such notes and bills had been subscribed in the proper handwriting of the person or persons intrusted and authorized by the Bank to sign the same respectively, and shall be deemed and taken to be bank notes and bills within the meaning of all laws and statutes whatsoever; and shall and may be described as bank notes or bills in all indictments, and civil and criminal proceedings whatsoever; any law, statute or usage to the contrary notwithstanding.

Signature to bank notes may be impressed by machinery.

And they shall be bank notes for all purposes civil or criminal.

Bank notes payable at place of date.

**33.** The notes or bills of the Bank made payable to order or bearer, and intended for general circulation, whether the same shall issue from the chief seat or place of business of the said Bank in Montreal, or from any of its branches, shall be payable on demand in specie at the place where they bear date.

Suspension of payment for sixty days to forfeit charter.

**34.** A suspension by the said Bank, either at its chief place or seat of business in Montreal aforesaid, or at any of its branches or offices of discount and deposit at any other place in this Province, of payment on demand in specie of the notes or bills of the said Bank, payable there on demand, shall, if the time of suspension extend to sixty days consecutively or at intervals, within twelve consecutive months, operate as, and be a forfeiture of its charter, and of all and every the privileges granted to it by this Act.

Total amount of Bank notes limited.

**35.** The total amount of notes or bills of the said Bank, being for a less sum than four dollars, current money of Canada, each, that shall or may be issued and put in circulation, shall not exceed at any one time one-fifth of the amount of the Capital Stock of the Bank then paid in; Provided always, that no notes under the nominal value of one dollar shall at any time be issued or

None under five shillings.

put

put into circulation by the Bank, nor shall any further limitation by the Legislature of the total amount of notes to be issued or re-issued by the said Bank, be held to be any infringement upon the privileges hereby granted; Provided further, that the several provisions of chapter fifty-four of the Consolidated Statutes of Canada, intituled: *An Act respecting Incorporated Banks*, shall be and are hereby declared to be applicable to the Bank established under this Act.

May be further limited.

Proviso: Con. Stat. Can. cap. 54, to apply.

**36.** The total amount of the debts which the said Bank shall at any one time owe, whether by bond, bill, note or otherwise, shall not exceed three times the aggregate amount of its Capital Stock paid in, and the deposits made in the Bank in specie and in Government securities for money; and at no one period after the passing of this Act, shall the notes or bills payable on demand and to bearer exceed the amount of the actually paid up Capital Stock of the Bank, and the gold and silver coin and bullion and debentures or other securities reckoned at par, issued or guaranteed by the Government under the authority of the Legislature of this Province, on hand; and in case of excess, the Bank shall forfeit its Charter and all the privileges granted to it by this Act, and the Directors, under whose administration the excess shall happen, shall be liable jointly and severally for the same in their private capacity, as well to the shareholders as to the holders of the bonds, bills and notes of the said Bank, and an action or actions in this behalf may be brought against them or any of them, and the heirs, executors, administrators or curators, of them or any of them, and be prosecuted to judgment and execution according to law; but such action or actions shall not exempt the said Bank, or its lands, tenements, goods or chattels from being also liable for such excess; Provided always, that if any Directors present at the time of contracting any such excess of debt do forthwith, or if any Director absent at the time of contracting any such excess of debt do within twenty-four hours after he shall have obtained a knowledge thereof, enter on the minutes or register of the Bank his protest against the same, and do within eight days thereafter publish such protest in at least one newspaper published in Montreal, such Director may thereby, and not otherwise, exonerate and discharge himself, his heirs, executors and administrators, or curators, from the liability aforesaid, any thing herein contained, or any law to the contrary notwithstanding; Provided always, that such publication shall not exonerate any Director from his liability as a shareholder.

Total liabilities of the Bank limited.

Forfeiture of charter for excess under this or the next preceding section; and liability of Directors.

Proviso: how Directors may avoid such liability.

Proviso.

**37.** In the event of the property and assets of the said Bank becoming insufficient to liquidate the liabilities and engagements or debts thereof, the shareholders of its stock in their private or natural capacities shall be liable and responsible for the deficiency, but to no greater extent than to double the amount of their respective shares, that is to say, the liability

Limitation of liability of Shareholders in case of insolvency of the Bank.

liability and responsibility of each shareholder to the creditors of the said Bank, shall be limited to a sum of money equal in amount to his stock therein, over and above any instalment or instalments which may be unpaid on such stock, for which he shall also remain liable and which he shall pay up; Provided always, that nothing in this section contained shall be construed to alter or diminish the additional liabilities of the Directors of the said Bank hereinbefore mentioned and declared.

Statement of officers to be published monthly.

Copy to Governor, and how attested.

Governor may require further information.

Proviso: such further information to be confidential.

Proviso: private accounts not to be disclosed.

Bank not to lend money to any foreign State, &c.

Penalty.

**38.** Besides the detailed statement of the affairs of the said Bank, hereinbefore required to be laid before the shareholders thereof, at their annual General Meeting, the Directors shall make up and publish on the first Monday in each and every month, statements of the assets and liabilities of the said Bank in the form of the Schedule A hereunto annexed, showing under the heads specified in the said form, the average amount of the notes of the said Bank in circulation, and other liabilities at the termination of the month to which the statement shall refer, and the average amount of specie and other assets that at the same times were available to meet the same; and it shall be the duty of the Directors to submit to the Governor of this Province, if required, a copy of such monthly statements, and if by him required to verify all or any parts of the said statements, the said Directors shall verify the same by the production of the weekly or monthly balance-sheets from which the said statements shall have been compiled; And furthermore, the said Directors shall, from time to time, when required, furnish to the said Governor of this Province such further reasonable information respecting the state and proceeding of the said Bank and of the several branches and offices of discount and deposit thereof as such Governor of this Province may reasonably see fit to call for; Provided always, that the weekly or monthly balance-sheets and the further information that shall be so produced and given, shall be held by the said Governor of this Province as being produced and given in strict confidence, that he shall not divulge any part of the contents of the said weekly or monthly balance-sheets or of the information that shall be so given; And provided also, that the Directors shall not, nor shall any thing herein contained be construed to authorize them or any of them to make known the private accounts or account of any person or persons whatever having dealing with the said Bank.

**39.** It shall not be lawful for the said Bank at any time whatever, directly or indirectly, to advance or lend to or for the use of or on account of any foreign Prince, Power or State, any sum or sums of money or any securities for money; and if such unlawful advance or loan be made, then and from thenceforth the said corporation shall be dissolved, and all the powers, authorities, rights, privileges and advantages granted to it, by this Act, shall cease and determine.

**40.** The several public notices by this Act required to be given shall be given by advertisement in one or more of the newspapers published in Montreal, and in the *Canada Gazette*, or such other Gazette as shall be generally known and accredited as the Official Gazette, for the publication of official documents and notices emanating from the Civil Government of this Province, if any such Gazette be then published.

Public notices under this Act, how to be given.

**41.** If any cashier, assistant cashier, manager, clerk or servant of the said Bank shall secrete, embezzle or abscond with any bond, obligation, bill obligatory or of credit, or other bill or note, or any security for money, or any moneys or effects intrusted to him as such cashier, assistant cashier, manager, clerk or servant, whether the same belong to the said Bank, or belonging to any other person or persons, body or body politic or corporate, or institution or institutions, be lodged and deposited with the said Bank, the said cashier, assistant cashier, manager, clerk or servant so offending, and being thereof convicted in due form of law, shall be deemed guilty of felony.

Embezzlement, &c., by Bank officers to be felony.

**42.** Every person convicted of felony under this Act shall be punished by imprisonment at hard labor in the Provincial Penitentiary for any term not less than two years, or by imprisonment in any other Gaol or place of confinement for any less term than two years in the discretion of the Court before which he shall be convicted.

Punishment for such felony.

**43.** It shall and may be lawful to and for any Justice of the Peace, on complaint made before him upon the oath of one credible person, that there is just cause to suspect that any one or more person or persons is or are, or hath or have been concerned in making or counterfeiting any false bills of exchange, promissory notes, undertakings or orders of the said Bank, or hath in his possession any plates, presses or other instruments, tools or materials for making or counterfeiting the same, or any part thereof, by warrant under the hand of such Justice to cause the dwelling house, room, workshop or out-house, or other building, yard, garden or other place belonging to such suspected person or persons, or where any such person or persons shall be suspected of carrying on any such making or counterfeiting, to be searched; and if any such false bills of exchange, promissory notes, undertakings or orders, or any plates, presses or other tools, instruments or materials, shall be found in the custody or possession of any person or persons whomsoever, not having the same by some lawful authority, it shall and may be lawful to and for any person or persons whomsoever, discovering the same, to seize, and he or they are hereby authorized and required to seize such false or counterfeit bills of exchange, promissory notes, undertakings or orders, and such plates, presses, or other tools, instruments or materials, and to carry the same forthwith before a Justice of the Peace of the County or District (or if more convenient, of the adjoining County

Power to search for forged notes or machinery used for forging.

How dealt with if found.

County or District) in which the same shall be seized, who shall cause the same to be secured and produced in evidence against any person or persons who shall or may be prosecuted for any of the offences aforesaid in some Court of Justice proper for the determination thereof, and the same, after being so produced, in evidence, shall, by order of the Court, be defaced or destroyed, or otherwise disposed of, as such Court shall direct.

Saving of rights of Crown, &c.

44. Nothing in this Act contained shall, in any manner, derogate from, or affect, or be construed to derogate from or affect the rights of Her Majesty, Her Heirs and Successors, or of any person or persons, or of any body or bodies politic or corporate, except in so far as the same may be specially derogated from or affected by the provisions of this Act.

Public Act.

45. This Act shall be held and taken to be a Public Act, and shall be known as the "Charter of La Banque Jacques Cartier."

Duration of this Act.

46. This Act shall be and remain in force until the first day of June, which will be in the year of Our Lord, one thousand eight hundred and seventy, and from that time, until the end of the then next Session of the Parliament of this Province, and no longer.

SCHEDULE A.

*Referred to in the thirty-eighth section of the foregoing Act.*

RETURN of the Average amount of Liabilities and Assets of "La Banque Jacques Cartier," during the period from the first to , one thousand eight hundred and

LIABILITIES.

Promissory notes in circulation not bearing interest.....	\$
Bills of exchange in circulation not bearing interest.....	\$
Bills and notes in circulation bearing interest.....	\$
Balances due to other Banks.....	\$
Cash deposits not bearing interest.....	\$
Cash deposits bearing interest.....	\$
Total average liabilities.....	\$

ASSETS.

Coin and Bullion.....	\$
Landed or other property of the Bank.....	\$
Government Securities.....	\$
Promissory Notes or Bills of other Banks.....	\$
Balances due from other Banks.....	\$
Notes and Bills discounted.....	\$
Other debts due to the Bank, not included under the foregoing heads.....	\$
Total average assets.....	\$

## C A P . X C I .

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

[Assented to 18th May, 1861.]

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

Preamble.

**1.** So much of the fourth section of the Charter of the Bank of Montreal as requires that each of the Directors of the Bank shall "be actually domiciled in, or within nine miles of the city of Montreal," is repealed.

Sect. 4 of the Charter amended, as to residence of Directors.

**2.** The Directors of the Bank may establish and maintain a Guarantee Fund for the *employés* of the Bank, in lieu of the bond or other sufficient security required by the tenth section of the Charter ; and, to that end, may make, amend and enforce such By-laws and Rules as, from time to time, they shall deem advisable for the formation, maintenance and application thereof, and for imposing and enforcing any description of conditional penalty or forfeiture in respect thereof, and for defining and regulating all rights whatever of all parties interested therein, and the mode of their enforcement ; and all such rights, penalties and forfeitures, shall be such and such only, and may be enforced in such mode and in such mode only, as by such By-laws and Rules shall be defined and limited.

Guarantee Fund for employes may be substituted for security under sect. 10

**3.** The Directors of the Bank may change the designation of *Chief Cashier* to that of *General Manager* of the Bank.

Title of chief officer changed.

**4.** Whenever the interest in any share or shares of the said Bank, or in the dividend accrued thereon, or the right of property in any deposit therein, shall be transmitted by the death of any Shareholder, or otherwise, or whenever the ownership of, or legal right of possession in any such share or shares, dividend or deposit, shall change by any lawful means, other than by transfer, according to the provisions of this Act, or shall be disputed, and the Directors of the said Bank shall entertain reasonable doubts as to the legality of any claim to and upon such share or shares of stock, dividend or deposit, then, and in such case, it shall be lawful for the said Bank to make and file, in the Superior Court for Lower Canada, a declaration and petition in writing addressed to the Justices of the said Court, setting forth the facts, and the number of shares previously belonging to the party, in whose name such shares stand in the books of the Bank, or the amount of deposits standing in the name of the depositor thereof, and praying for an order or judgment, adjudicating and awarding the said shares, dividends

If the Directors entertain doubts as to the right to stock, they may obtain the opinion of the Superior Court.

Proviso :  
notice to  
claimants.

Proviso : costs.

Public Act : to  
be construed  
as part of  
Bank Charter.

dividends or deposits, to the party or parties, legally entitled to the same; by which order or judgment the bank shall be guided and held fully harmless, and indemnified and released from all and every other claim, for the said shares or deposits, or arising therefrom; provided always, that notice of such petition shall be given to the party claiming such shares, dividends or deposits, who shall, upon the filing of such petition, establish his right to the shares, dividends or deposits, referred to in such petition, and the delays to plead, and all other proceedings in such cases shall be the same as those observed in interventions in cases pending before the said Superior Court; provided also, that the costs and expenses of procuring such order and adjudication, shall be paid by the party or parties to whom the said shares, dividends or deposits shall be declared lawfully to belong, and such shares, dividends or deposits shall not be transferred or paid over, as the case may be, until such costs and expenses be paid, saving the recourse of such party against any party contesting his right.

5. This Act shall be a Public Act, and shall be construed and applied, to all intents, as though forming part of the Act known as "The Charter of the Bank of Montreal," and hereby amended; and the expression "The Charter of the Bank of Montreal," shall constitute a sufficient citation, as well of this Act, as of the said Act hereby amended.

## C A P. X C I I.

An Act to amend the Charter of the Annuity and Guarantee Funds Society of the Bank of Montreal.

[Assented to 18th May, 1861.]

Preamble.

**W**HEREAS the Annuity and Guarantee Funds Society of the Bank of Montreal, by petition, have set forth, that under their Act of Incorporation they have formed an "Annuity Fund," as thereby authorized, and (with the requisite sanction of the Bank of Montreal) have passed all needful By-laws touching the same, and the general government of the said Society, but that they have not found it practicable to form a "Guarantee Fund," as also by the said Act they were authorized, or to pass any By-laws touching the same, and have prayed that for avoidance of any possible doubt in the premises, and to facilitate their future operations, the said Act may be amended in the manner hereinafter set forth; and whereas it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Annuity fund  
declared duly  
established.

1. The "Annuity Fund" of the Society, and all By-laws whatsoever, not contrary to law, touching the same, and the general government of the Society, passed or hereafter to be passed,



passed, with the requisite sanction of the Board of Directors of the Bank of Montreal, shall be held to have been and to be well and duly established and made, notwithstanding any omission or failure by the Society to form a "Guarantee Fund," or to pass By-laws touching such Guarantee Fund.

2. With the sanction of the Board of Directors of the Bank, the Society may either proceed to form such Guarantee Fund, and pass all requisite By-laws touching the same, or, by a By-law so to be sanctioned, may wholly renounce such right; and, in the latter case, such right shall thereupon wholly cease and determine; and the Society, from and after due notice of the fact given in the *Canada Gazette*, shall thenceforward become and be, and be known and designated as, "The Annuity Fund Society of the Bank of Montreal;" Provided always, that such change of name shall in no wise affect the continued identity of the Society as a Corporation, or alter any liability or right whatever of the Society, or of any member thereof, or of the Bank, or of any third party, in respect of any of the dealings or affairs thereof whatsoever.

Change of name of Society.

Proviso

3. This Act shall be a Public Act, and shall be construed and applied to all intents as though forming part of the Act passed in the twenty-third year of Her Majesty's reign, intituled: *An Act to incorporate the Annuity and Guarantee Funds Society of the Bank of Montreal*, hereby amended; and the expression, "The Charter of the Annuity and Guarantee Funds Society of the Bank of Montreal," or "The Charter of the Annuity Fund Society of the Bank of Montreal," as the case may be, shall constitute a sufficient citation, as well of this Act, as of the said Act hereby amended.

Public Act.

How to be cited.

## CAP. XCIII.

An Act further to increase the Capital Stock of *La Banque du Peuple*.

[Assented to 18th May, 1861.]

WHEREAS *La Banque du Peuple* hath, by its petition, represented that the amount by which it was authorized to increase its capital stock by the Act passed in the eighteenth year of Her Majesty's Reign, chapter forty-three, is now subscribed and paid up, and that a further increase of the capital stock of the said Bank has become necessary in consequence of the increased requirements of commerce and manufactures, and has prayed to be permitted further to increase its Capital Stock by adding to its present Capital Stock the sum of eight hundred thousand dollars, and it is expedient to grant its prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

Increase of capital.

How to be paid in.

Provisions of 7 V. c. 66, s. 9, to apply to new stock.

And those of 10, 11 V. c. 62 and 18 V. c. 43.

Proviso.

Sect. 8 of 18 V. c. 43, amended.

Opening subscription books for new stock.

Increase of capital may be restricted.

**1.** It shall be lawful for *La Banque du Peuple* further to increase its Capital Stock by adding to its present Capital Stock the sum of eight hundred thousand dollars, divided into sixteen thousand shares of fifty dollars each; which shares may be subscribed for either in or out of this Province, in such proportions or numbers, and at such times and places, and under such regulations as the Members of the Corporation of the said *La Banque du Peuple* shall deem meet; the shares subscribed for shall be paid in by such instalments, and at such times and places, as the Members of the said Corporation shall appoint; but no share shall be held to be lawfully subscribed for, unless ten per centum thereof, at the least, be paid at the time of subscribing; and the provisions of the ninth section of the Charter or Act of Incorporation of the said Bank, passed in the seventh year of Her Majesty's Reign, and intituled: *An Act to incorporate certain persons carrying on the business of Banking in the City of Montreal under the name of La Banque du Peuple*, shall be applicable to all cases in which instalments on shares subscribed for under this Act shall be unpaid; and all other the provisions of the said Act of Incorporation, and all the provisions of a certain other Act passed in the eleventh year of Her Majesty's Reign, intituled: *An Act to amend the Act incorporating La Banque du Peuple*, and of the fourth, fifth, sixth and seventh sections of a certain other Act passed in the eighteenth year of Her Majesty's Reign, chapter forty-three, intituled: *An Act to increase the Capital Stock of La Banque du Peuple, and for other purposes*, shall likewise be applicable to the shares hereby authorized to be added to the said Capital Stock; Provided, always, that the said sixteen thousand shares, or so many thereof as the President and Directors of the said Bank may determine to issue, be subscribed for and wholly paid up within four years from and after the passing of this Act.

**2.** The eighth section of the said last mentioned Act is hereby amended by striking out the words "from the Receiver General" where the same occur therein; and the provisions of the said section so amended shall likewise be applicable to the shares hereby authorized to be added to the Capital Stock of the said Bank.

**3.** The said Bank shall not be compelled to open books of subscription for the whole number of shares authorized by this Act at one and the same time, but it shall and may be lawful for the Members of the Corporation of the said *La Banque du Peuple*, and they are hereby authorized, from time to time to limit the number of shares for which the books of subscription shall be opened as aforesaid at any one time, as they in their discretion may deem most advisable.

**4.** The Members of the said Corporation may, at any time, by a By-law made for that purpose, either before or after the opening of the books of subscription for the said augmentation of

of Capital or any portion thereof, restrict the said augmentation of Capital to any amount they may judge more advantageous to the said *La Banque du Peuple*.

5. This Act shall be and remain in force until the first day of January, which will be in the year of Our Lord one thousand eight hundred and seventy, and from that time to the end of the then next session of the Parliament of this Province. Duration of Act.

6. This Act shall be deemed a Public Act.

Public Act.

## C A P . X C I V .

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

[Assented to 18th May, 1861.]

**W**HEREAS the President and Directors of the Niagara District Bank have, by their petition, prayed for certain amendments to the Acts relating to the said Bank, and it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

1. So much of the eighteenth section of the Act of Incorporation of the said Bank, passed in the eighteenth year of Her Majesty's reign, chapter two hundred and four, as provides that the President or Managing Director only may be compensated for his services, either by an annual vote of a sum of money by the Shareholders, at their Annual General Meeting, or by a fixed salary, is hereby repealed. Part of sect. of 18 of 18 V. c. 204, as to payment of Directors, repealed.

2. The Shareholders of the said Bank may, by a By-law, appropriate a sum of money for the remuneration of the services of the President and Directors as such; and the President and Directors may annually apportion the same among themselves as they think fit. Shareholders may pay President and Directors.

3. For and notwithstanding any thing in the said Act, or in the Act to alter and amend the same, passed in the twentieth year of Her Majesty's reign, chapter one hundred and sixty-three, or in the Act relating to the said Bank, passed in the twenty-second year of Her Majesty's reign, chapter sixteen, or any or either of them contained to the contrary, the sum required to be subscribed for, and paid up in order to raise the paid up capital of the said Bank to four hundred thousand dollars, shall be subscribed for and paid up within two years, from and after the passing of this Act, on pain of forfeiture of the privileges granted by the said Acts and by this Act. \$400,000 of capital to be paid up within two years, on pain of forfeiture of privileges.

4. For and notwithstanding any thing in the said Acts or any or either of them contained to the contrary, the remaining six hundred Time for payment of re-  
hundred

mainder, limited.

hundred thousand dollars of the capital stock of the said Bank shall be subscribed for and paid up as follows, that is to say: the sum of four hundred thousand dollars, part thereof, within four years from the passing of this Act, and the sum of two hundred thousand dollars, other part thereof, within five years from the same period, on pain of forfeiture of the privileges granted by the said Acts and by this Act.

Inconsistent enactments repealed.

5. So much of the said Acts, or any or either of them, as may be inconsistent with or repugnant to the provisions of this Act, shall be and is hereby repealed.

Privileges declared not forfeited by non-payment of capital, up to the present time.

6. It is hereby declared that none of the privileges granted by the said Acts, or any or either of them, have been forfeited by reason of any portion or portions of the capital stock of the said Bank not having been subscribed for and paid up at any time before the passing of this Act, as required by the said Acts, or any or either of them, and that the said privileges, and each and every one of them, still are and shall continue to be vested in and enjoyed by the said Corporation, in as full and ample a manner, to all intents and purposes whatsoever, as they have ever been vested in or enjoyed by it, subject only to the terms and conditions of the said Acts, as amended by this Act.

Duration of Act.

7. The said Acts, as amended by this Act, shall be and remain in force until the first day of June, which will be in the year of our Lord one thousand eight hundred and seventy, and from that time until the end of the then next Session of the Parliament of this Province, and no longer.

Public Act.

8. This Act shall be a Public Act.

## C A P . X C V .

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

[Assented to 18th May, 1861.]

Preamble.

WHEREAS the Ontario Bank have prayed for authority to increase their Capital Stock and to amend the Charter of the said Bank, and it is expedient to grant the prayer of their petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Capital may be increased by \$1,000,000.  
20 V. c. 159.

1. The Ontario Bank, incorporated by an Act of Parliament of this Province, passed in the Session held in the twentieth year of Her Majesty's reign, and intituled: *An Act to incorporate the Ontario Bank*, may add to and increase their present capital stock by a further sum not exceeding one million dollars, currency, divided into twenty-five thousand shares

shares of forty dollars each ; which shares may be sold, subscribed for, or allotted as hereinafter mentioned, either in or out of this Province.

2. The shares may be issued by the President and Directors of the Bank, as paid up stock, to such person or persons as shall, at the time of acquiring the same, pay up the full amount in value thereof, not being less than par, and with such rate of premium thereon, if any, as the President and Directors aforesaid may fix and determine ; And as to the stock subscribed for, the same shall be paid in by instalments of ten per cent. each, on such shares, and such subscription and payment respectively shall be made in such times and places, and under such regulations, as the President and Directors of the Bank shall from to time appoint ; and executors, administrators and curators, paying instalments upon the shares of deceased shareholders, shall be and are hereby respectively indemnified for paying the same ; but instalments on such shares of stock shall not be called or demanded more frequently than once in every thirty days ; and thirty days' notice of such calls shall be given in a newspaper published in Bowmanville, and in the Official Gazette ; and no share shall be held to be lawfully subscribed for, unless ten per centum thereof, at the least, be paid at the time of subscribing ; Provided, always, that the said President and Directors may allot such shares of stock among the present Shareholders *pro rata*, at par, or at a fixed premium, in such amounts, as they may deem expedient ; and in case such Shareholders, or any of them, refuse or neglect to accept such allotment of shares, on the terms proposed, then that the said President and Directors may sell such shares of stock so refused or neglected to be accepted ; but no shares of stock shall, by the President and Directors, be sold below par, and all or any profits made from such sales shall be credited to the Bank reserve account, or may be divided *pro rata* amongst the Shareholders not taking their respective proportions of such allotted shares, as the President and Directors may determine ; And provided that the said twenty-five thousand shares, or so much thereof as the said President and Directors may determine to issue, be subscribed for and wholly paid up, or allotted as aforesaid, or otherwise disposed of, within four years from and after the passing of this Act.

How the new stock may be issued.

Instalments thereon.

Notice of calls = ten per cent. to be paid on subscribing.

Proviso : for allotment of new stock to Shareholders.

Not to be sold below par : as to profits on it.

Proviso : time for paying up new stock, limited.

3. When any person, desirous of subscribing for shares of the additional capital stock, authorized by this Act, shall also be willing to pay up at, or at any time after the time of subscribing, the full amount of the shares subscribed for, with such premium thereon (if any) as hereinafter mentioned, the President and Directors of the Bank may, at any time or times within the aforesaid period of four years, admit and receive such subscriptions and full payment, together with such premium as, at the time of subscribing, may be agreed upon ; and

The whole amount may be paid on subscribing, &c.

in

As to any premium paid.

in every such case the premium so received shall be credited to the reserve account of the said Bank, any thing in the said Act, or in this or any other Act or Law, to the contrary notwithstanding.

Shares of stock may be made transferable in England.

4. Shares of the additional capital stock, authorized by this Act, may be made transferable, and the dividends accruing thereon may be made payable in the United Kingdom, or at the chief office of the said Bank, in the town of Bowmanville, or at any of its branches, in like manner as shares in the said Bank, and dividends thereon, are now respectively transferable and payable at the Bank in the Town of Bowmanville, or in the United Kingdom; and to that end the President and Directors may from time to time make such rules and regulations, and prescribe such forms, and appoint such Agent, or Agents, as they may deem necessary.

The whole stock need not be issued at once.

5. It shall not be obligatory upon the President and Directors of the said Bank to open books of subscription for, or to sell, allot, or otherwise dispose of the whole number of shares authorized by this Act; but the said President and Directors may, from time to time, limit the number of shares for which the books of subscription shall be opened, or which they may desire to sell, allot, or otherwise dispose of as aforesaid, at any given period or periods of time, as they, in their discretion, may deem most advisable.

Sect. 6 of 20 V. c. 159, repealed.

Forfeiture of stock for non-payment of calls.

6. The sixth section of the said Act is hereby repealed, and in lieu thereof it is enacted as follows: If any Shareholder or Shareholders, who have heretofore subscribed to the shares of the original capital stock of the said Bank, or who may at any time hereafter subscribe to the same, or to the shares of the additional capital stock, authorized by this Act, and shall have paid thereon only ten per cent., refuse, or after sixty days' notice given of a call or calls having been made (such notice being that provided for in the second section of this Act) neglect to pay any such call or calls duly made by the Directors of said Bank, such shares of stock may, by a resolution of the Directors, be forfeited or cancelled, and the ten per cent which has been paid thereon may be taken for the use of the said Bank; And when and so often as more than one instalment has been paid on any of the shares of stock subscribed, or which may hereafter be subscribed, and the person or persons so subscribing refuse, or after sixty days from notice given of a call or calls having been made (such notice being that provided for in the second section of this Act), neglect to pay any such call or calls on such stock or shares, duly made by the Directors of the said Bank, such shares of stock may, by a resolution of the Directors, be sold either by public auction or private sale, in such manner, and on such terms, as to them shall appear best; and such resolution may order the whole or such part of the shares of stock so standing in the stock books of

Sale of stock on which more than one instalment has been paid.

the Bank, to be sold as the Directors may deem advisable; and for the purpose of carrying out such resolution or resolutions, the President and Cashier, or either of them, are hereby empowered to make transfer of such shares of stock, so directed to be sold, as from time to time, under such resolution or resolutions, may be requisite, to the purchaser or purchasers thereof; and such transfer, being accepted, shall be as valid and effectual in law as if the same had been executed by the original holder or holders of the shares of stock thereby transferred; And out of the proceeds of such sale or sales shall be paid all expenses incurred in and about such sale, including advertising in such newspapers as may by the said Directors be deemed advisable; and also from such proceeds there shall be deducted and retained, to the use of the said Bank, as damages, ten per centum on the amount actually paid on such shares of stock, and the balance, after making such deductions, shall be paid over to the original subscriber, or to his assignees, or to his or their legal representatives; Provided, always, that nothing in this section contained shall be held to debar the Directors from remitting, either in whole or in part, and conditionally or unconditionally, any forfeiture incurred by the non-payment of any instalments as aforesaid.

Transfer of such stock.

Application of proceeds.

Proviso: Directors may remit forfeiture.

7. The twenty-sixth section of the Act twentieth Victoria, chapter one hundred and fifty-nine, are hereby amended by striking out the words "from the Receiver General" where the same occur therein, and the provisions of the said section, as so amended, and of all the other sections of the said Act, are hereby extended and applied, so far as they are not varied or repealed by, or inconsistent with, the provisions of this Act, to the increase of capital hereby authorized, and to the capital of the said Bank, as increased under the authority of this Act, and to the shares thereof.

Provisions of sect. 26 of 20 V. c. 159, to app'y as amended.

8. This Act shall be and remain in force until the first day of January, which will be in the year of Our Lord one thousand eight hundred and seventy, and from that time until the end of the then next Session of Parliament of this Province, and no longer.

Duration of Act.

9. This Act shall be held and taken to be a Public Act, and shall be known as the "Charter of the Ontario Bank Amendment Act," and the Interpretation Act shall apply thereto.

Public Act. How cited.

## C A P . X C V I .

An Act to incorporate the Montreal Hydraulic and Dock Company.

[Assented to 18th May, 1861.]

**W**HEREAS great public benefit would be derived from the erection, within the Harbor of Montreal, of docks and basins for Vessels, and warehouses, stores and storehouses, elevators,

Preamble.

elevators, railway tracks and other works, and erections connected therewith, to facilitate the storage and transhipment of goods, and the connection between Inland and River transport; And whereas the persons hereinafter named have, by petition, prayed to be incorporated for the said purpose: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Incorporation  
of Company.

1. The Honorable John Young, the Honorable Louis Renaud, the Honorable Luther Hamilton Holton, David Torrance, Ira Gould, Hugh Allan, John Esdaile, Thomas Cramp, Robert Knox, Harrison Stephens, John Grant and Edwin Atwater, Esquires, and all such persons, and bodies politic and corporate, as shall, under the authority of this Act, be associated with them, and their several and respective successors, executors, administrators and assigns, as Stockholders in the Corporation hereby created, shall be a body politic and corporate by the name of "The Montreal Hydraulic and Dock Company," and by that name may purchase, hold and possess, lands and immovable estate, for the purposes of this Act, and sell and dispose thereof, or let and lease the same, as to the Company may seem fit.

Corporate  
name.

Real property.

Powers and  
purposes of  
the Company,  
and when and  
where to be  
exercised.

2. So soon as the Company, in terms of the seventeenth section of this Act, is authorized and empowered to commence the construction of the works hereby contemplated and not sooner, they may take possession of, use and occupy that part of the bed and beach of the River St. Lawrence, and real and immovable property within the limits of the Harbour of Montreal, extending from the abutment of the Victoria Bridge downwards, towards Windmill point, and the mouth of the Lachine Canal, within the limits shewn on the plan made by Charles Legge, Esquire, Civil Engineer, and containing in all one hundred and thirty arpents, more or less, in superficies, or so much thereof as may be required for the said works, but so always as in no wise to encroach upon or prejudice any property, servitude, right or claim whatever, of any party holding any land or hydraulic privilege adjacent to or depending on the Lachine Canal; and the same thereupon, and not sooner, shall be vested in the Company, for the purposes of this Act, and thereon and on such other land as may be acquired by the Company under this Act, and as may be made and filled up adjacent thereto, the Company may erect, construct and maintain wet and dry docks, basins, piers and wharves, according to the plans hereinafter mentioned, and may construct and maintain stores, warehouses, sheds and other buildings, for the reception and storing of goods free of duty or in bond, or otherwise, and may construct elevators, and construct and maintain cranes and weigh-beams, and may lay down railway tracks, turn-tables and sidings, and construct and maintain such other works and erections as shall be necessary  
fully

To erect  
docks, piers,  
wharves,  
stores, store-  
houses, sheds,  
&c.



fully to carry this Act into effect, and also may deepen and improve the bed of the River so as to secure an easy entrance to the said docks, but the said deepening and improvements, if done by the Company, shall be subject to the direction and control of the Harbour Commissioners, so as to interfere as little as possible with the Harbour accommodation, and the Company may further connect the canal docks and basins of the Company with the Lachine Canal and its basins, so as to afford passage for vessels and craft, under directions to be given by and on behalf of the Commissioner of Public Works, for the time being, who shall have power to make all contracts and arrangements with the Company, for the supply of water to the Lachine Canal and the manufactories thereon, from the Canal of the Company and the opening of the canal, docks and basins of the Company to vessels and craft navigating the Lachine Canal and basins, on terms to be agreed on.

Deepening of River under control of the Harbor Commissioners.

Connexion may be made between the docks, basins and canals of the Company, and the Lachine Canal and basins.

**3.** The Company may also conduct water from the River St. Lawrence by a canal to be made by the Company, from some point on the River St. Lawrence, within seven miles from the City of Montreal, for the use and supply of the said docks, or for hydraulic or manufacturing purposes, may construct all necessary locks, piers and other works on the said Canal, may enter upon and take possession of the bed and beach of the St. Lawrence, at the entrance of the said canal, may enter upon and survey all lands on the line of the said canal, and from time to time may purchase, acquire, hold and enjoy all lands necessary for the said canal, and such ditches as may be necessary along the same, and for a road on either or both sides thereof, and may make all bridges, intersections, crossings, whether through, under, or upon public or private roads, or any aqueduct or canal; Provided that the lands so to be taken for the canal, and for the ditches on either side thereof and for such road or roads shall not exceed six hundred feet, English measure, in width, except at the entrance of such canal, where an extent of land not exceeding one hundred arpents may be acquired, and the Company may erect all necessary dams, piers, wharves or other works, to secure the necessary supply of water for the said works.

Power to make canal; to hold lands, and sell and lease them, and use water power along the canal.

Proviso: lands to be taken, limited.

**4.** All works of the Company, within the limits of the said Harbor, shall be made in accordance with such plan or plans, shewing the outline and extent of the said docks, basins, gates and wharves, as may be approved of by the Governor in Council, and in accordance with all such conditions and restrictions in the premises as the Governor in Council may ordain; and all such plans, conditions and restrictions, being signed and certified by the Provincial Secretary, shall be taken and considered, to all intents and purposes, as if incorporated into and sanctioned by this Act; Provided, nevertheless, that any such deviations or alterations may be made, with the approval of the Governor in Council, as may be found necessary for carrying out

Works within the Harbor to be made according to plan approved by Governor in Council.

Deviations and alterations in plans may be made, but sub-out

ject to the approval of the Governor in Council.

Original plans to be deposited with Provincial Secretary.

Copies of plans, how to be obtained.

Power to sell or let stores, &c, and to lease or sell water power.

To acquire lands along line of canal, and sell or lease the same with or without water power.

Such lands to be obtained only by voluntary contract.

Dock dues and wharfage rates, &c., to be sanctioned by the Governor in Council.

Dues and rates how to be collected and levied.

out and completing the said works; and the originals of all such plans shall remain deposited in the office of the Board of Works, and one copy thereof certified by the Secretary of the Province, shall be delivered to the Company, and another copy, also so certified, shall be deposited with the Prothonotary of the Superior Court at Montreal, to remain deposited in their respective offices, to which copies all parties shall have access free of charge; and copies thereof, or parts thereof, shall be furnished by the Company or such Prothonotary, when thereto required, to any person, on payment of all reasonable charges and expenses therefor, which copies, when certified by the Secretary of the Company, or by such Prothonotary, shall be held to be correct and as duly proved.

5. The Company may also sell and dispose of all or any of the stores, warehouses, sheds and other buildings or erections at and upon the said docks, or may let and lease the same, for such terms and on such conditions as they may think fit; may enter into agreement with any person or corporation, with respect to the use of said railway tracks, or any of the erections at and near the docks, and may use or sell and dispose of, or lease water from the said canal, along such canal, or at or near such docks, not required for the said docks and basins, and which may be found useful and applicable to drive any machinery in mills, warehouses, and manufactories; and may purchase, acquire, hold and possess, lands along the line of the canal, on either or both sides thereof, and may sell, dispose of or let and lease the said lands, with or without the water power, on such terms and conditions, as they may think fit; but none of the provisions in this Act mentioned as to taking possession of, and entering upon lands, shall apply to lands so to be purchased along the canal applying the said water power, which lands shall only be acquired by voluntary contract and agreement.

6. The Company may levy upon all ships, vessels, boats, barges, steamboats, and other floating craft entering said docks or basins, or departing therefrom, or being at anchor or otherwise moored therein, and upon all goods landed or shipped in such docks or basins, or deposited or stored in any of the said stores, storehouses, warehouses, sheds or other buildings and erections, such dock dues, and wharfage rates and tolls as may be fixed and sanctioned by the Governor in Council.

7. Such rates, dues and tolls, shall be levied as follows:

1. *On seagoing vessels.*—The dock dues shall be levied from the master or person in charge thereof, and the wharfage rates and tolls on goods landed, or shipped, or stored, shall be levied from the consignee, shipper, owner, or agent thereof;

2. On all other vessels.—The dock dues thereon, as well as the wharfage rates on the cargoes, shall be paid by the master or person in charge thereof, saving to him such recourse as he may have by law against any other person, for the recovery of the sums so paid; Provided, however, that it shall be lawful for the Company to recover the said wharfage rates, and also the said tolls from the owner, or consignees, or agents and shippers of such cargoes or goods. Proviso.

8. In case of non-payment of the said dues, tolls, and rates, or of any other charges under this Act, which the Company may lawfully make, it shall be lawful for the Company to seize forthwith, before judgment, any vessels or goods whatsoever, upon which such dues, rates and charges are due, and to detain the same, at the risk, costs and charges of the owner, until the sum so due and all charges thereon, incurred by reason of such seizure and detention, be fully paid. Seizure of vessels and goods for non-payment of rates, &c.

9. The Company may require from the master, or person in charge of every vessel, in the said docks or basins, a report in writing, signed and certified by him, of his vessel's cargo inwards, and her draft of water—such report to be made before he shall break bulk; also, of her outward cargo, and draft of water before his vessel leaves the docks or basins, and such other particulars as may be necessary to carry out the provisions of this Act, and in case of refusal or neglect to make such reports, or any of them, the Company may seize and detain such vessel, at the risk, costs and charges, of the master, owner, or person in charge thereof, until such requirements are complied with; Provided, always, that nothing herein contained shall prevent the Company from making such mutual agreement with the masters, owners, or agents of steamboats or other vessels, with respect to making such reports, and with respect to the payment of all dues, rates and tolls, or from commuting the same, on such conditions, and for such periods and sums of money as may be mutually agreed upon. Report of draft of water and cargo, to be furnished by master.

10. The seizure of any such vessel, which, under this Act, the Company may make, may be effected by the order of any Judge or Justice of the Peace within Lower Canada, which order such Judge or Justice of the Peace is hereby authorized and required to give, upon the application of the Company or its authorized agent, on the institution of any action before such Judge or the court wherein he has jurisdiction, or before any Justice of the Peace, and on the affidavit of any one credible person, that the cause of such action alleged in the declaration, complaint or information, is well founded in fact, and such order shall and may be executed by any Constable, Bailiff, or other person whom the Company may choose to entrust with the execution thereof; and such Constable, Bailiff, or other person, is hereby authorized and empowered Seizure of vessel how to be effected.

to take all necessary means and to demand all necessary aid, to enable him to execute such order.

Vessel liable for injury to works.

**11.** If any injury is done to any of the docks, gates, basins, wharves, or other erections or works, authorized to be constructed by this Act, by any vessel, or by the carelessness or negligence of the crew thereof, while in the execution of their duty, or the orders of their superior officers, the Company may seize such vessel and detain her, until the injury so done shall have been repaired by the master or crew, or until security shall have been given to the satisfaction of the Judge or Justice of the Peace who shall have ordered the seizure by such master, to pay such amount for the injury and costs, as may be awarded in any suit which may be brought against him for the same, and such master is hereby declared to be liable to the Company for any such injury.

Company to make fences, crossings, ditches, &c., along the canal.

**12.** The Company shall construct and maintain on each side of the said canal, proper fences, of the height and strength of an ordinary division fence, with openings or gates, and bars therein; shall make and maintain sufficient ditches where necessary to keep the farms free from water from the canal, and shall make and maintain a bridge or farm crossing over such canal, for each farm through which it shall pass, for the use of the owner or occupant of such farm, but in case of agreement to that effect with the owner, the Company may arrange to be relieved permanently, or for a time, from erecting and maintaining such fences, ditches, bridges or farm crossings, and on so doing, and on enregistration in the Registry Office, of such agreement, the Company shall be relieved therefrom according to the terms of agreement.

May make agreements to be relieved from so doing.

Contracts and agreements between the Company and the Corporation of Montreal.

**13.** The Company may enter into any contract or agreement with the corporation of the City of Montreal to obtain, if at any time necessary, a supply of water for the works contemplated by this Act, from the canal or aqueduct constructed by the said corporation, or for the discharge of the water of the tail race of the corporation into the canal of the present Company, or for the purpose of acquiring any street or streets, or any rights thereon, or for or in respect of any drains, sewers, water pipes, gas pipes or other property, or rights vested in, or belonging to such corporation, or for obtaining police for the protection of the said works; and the said corporation shall have full power to enter into such contracts or agreements, or such other contracts or agreements as may be found necessary in respect of the said works or any part thereof.

Corporation may borrow \$2,000,000.

**14.** The Company may borrow, under the authority of this Act, and for carrying its provisions into effect, to the extent of two millions of dollars, in such sums and at such rates of interest, not exceeding eight per cent. per annum, and for such period or periods as may be found expedient, and may issue, under the

the hand of the President, and the seal of the Company, debentures or bonds of the Company, to be countersigned by the Secretary, for the sum and sums so to be borrowed, payable at such time and times, to the bearer thereof, either within this Province or elsewhere, and either in currency or sterling, with interest payable at any time and times specified, and with or without coupons annexed; and if with coupons such coupons to be signed by the Secretary, which shall be payable to bearer at the time and times they shall respectively become due, and such bonds or debentures shall be in the form prescribed by any By-law of the Company, and may be recalled and others issued in their stead, and the said sum and sums so borrowed shall be paid out of the tolls, dues, rates and revenues of the said works and of the said Company; and for the payment thereof the holder shall and may, if so provided in such debentures and bonds, have a special charge, lien, mortgage or *hypothèque*, upon such tolls, dues and rates, and also upon the said canal, docks, basins, works and erections authorized by this Act to be made, but no holder of any debenture or bonds shall have any priority or privilege over any other debenture or bondholder, whatever may be the date of such bond or debentures or of the registration thereof; and the total amount so borrowed shall at no time exceed the amount of the then actually paid up capital of the Company.

May issue bonds or debentures.

Form and tenor of debentures.

They may be made a charge of the Company's property.

**15.** Vessels passing through the harbour directly into the said docks and basins, or directly from the said docks and basins, without receiving or landing cargo, or being moored at any of the wharves in the harbour, shall be liable to the Harbour Commissioners for no other rates, dues or charges than for such tonnage duty, as from time to time shall be settled by agreement between the Harbour Commissioners and the Company, or in default thereof by the Governor in Council, and such tonnage duty, if fixed by the Governor in Council, shall be so fixed as to cover any deficiency of harbor revenues to be caused by the works of the Company, and otherwise to protect the interest of the Harbor Commissioners.

Tonnage dues on vessels entering or leaving docks without touching the wharves of the Harbour.

**16.** The members of the Company may raise and contribute among themselves, at any time, and from time to time, the sum of three millions of dollars, and the sum so raised shall be the capital stock of the said Company, which shall be divided and held in shares of four hundred dollars each, and the said shares, after the first instalment thereon shall have been paid, and subject to any conditions and restrictions to be prescribed by any By-law in regard to the transfer of shares, may be transferred by the respective persons subscribing for or holding the same, to any other person or persons, and such transfer shall be registered in a book or books to be kept for that purpose by the Company; but no shareholder shall be entitled to transfer any share until he shall have paid all calls for the time being due on every share held by him; and the stock, property, and effects of the Company shall be deemed personal estate.

Capital stock of the Company to be \$3,000,000.

Shares \$400 each.

Books for transfer of shares to be kept.

Calls must be paid up before transfer.

When the works may be commenced.

**17.** The construction of the said works shall not be commenced until shares of the capital stock, to the extent of one million of dollars shall have been subscribed, nor until the sum of four hundred thousand dollars shall have been paid and deposited in some chartered Bank in this Province.

Provision for increase of capital.

**18.** If, at any future period, the said sum of three millions of dollars shall be found insufficient for the purposes of this Act, the Company may increase their capital stock by a further sum not exceeding one million of dollars subscribed either among themselves, or by the admission of new stockholders, such new stock being divided into shares of four hundred dollars each; Provided that such increase be decided upon by a majority in number and value of the stockholders of the Company present, personally or by proxy, at any meeting held for the purpose.

Proviso.

Directors to be elected.

**19.** The business and affairs of the said Company shall be conducted and managed, and its powers exercised by a Board of eight Directors, to be appointed by the shareholders at the annual meeting of the Company, by the shareholders then present personally, or by proxy; and until Directors shall, under the provisions of this Act, be elected by the shareholders, the Directors shall be the Honorable John Young, the Honorable Louis Renaud, the Honorable Luther Hamilton Holton, Ira Gould, Hugh Allan, John Esdaile, Thomas Cramp and Robert Knox, who shall have full power to open books of subscription for stock at such places as they may appoint, and to give notice thereof.

First Directors named.

First general meeting, when and how to be held.  
Election of Directors.

**20.** The first General Meeting of the members of the Company for the election of Directors may be held at Montreal whenever shares of stock to the extent of one million of dollars shall have been subscribed, and the said sum of four hundred thousand dollars paid and deposited as above mentioned, provided that public notice thereof shall be given during one week in at least one newspaper published in the English and at least one published in the French language in the City of Montreal; and at such general meeting, the shareholders, with such proxies as may be present, shall choose seven Directors, each being a proprietor of at least five shares; and they may then, or at any subsequent general meeting, proceed to pass such By-laws, rules and regulations, as may be necessary to carry this Act into effect.

Passing By-laws.

Plan and book of reference to be made.

**21.** The Company shall cause a map or plan and book of reference to be made, by some sworn land Surveyor of Lower Canada, of the lands through which the said canal shall pass, and of the course and direction of the said canal, with a general description of the lands, with the names of the owners or occupants thereof, so far as they can be ascertained, which plan and book of reference shall be examined and certified by the person performing the duties formerly assigned to the Surveyor

General

General or his deputy, who shall deposit a copy thereof in the office of the said Prothonotary, and deliver another copy thereof to the Company, to which copies all persons shall have access, free of charge; and the said copies so delivered, or copies thereof or of parts thereof, certified by the Secretary of the Company or by the said Prothonotary, shall be held as sufficiently proved in any Court or proceeding; and, until such plan or map and book of reference shall have been so made and copies thereof delivered as aforesaid, the works of the said canal shall not be proceeded with, but surveys of such lands may be made by or on behalf of the Company, provided no damage be thereby caused, or such damage be paid for or repaired.

Copies, where to be deposited.

Works not to be commenced until they are made.

22. After any lands or ground shall be set out and ascertained in manner aforesaid, for making and completing the said canal and other works, and other the purposes and conveniences hereinbefore mentioned, it shall and may be lawful for all bodies politic, corporate or collegiate, corporations aggregate or sole, communities, *grevés de substitution*, *gardiens*, curators, executors, administrators, and all other trustees or persons whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether infants, issue unborn, lunatics, idiots, *femes-covert*, or other persons or parties, who are or shall be seized, possessed of, or interested in any lands or grounds which shall be so set out and ascertained as aforesaid, or any part thereof, to contract for, sell and convey unto the said Company, all or any part of such lands or grounds, which shall under this Act be set out and ascertained as aforesaid; and all contracts, agreements, sales, conveyances and assurances so to be made, shall be valid and effectual in law to all intents and purposes whatsoever; any law, statute, usage or custom to the contrary thereof in any wise notwithstanding; and all bodies politic or corporate, or collegiate, or communities, and all persons whatsoever, so conveying as aforesaid, are hereby indemnified for what he, she or they, or any of them, shall respectively do by virtue of or in pursuance of this Act; provided, always, that before the map or plan and book of reference shall be deposited as aforesaid, and before the lands required for the said canal and works shall be set out and ascertained, it shall be lawful for any party who might under this Act convey any lands to the said Company, if the same were so then set out and ascertained, to agree with the Company for the price to be paid for such lands if they shall be thereafter so set out and ascertained; and such agreement shall be binding, and the price agreed upon shall be the price to be paid by the Company for the same lands, if they shall be afterwards set out and ascertained, within one year from the date of the agreement, and although such land may in the meantime have become the property of a third party; and possession of the same may be taken, and the agreement and price may be dealt with, as if such price had been fixed by an award of

After lands are set out, Company may acquire lands.

Parties may agree as to price of lands before they are set out.

Proviso: parties may agree to convey before the map and book of reference are made.

Company may pay in paid-up stock for lands taken or damage done, if any party agree to receive such paid-up stock in payment.

arbitrators as hereinafter mentioned ; provided, always, that the Company shall have power to issue paid-up stock in the Company in payment of the price of any real estate or rights to be acquired by the Company under this Act, or for the amount of compensation to be paid to any party entitled thereto for loss or damage suffered or to be suffered by the taking of any lands or the execution of any works under this Act, if such party shall agree to take and receive the same in payment thereof, and such paid-up stock shall be free from all calls whatsoever on the part of the Company, or of the creditors thereof, to the same extent as if the amount of the same had been regularly called in by the Company and paid by the holder in full.

Annual rent, when to be fixed instead of principal sum.

**23.** Any body politic, community, corporation or other like party who cannot in common course of law, sell or alienate any lands or grounds so set out and ascertained, shall agree upon a fixed annual rent as an equivalent, and not upon a principal sum, to be paid for the lands or grounds so set out and ascertained as necessary for making the said canal, and other the purposes and conveniences relative thereto and connected therewith ; and, in case the amount of such rent shall not be fixed by voluntary agreement or compromise, it shall be fixed in the manner hereinafter prescribed ; and all proceedings shall in that case be regulated as hereinafter prescribed ; and for the payment of the said annual rent, and every other annual rent agreed upon or ascertained, and to be paid by the said Company for the purchase of any lands, or for any part of the purchase money of any lands, which the vendor shall agree to leave in the hands of the said Company, the said canal and works and the tolls to be levied and collected thereon shall be and are hereby made liable and chargeable, in preference to all other claims or demands thereon whatsoever, the deed creating such charge and liability being duly registered.

Privilege for such rent.

Company may agree as to compensation for land or damages.

**24.** So soon as the said map or plan and book of reference shall have been deposited as aforesaid, and notice of its being deposited shall have been given, during at least one calendar month, in the English and French languages, in at least one newspaper published in the City of Montreal, it shall be lawful for the said Company to apply to the several owners of or parties hereby empowered to convey the lands through which such canal is intended to be carried, or which may suffer damage from the taking of materials, or from the exercise of any of the powers granted to the said Company, by this Act, and to agree with such owners or parties respectively, touching the compensation to be paid to them by the said Company for the purchase thereof and for their respective damages, and to make such agreements and contracts with the said parties touching the said lands, or the compensation to be paid for the same, or for the damages, or as to the mode in which the said compensation shall be ascertained, as to such parties and the said Company shall seem expedient ; and in case of disagreement



ment between the said Company and the said owners or parties, or any of them, then all questions, which shall arise between them and the said Company shall be settled as follows, that is to say: The deposit of the map or plan and book of reference, and the notice of such deposit, given as aforesaid, shall be deemed a general notice to all such parties as aforesaid, of the lands which will be required for the said canal and works; The Company shall serve a notice upon the opposite party, containing a description of the lands to be taken, or of the powers intended to be exercised with regard to any lands (describing them), a declaration that the Company are ready to pay some certain sum (or rent, as the case may be) as compensation for such lands, or for the damages arising from the exercise of such power, and the name of a person whom they appoint as their arbitrator, if their offer be not accepted, and such notice shall be accompanied by the certificate of some sworn Surveyor for Lower Canada, disinterested in the matter, and not being the arbitrator named in the notice, that the land (if the notice relate to the taking of land) is shown on the map or plan deposited as aforesaid, as being required for the said Canal and works, or as being within the limits of deviation hereby allowed from the line of the said Canal, that he knows such land, or the amount of damages likely to arise from the exercise of such powers, and that the sum so offered is in his opinion a fair compensation for such land and for such damages as aforesaid; and in making the estimates for such compensation, the Surveyor shall, as shall also the arbitrators hereinafter mentioned, take into consideration and allow for the benefit to accrue from the said Canal to the party to whom compensation is to be made; and in any case where the Company shall have given and served the notice aforesaid, it shall be lawful for them to desist from such notice, and afterwards to give new notice with regard to the same or other lands, to the same or to any other party, but the Company shall in such case be liable to the party first notified for all demands and costs by him incurred in consequence of such first notice and *desistement*; and no change of ownership, after the Company shall have given and served the notice aforesaid, shall affect the proceedings, but the party notified shall be still deemed the owner, except as to the payment of the sum awarded;

Arbitration if parties disagree.

Effect of deposit of map and book of reference.

Notice to opposite party.

Certificate of Surveyor.

Company may desist from notice, &c.

Change of ownership.

If the opposite party be absent from the District in which the land shall be situate, or be unknown to the said Company, then, upon application to any Judge of the Superior Court for Lower Canada, accompanied by such certificate as aforesaid, and by an affidavit of some officer of the company, that such opposite party is absent, or that after diligent inquiry the party on whom the notice ought to be served cannot be ascertained, such Judge shall order a notice as aforesaid (but without the certificate) to be inserted at least three times, during one calendar month in some newspaper published in the City of Montreal,

If party be absent or unknown.

Montreal, to be named by such Judge, in the English or French language, or both, in the discretion of such Judge ;

Party not accepting offer or naming arbitrator.

If within ten days after the service of such notice, or within two months after the first publication thereof as aforesaid, the opposite party shall not notify to the Company that he accepts the sum offered by the said Company, or notify to them the name of a person whom he appoints as arbitrator, then any such Judge may, on application of the said Company, appoint some sworn surveyor for Lower Canada to be sole arbitrator for determining the compensation to be paid by the Company ;

Appointment of opposite party's arbitrator and third arbitrator.

If the opposite party shall, within the time aforesaid, notify to the said Company the name of a person such party shall appoint as arbitrator, then the said two arbitrators shall jointly appoint a third, or if they cannot agree upon a third (of which fact the allegation of either of them shall be evidence), then any such Judge shall, upon the application of the said party or of the Company (previous notice of at least one clear day having been given to the arbitrator of the other party) appoint a third arbitrator ;

Duties of arbitrators.

The said arbitrators, or sole arbitrator, being sworn before a Justice of the Peace faithfully and impartially to perform the duties of their office, shall proceed to ascertain the compensation to be paid by the Company in such way as they, or he, or a majority of them shall deem best, and the award of such arbitrators, or of any two of them, or of the sole arbitrator, shall be final and conclusive ;

Award.

Provided, always, that the award given by any sole arbitrator shall never be for a less sum than that offered by the Company aforesaid ; and if, in any case, where three arbitrators shall have been appointed, the sum awarded be not greater than that offered by the Company, the costs of the arbitration shall be borne by the opposite party and deducted from the compensation, otherwise they shall be borne by the Company ; and in either case they may be taxed by such arbitrator or arbitrators ;

Proviso.

Costs—by whom payable.

The arbitrators, or a majority of them, or the sole arbitrator, may, in their discretion, examine on oath, or solemn affirmation, the parties, or such witnesses as shall voluntarily appear before him or them, and may administer such oath or affirmation ; but this shall not prevent the arbitrators from acting and deciding upon their personal knowledge of the merits of the case, or from using such knowledge as they shall think just and right ; and any wilful false statement made by any witness, under such oath or affirmation, shall be deemed wilful and corrupt perjury, and punishable accordingly ;

May examine parties or witnesses.

The Judge by whom any third arbitrator, or sole arbitrator, shall be appointed, shall, at the same time, fix a day on or before which the award shall be made, and if the same be not made on or before such day, or some other day to which the time of making it shall have been prolonged, either by the consent of the parties or by the order of any such Judge (as it may be, for reasonable cause shown, on the application of such sole arbitrator, or one of the arbitrators, after one clear day's notice to the others), then the sum offered by the Company, as aforesaid, shall be the compensation to be paid by them;

Time limited  
for award.

If the party appointed by any Judge, as third Arbitrator, shall die before the award be made; or shall refuse to act or fail to act, within a reasonable time, then, upon the application of either party, any such Judge being satisfied, by affidavit or otherwise, of such disqualification, refusal or failure, may, in his discretion, appoint another in his stead; and if the Arbitrator appointed by the said Company, or by the opposite party, shall die before the award shall be made, or shall leave the Province, or become unable to act within a reasonable time, (such fact being ascertained, to the satisfaction of some Judge, as attested by his certificate to that effect), such Judge may authorize the said Company, or the opposite party as the case may be, to appoint another in his stead, notifying the other Arbitrators of such appointment, but no recommencement or repetition of any prior proceedings shall be necessary;

Death of ar-  
bitrator.

It shall be no disqualification to the Surveyor or other person offered or appointed as Valuator or as Arbitrator, that he be employed by the Company, or by the opposite party, or that he has previously expressed an opinion as to the amount of compensation, or that he be related or of kin to any member of the Company, provided he be not himself personally interested in the amount of such compensation; and no cause of disqualification shall be urged against any Arbitrator appointed by a Judge of the said Superior Court after his appointment, but shall be made before the same, and its validity or invalidity summarily determined by such Judge; and no cause of disqualification shall be urged against any Arbitrator appointed by the Company, or by the opposite party, after the appointment of a third Arbitrator, and the validity or invalidity of any cause of disqualification urged against any such Arbitrator, before the appointment of a third Arbitrator, shall be summarily determined by any such Judge, on the application of either party, after one day's clear notice to the other, and if such cause be determined to be valid, the appointment shall be null, and the party offering the person so adjudged to be disqualified, shall be held to have appointed no Arbitrator;

Arbitrators  
not disquali-  
fied for cer-  
tain causes.

No award made as aforesaid shall be invalidated by any want of form, or other technical objection, if the requirements of this Act shall have been substantially complied with, and if

Award not to  
be null for  
want of form.

the

the award shall state clearly the sum awarded, and the lands or other property, right or thing for which such sum is to be the compensation; nor shall it be necessary that the party or parties to whom the sum is to be paid be named in the award.

Lands purchased or taken may be taken possession of, on payment of award.

Resistance, how to be put down.

Proviso: warrant for immediate possession in cases of urgency.

Compensation to stand in place of land.

Proceedings or ratification of title, if the Company fear incumbrances, &c.

**25.** Upon payment or legal tender of the compensation or annual rent so awarded, agreed upon or determined, to the party entitled to receive the same, or upon the deposit of the amount of such compensation, in the manner hereinafter mentioned, the award or agreement shall vest in the said Company the power forthwith to take possession of the lands, or to exercise the right, or to do the thing for which such compensation or annual rent shall have been awarded or agreed upon; and, if any resistance or forcible opposition shall be made by any person or party to their so doing, any such Judge as aforesaid may, on proof to his satisfaction that the requirements of this Act have been complied with, issue his warrant to the Sheriff of the district, or to any Bailiff of the Superior Court (as in his discretion may be most suitable), to put the said Company in possession, and to put down such resistance or opposition, which such Sheriff or Bailiff, taking with him sufficient assistance, shall accordingly do; provided, always, that such warrant of possession may also be granted by any such Judge, upon proof, by affidavit to his satisfaction, that immediate possession of the land or power to do the thing in question is necessary to the carrying on of the works of the said Company, the adverse party being summoned by one clear day's notice to appear before such Judge, and the Company giving such security as the said Judge shall direct, to pay or deposit the sum to be awarded, with interest from the day on which the warrant shall be granted, and all lawful costs, within thirty days after the award shall be made, such security not being for less than twice the sum awarded by the Company in the notice to such adverse party.

**26.** The compensation awarded as aforesaid, or agreed upon by the said Company, and any party who might under this Act validly convey the lands, or then in lawful possession thereof as proprietor, for any lands which might be lawfully taken under this Act, without the consent of the proprietor, shall stand in the stead of such land; and any claim to, or hypothec, or incumbrance upon the said land or any portion thereof, shall, as against the said Company, be converted into a claim to the said compensation or to a like proportion thereof, and if the amount of such compensation exceed eighty dollars they shall be responsible accordingly, whenever they shall have paid such compensation, or any part thereof, to a party not entitled to receive the same, saving always their recourse against such party; provided, always, that if the said Company shall have reason to fear any such claims, hypothecs or incumbrances, or if any party, to whom the compensation, or annual rent, or any part thereof, shall be payable, shall refuse

to execute the proper conveyance and guarantee, or if the party entitled to claim the same cannot be found, or be unknown to the Company, or if, for any other reason, the Company shall deem it advisable, it shall be lawful for them to pay such compensation into the hands of the Prothonotary of the said Superior Court in the district wherein such land is situated, with the interest thereon for six months, and to deliver to the said Prothonotary an authentic copy of the conveyance, or of the award or agreement, if there be no conveyance, and such award or agreement shall thereafter be deemed to be the title of the said Company to the land therein mentioned, and proceedings shall thereupon be had for the confirmation of the title of the said Company, in like manner as in other cases of confirmation of title, except that in addition to the usual contents of such notice, the Prothonotary shall state that the title of the Company (that is the conveyance, agreement or award) is under this Act, and shall call upon all persons entitled to, or to any part of the land, or representing or being the husbands of any parties so entitled, to file their oppositions for their claims to the compensation, or any part thereof, and all such oppositions shall be received and adjudged upon by the Court, and the judgment of confirmation shall forever bar all claims to the lands, or any part thereof, (including dower not yet open), as well as all hypothecs or incumbrances upon the same; and the Court shall make such order for the distribution, payment or investment of the compensation, and for the securing of the rights of all parties interested, as to right and justice, according to the provisions of this Act and to law, shall appertain; and the costs of the said proceedings, or any part thereof, shall be paid by the said Company, or by any other party, as the Court shall deem it advisable to order; and if judgment of confirmation be obtained in less than six months from the payment of the compensation to the Prothonotary, the Court shall direct a proportionate part of the interest to be returned to the Company, and if from any error, fault or neglect of the Company, it shall not be obtained until after the six months have expired, the Court shall order the Company to pay to the proper party the interest for such further period as may be right; provided, always, that if the amount of the said compensation do not exceed eighty dollars the same may be paid by the Company to the party in whose possession, as proprietor, the land was at the time the Company took possession thereof, or to any person who may lawfully receive money due to such party, and proof of such payment, and the award, conveyance or agreement, shall be a sufficient title to the said Company, and shall forever discharge them from all claims of any other party to such compensation, or any part thereof, saving always the recourse of such other party against the party who shall have received such compensation.

Costs and interest how to be adjudged.

Proviso: if the compensation do not exceed \$80.

**27.** All suits for indemnity for any damage or injury sustained by reason of the powers and authority given by this Act, shall

Suits for indemnity, limited.

shall be brought within six calendar months next after the time of such supposed damage sustained ; or in case there shall be a continuation of damages, then within six calendar months next after the doing or committing such damage shall cease, and not afterwards.

Damage to works; how punished.

28. If any person shall, by any means, or any manner or way whatsoever, obstruct or interrupt the free use of the said Canal, or the works incidental or relative thereto or connected therewith, or do damage thereto, to any of the docks, piers, wharves, warehouses, sheds, buildings, tracks, cranes, weigh-beams, elevators, or other erections and works of the Company, such person shall, for every such offence, incur a forfeiture or penalty of not less than five dollars nor exceeding forty dollars, one-half of which penalty and forfeiture, to be recovered before one or more Justices of the Peace for the District, shall go to the prosecutor, or informer, and the other half to Her Majesty, Her Heirs and Successors, and shall be paid into the hands of the Receiver General and be applied for the public uses of the Province and the support of the Government thereof.

Scale of votes according to number of shares.

29. The number of votes to which each proprietor of shares in the said undertaking shall be entitled on every occasion when, in conformity to the provisions of this Act, the votes of the members of the Company are to be given, shall be in proportion to the number of shares held by him, that is to say, one vote for any number of shares less than five shares, and every holder of five shares and upwards shall have two votes for every five shares, and all proprietors of shares may vote by proxy if they shall see fit, provided that such proxy shall produce from his constituent or constituents an appointment in writing in the words or to the following effect, that is to say :

Proviso.

Form of proxy.

" I, \_\_\_\_\_, of \_\_\_\_\_, one of the members of the Montreal Hydraulic and Dock Company, do hereby nominate, constitute, and appoint \_\_\_\_\_, of \_\_\_\_\_, to be my proxy, in my name, and in my absence, to vote or give my assent or dissent to any business, matter, or thing relating to the said undertaking that shall be mentioned or proposed at the meeting of the members of the said Company, in such manner as he, the said \_\_\_\_\_ shall think proper, according to his opinion and judgment, for the benefit of the said undertaking, or any thing appertaining thereto.  
" In witness whereof I have hereunto set my hand and seal, \_\_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_."

Majority of votes to decide all questions.

And such vote or votes by proxy shall be as valid as if the principal, or principals had voted in person ; and whatever question, election of proper officers, or matters or things shall be proposed, discussed or considered in any public meeting of the proprietors,

proprietors, to be holden by virtue of this Act, shall be determined by the majority of votes and proxies then present and so given as aforesaid, and all decisions and acts of any such majority shall bind the Company and be deemed the decision and acts of the Company.

**30.** No member of the Company shall be in any manner whatsoever liable for or charged with the payment of any debt or demand due by the Company, beyond the extent of his, her, or their shares in the capital of the Company not paid up.

Liability of Shareholders limited.

**31.** The Directors first elected (or those elected in their stead in case of vacancy) shall remain in office until the election of Directors in the month of January of the then next year, and in the month of January in the said year, and each year thereafter, and on such day of the month as shall be appointed by any By-law, an annual general meeting of the members of the Company shall be held to choose Directors in the room of those whose office may at that time become vacant, and generally to transact the business of the Company; but if at any time it shall appear to any five or more of such members, holding together one hundred shares at least, that, for more effectually putting this Act in execution, a special general meeting of the members is necessary to be held, it shall be lawful for such five or more of them to cause fifteen days' notice at least to be given thereof in two public newspapers as aforesaid, or in such manner as the Company shall by any By-law direct or appoint, specifying in such notice the time and place, and the reason and intention of such special meetings, respectively; and the members are hereby authorized to meet pursuant to such notices, and proceed to the execution of the powers by this Act given them, with respect to the matters so specified only; and all such acts of the members, or a majority of them, at such special meeting assembled, (such majority not having either as principals or proxies less than one hundred shares,) shall be as valid to all intents and purposes, as if the same were done at annual meetings; provided always, that it shall and may be lawful for the said members at such special meetings (in like manner as at annual meetings,) in case of the death, absence, resignation, or removal of any person elected a Director to manage the affairs of the Company in manner aforesaid, to appoint another or others in the room or stead of those of the Directors who may die, resign, or be removed as aforesaid, any thing in this Act to the contrary notwithstanding; but if such appointment be not made, such death, absence, or resignation, shall not invalidate the acts of the remaining Directors.

Annual election of Directors.

Special meetings, how to be called.

Quorum at special meetings.

Proviso: how vacancies among Directors may be filled.

**32.** At each of the said annual meetings of the members of the Company, four of the Directors shall retire, the order of retirement of the said first elected Directors being decided by ballot, but the Directors then or at any subsequent time retiring shall

Number of Directors who shall retire annually.

**Proviso.** shall be eligible for re-election ; provided, always, that no such retirement shall have effect, unless the members shall, at any such annual meeting, proceed to fill up the vacancies thus occurring in the direction.

**Directors to elect a President and Vice President.** **33.** The Directors shall, at their first (or some other) meeting after the day appointed for the Annual General Meeting in each year, elect one of their members to be the President of the said Company, who shall always, (when present), be the Chairman of, and preside at all meetings of the Directors, and shall hold his office until he shall cease to be a Director, or until another President shall be elected in his stead, and the said Directors may, in like manner, elect a Vice-President, who shall act as Chairman in the absence of the President.

**Quorum of Directors.** **34.** Any meeting of the Directors, at which not less than four Directors shall be present, shall be competent to use and exercise all and any of the powers hereby vested in the Directors of the said Company ; provided, always, that no one Director, though he may be a proprietor of many shares, shall have more than one vote at any meeting of the Directors, and the President or the Vice-President when acting as Chairman or any temporary Chairman, who in case of the absence of the President and Vice-President, may be chosen by the Directors present, shall, when presiding at a meeting of the Directors in case of a division of equal numbers, have the casting vote, and no other ; and provided, also, that the Directors shall from time to time be subject to the examination and control of the said annual and special meetings of the said members as aforesaid, and shall pay due obedience to all By-laws of the Company and to such orders and directions, in and about the premises, as they shall from time to time receive from the said members at such annual or special meetings ; such orders and directions not being contrary to any express directions or provisions in this Act contained ; and provided, also, that the Act of any majority of a *quorum* of the Directors present at any meeting regularly held shall be deemed the act of the Directors.

**Votes of Directors.**

**Castling vote of Chairman.**

**Directors subject to control of annual or special meetings.**

**Proviso.**

**Auditors to be named.** **35.** Every such annual meeting shall have power to appoint not exceeding three Auditors, to audit all accounts of money laid out and disbursed on account of the said undertaking by the Directors and Managers and other Officer and Officers to be by the said Directors appointed, or by any other person or persons whatsoever, employed by or concerned for or under them, in and about the said undertaking ; and to that end the said Auditors shall have power to adjourn themselves over from time to time and from place to place, as shall be thought convenient by them ; and the said Directors, chosen under the authority of this Act, shall have power, from time to time, to make such call or calls of money from the Proprietors of the said works, to defray the expenses of, or to carry on the same, as they from time to time shall find wanting and necessary for those

**Calls and their amount.**



those purposes ; Provided, however, that no call do exceed the sum of forty dollars for every four hundred dollars ; and provided, also, that no calls be made but at the distance of at least three calendar months from each other ; and the said Directors shall have full power and authority to direct and manage all and every the affairs of the said Company, as well in contracting for and purchasing lands, rights and materials for the use of the said Company, as in employing, ordering and directing the work and workmen, and in placing and removing managers, officers, clerks, servants and agents, and in making all contracts and bargains touching the said undertaking ; and to affix and authorize the Secretary or his Deputy to affix the Common Seal of the Company to any act, deed, by-law, notice, or other document whatsoever ; and any such act, deed, by-law, notice, or other document, bearing the Common Seal of the Company, and signed by the President, or any Director, or by any officer, by order of the Directors, shall be deemed the act of the Directors and of the Company, nor shall the authority of the signer of any document purporting to be so signed and sealed, to sign the same and affix the said seal thereto, be liable to be called in question by any party except the Company ; and the Directors shall have such other and further powers as, being vested in the Company by this Act, shall be conferred upon the said Directors by the By-Laws of the Company, except such as are hereby expressly directed to be exercised by the members at annual or special meetings.

Other powers  
of Directors.

Further powers  
under By-  
laws.

**36.** Each owner or owners of one or more shares in the said undertaking shall pay his, her, or their shares and proportion of the money to be called for as aforesaid, to such Bankers, and at such time and place as the said Directors shall appoint and direct, of which notice shall be given, by at least four insertions thereof in the course of one month, in two newspapers as aforesaid, or in such other manner as the members of the said Company shall by any By-Law direct or appoint ; and if any person or persons shall neglect or refuse to pay his, her, or their rateable or proportionable part or share of the said money to be called for as aforesaid, at the time and place so appointed ; he, she, or they neglecting or refusing, shall forfeit a sum not exceeding the rate of twenty dollars for every four hundred dollars of his, her, or their respective share or shares in the said undertaking ; and in case such person or persons shall neglect to pay his, her, or their rateable calls as aforesaid, for the space of six calendar months after the time appointed for the payment thereof, as aforesaid, then he, she, or they, shall forfeit his, her, or their respective share and shares in the said undertaking, and all the profit and benefit thereof, and all money paid thereon ; all which forfeitures shall go to the rest of the Proprietors of the said undertaking, their successors and assigns, for the benefit of the said Proprietors, in proportion to their respective interests ; and in every case such calls shall be payable, with

Shareholders  
to pay calls.

Forfeiture for  
non-payment  
of calls.

Company may  
sue for calls.

Allegations  
and proof in  
suits for calls.

with interest, from the time the same shall be so appointed to be paid, until the payment thereof; Provided, always, that in case any person or persons shall neglect or refuse to pay any such call or calls, at the time and in the manner required for that purpose, it shall be lawful for the said Company to sue for and recover the same, with interest and costs, in any Court of Law having competent jurisdiction; and in any such action, it shall be sufficient to allege and to prove by any one witness, whether in the employ of the Company or not, that the Defendant is the proprietor of a share (or of any number of shares stating such number) in the stock of the said Company, that certain sums of money were duly called for upon such share or shares by the said Company, under the authority of and in the manner provided by this Act, and were due and payable at a certain time or times, whereby an action hath accrued to the said Company, to recover such sum or sums with interest and costs; and the production of the newspapers containing such calls shall be evidence that the same were made as therein stated; and neither in such action, nor in any other action, suit or legal proceeding by the Company, shall the election of the Directors, or the authority of them, or of the Attorney or Solicitor acting in the name of the Company, be called in question, except by the Company, nor shall it, in any such case, be necessary to name the Directors or any of them, or to mention any other special matter whatever, and the Defendant shall not plead the general issue, but may, by a plea in denial, traverse any particular matters of fact alleged in the Declaration, or specially plead some particular matters of fact in confession and avoidance.

Forfeiture to  
be declared at  
general meet-  
ing.

**37.** No advantage shall be taken of the forfeiture of any share or shares of the said undertaking, unless the same shall be declared to be forfeited at some annual or special meeting of the said Company, assembled after such forfeiture shall be incurred; and every such forfeiture shall be an indemnification to and for every proprietor so forfeiting against all action and actions, suits, or prosecution whatsoever, to be commenced and prosecuted for any breach of contract or other agreement between such proprietor and the other proprietors with regard to carrying on the said Company or undertaking.

Company may  
remove Di-  
rectors or  
officers, &c.

**38.** The said Company shall always have power and authority, at any General Meeting assembled as aforesaid, to remove any person or persons chosen upon such Board of Directors as aforesaid, and to elect others to be Directors in the room of those who shall die, resign or be removed, and to revoke, alter, amend or change any of the By-laws or orders prescribed with regard to their proceedings amongst themselves, and shall have power to make such new rules, By-laws and orders for the direction, conduct and management of the Company and its property, real and personal; also for the good government and regulation of the said docks and basins throughout the year  
and

Power to  
make By-laws  
for regulating  
basins, docks,  
&c.

and maintaining order thereon, and preventing depredations and thefts, and the collection of all dues, rates, commissions and penalties imposed by or due under this Act; for the preventing injuries to and preventing encroachments, incumbrances, and damages to or upon their said property; for the anchoring, riding, mooring and fastening of all vessels in the said docks; for regulating the use of fire and light aboard the vessels in said docks and basins, or in all or any of the said stores, storehouses, warehouses or buildings; for the good government of the said Company and their servants, agents and workmen; for the good and orderly making, maintaining and using the said docks and all other works connected therewith, or belonging thereto, or hereby authorized, and for the well governing of all persons and vessels whatsoever using the said docks or other works, or transporting any goods, wares, merchandize or other commodities thereon; and by such By-laws to impose and inflict such fines or forfeitures upon the persons guilty of a breach of such By-laws or orders, as to such general meeting shall seem meet, not exceeding the sum of forty dollars, current money of this Province, for every offence; such fines or forfeitures to be levied and recovered by such ways and means as are hereinafter mentioned; which said By-laws and Orders, being put into writing under the common seal of the Company, shall be kept in the office of the Company, and a printed or written copy of so much of them as may relate thereto, or affect any party other than members or servants of the Company, shall be affixed openly in the office of the said Company, and in all and every of the places where dues, rates or charges are to be gathered, and in like manner as often as any change or alteration shall be made in the same; and the said By-laws and orders so made and published as aforesaid, shall be binding upon and observed by all parties, and shall be sufficient in any Court of Law or Equity to justify all persons who shall act under the same, and any copy of the said By-laws or any of them purporting to be certified as correct by the President or some person authorized by the Directors to give such certificate, and to bear the common seal of the Company, shall be deemed authentic, and shall be received as evidence of such By-laws in any Court, without further proof.

Collection of dues and other purposes.

To impose fines and penalties for breach of By-laws.

By-laws to be published.

Effect of By-laws.

How they shall be proved.

**39.** The several Members of the Company may sell or dispose of their share or shares therein, subject to the rules and conditions herein mentioned; and every purchaser shall have a duplicate of the deed of bargain and sale and conveyance made unto him or her, and one part of such deed, duly executed by seller or purchaser, shall be delivered to the said Directors, or their Secretary for the time being, to be filed and kept for the use of the said Company, and an entry thereof shall be made in a book or books to be kept by the said Secretary for that purpose, for which no more than twenty-five cents shall be paid, and the said Secretary is hereby required to make such entry accordingly; and until such duplicate of such deed shall

Shares may be sold and transferred; and in what manner.

Register to be kept.

shall be so delivered to the said Directors or their Secretary, and filed and entered as above directed, such purchaser or purchasers shall have no part or share of the profits of the said undertaking, nor any interest for the said share or shares, paid unto him, her or them, nor any vote as a proprietor or proprietors.

**40.** The sales of the shares shall be in the form following, varying the names and descriptions of the contracting parties, as the case may require :

**Form of transfer.**

I, A. B., in consideration of the sum of \_\_\_\_\_ paid to me by C. D., of \_\_\_\_\_, do hereby bargain, sell and transfer to the said C. D. \_\_\_\_\_ share (or shares) of the stock of "The Montreal Hydraulic and Dock Company," to hold to him the said C. D., his heirs, executors, curators, administrators and assigns, subject to the same rules and orders, and on the same conditions that I held the same immediately before the execution hereof. And I, the said C. D., do hereby agree to accept of the said share (or shares) subject to the same rules, orders and conditions.

Witness our hands and seals, this \_\_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_ ;

**Proviso : all calls to be first paid.**

Provided, always, that no such transfer of any share shall be valid until enregistered in a transfer book, to be kept for that purpose, nor until all calls or instalments then due thereon shall have been paid up.

**Dues, rates and charges to be posted up.**

**41.** The Company shall, from time to time, print and stick up, or cause to be printed and stuck up in their office, a printed board or paper ascertaining all the tolls, rates, dues and charges payable under this Act.

**Fines and forfeitures, how to be enforced.**

**42.** All fines and forfeitures imposed by this Act, or which shall be lawfully imposed by any By-laws to be made in pursuance thereof, (of which By-laws, when produced, all Justices are hereby required to take notice,) the levying and recovering of which fines and forfeitures are not particularly herein directed, shall, upon proof of the offence, before any one or more Justice or Justices of the Peace for the District, either by the confession of the party or parties, or by the oath or affirmation of any one credible witness, (which oath or affirmation such Justice or Justices are hereby required to administer without fee or reward), be levied, with costs, by distress and sale of the offender's goods and chattels, by warrant under the hand and seal, or hands and seals, of such Justice or Justices ; and all such fines, forfeitures or penalties, by this Act imposed, or authorized to be imposed, the application whereof is not hereinbefore particularly directed, shall be paid into the hands of the Company,

Company, and shall be applied and disposed of for the use of the said docks or undertaking; and the overplus of the money raised by such distress and sale, after deducting the penalty and the expenses of the levying and recovering thereof, shall be rendered to the owner of the goods so distrained and sold; for want of sufficient goods and chattels whereof to levy the said penalty and expenses, the offender shall be sent to the common gaol of the District wherein he is convicted, there to remain, without bail or mainprize, for such term, not exceeding one month, as such Justice or Justices shall think proper, unless such penalty and forfeitures, and all expenses attending the same, shall be sooner paid and satisfied.

**43.** Her Majesty, Her Heirs and Successors may, at any time, assume the possession and property and works of the said Company, and the rights, privileges and advantages thereof, (all which shall, after such assumption, be vested in Her Majesty, Her Heirs and Successors) on giving to the Company one year's notice, and on paying to the Company the value of such property and works, to be fixed by arbitrators, one to be chosen by the Government, another by the Company, and in case of disagreement, by a third arbitrator, to be chosen by the said two arbitrators; Provided that such value shall not be fixed at less than the capital stock, with interest from the time of investment thereof, at eight per cent. after deduction of all dividends received.

Rights of Her Majesty to assume the works of the Company.

Arbitration in case of difference as to value. Proviso.

**44.** The powers vested in the Company by this Act shall, in no way, interfere with the rights, privileges and advantages enjoyed and possessed by the corporation of the Mayor, Aldermen and Citizens of the City of Montreal, by and in virtue of the Act passed in the sixteenth year of Her Majesty's Reign, intituled: *An Act to authorize the Mayor, Aldermen and Citizens of the City of Montreal, to borrow a certain sum of money, and to erect therewith Water Works for the use of the said City, and to extend and amend the provisions of any Act relating thereto*; and no works shall be made or constructed by the Company under this Act, the effect of which will be to injure, disturb or in any way affect the purity of the water supplied by the Montreal Water Works, or which may, in any way, interfere with the good working of the said Water Works, or obstruct in any way the tail race entering the River St. Lawrence, and the Company shall be responsible for any damages to be suffered by the said corporation, by reason of any of the works made or constructed by the Company.

Company not to interfere with the rights of the Corporation of the City of Montreal.

**45.** The powers hereby granted to the Company shall wholly cease, if their works are not commenced within three years from the passing of this Act, or are not finished and put in operation within ten years from the passing of this Act.

Time for commencing and completing the Company's works.

**46.** Nothing in this Act shall give or be construed to give the Company the power of having possession of, or of interfering with

Company not to interfere with

with any public work or take any Crown property without consent of Governor in Council.

with or of exercising any control whatever, over any lands belonging to Her Majesty, or any works or water powers under the control of the Commissioner of Public Works of this Province, for the time being; and any works which the Commissioner of Public Works may consider to injure, affect or interfere with any Public Works of this Province, or to limit the exercise of any right granted or which lawfully might now be granted by Her Majesty, shall in all things be subject to the approval of the Governor in Council.

Public Act. 47. This Act shall be deemed and taken to be a Public Act.

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

An Act to amend the Acts incorporating the St. Lawrence Warehouse, Dock and Wharfage Company.

[Assented to 18th May, 1861.]

Preamble.

**W**HEREAS the St. Lawrence Warehouse, Dock and Wharfage Company have, by their petition, prayed for certain amendments to their Acts of incorporation, permitting them to increase their capital stock, and to change certain details of the provisions for the management of their business, which petition it is expedient to grant: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Company may issue preferential stock; advantages attached to such stock.

1. The said Company may issue preferential stock, in shares of one hundred dollars each, to an amount not exceeding twenty-five thousand pounds sterling, with a guarantee for the payment of dividends thereon at such rate not exceeding eight per centum per annum, as may be fixed by the Company; and such dividends, so guaranteed, shall be a preferential charge upon the revenue of the Company, after the interest upon any mortgage now existing upon the real estate of the Company, and next after the interest upon any debentures negotiated by virtue of the said Acts, or of either of them; and no dividend upon the ordinary stock of the said Company shall be paid, so long as any portion of such guaranteed dividend remains unpaid; And the holders of such preferential shares shall have the same rights as to voting, and the same proportionate share in the management of the Company, as are possessed by ordinary shareholders.

Holders of such stock may vote.

New schedule of maximum tolls substituted for that annexed to 20 V. c. 174.

2. The schedule to the Act incorporating the Company, limiting the amount of the rates, tolls and dues, which may be levied by the Company, for the several services in the said Act and schedule mentioned, is hereby repealed; and the powers of the Company in respect of such rates, tolls and dues, are hereby extended to the limits fixed by the schedule to this

Act

Act annexed, marked A; and the said Act shall hereafter have effect and be construed, as if the said schedule A had originally formed part thereof.

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

**SCHEDULE A.**

The following are the Maximum Rates allowed by this Act, subject to such modification as may be arranged for :

**FOR MOORING :**

Vessels—Under 100 tons.....	per day.....	\$1 50.....	per 100 tons.
Do. 200 “.....	do. ....	1 00.....	100 “
Do. 300 “.....	do. ....	0 70.....	100 “
Do. 400 “.....	do. ....	0 60.....	100 “
Do. 500 “.....	do. ....	0 50.....	100 “
Do. 600 “.....	do. ....	0 45.....	100 “
Do. 700 “.....	do. ....	0 40.....	100 “
Do. 800 “.....	do. ....	0 40.....	100 “
Do. 900 “.....	do. ....	0 40.....	100 “
Do. 1000 “.....	do. ....	0 35.....	100 “
Over 1000 and upwards.....	do. ....	0 30.....	100 “
Steamboats and Propellers.....	do. ....	1 00.....	100 “
Ocean Steamers.....	do. ....	1 50.....	100 “

**FOR DISCHARGING AND LOADING :**

BY STEAM CRANE OR OTHER MACHINERY.	Discharging at Wharf.	Loading from Wharf.	Wharfage, that is, use of Wharf while goods are landed or loaded.	Discharging or loading, to include Wharfage and Moorage of Ves'ls. and all expenses.
Flour or other produce reduced to weight of flour per barrel.	\$0 02	\$0 02	\$0 01	\$0 05
Grain, Salt, &c., per bushel....	0 01	0 01	0 01	0 02
Merchandise and other Goods, per ton of 2,000 lbs.....	0 25	0 25	0 10	0 50

**FOR FORWARDING :**

To include one month's Storage, effecting Insurance when ordered, Cartages, Receiving and Delivering, passing Custom House Entries, Securing Freights, Shipping by Steam Crane, forwarding Shipping Documents, Cooperaage, Marking, &c.

Flour and Produce, reduced to weight of Flour, per bbl. 200.....	\$0 12 1/2
Grain, Salt, &c., per bushel.....	0 05
Merchandise and other Goods, per ton of 2,000 lbs.....	1 50

## FOR WAREHOUSING :

IN WAREHOUSE.	First Month.	Succeeding Months.
Flour and Meal, per barrel .....	\$0 05	\$0 02
Pork and Beef, per barrel, Fish.....	0 07	0 03
Ashes, per barrel.....	0 25	0 10
Butter, Lard, per keg.....	0 03	0 01
Grain, per bushel.....	0 03	0 01
Salt, per bushel.....	0 03	0 01
Liquors, Wines, and Oil, per 100 gallons.....	0 50	0 20
Iron, per ton of 2,000 lbs.....	1 50	0 50
Merchandise and other Goods, per ton of 2,000 lbs.....	1 00	0 50
IN OPEN SHEDS.		
Coals and Coke, per chaldron.....	0 25	0 10
Pig Iron and Iron Rails, per ton of 2,000 lbs.....	0 70	0 20
Bricks, per mille.....	0 30	0 30

## BOOMAGE AND STORAGE OF TIMBER :

RECEIVING.	For Landing.	For Piling.
Staves—Standard, per Mille.....	\$2 00	\$2 00
“ West India, “.....	0 66	0 66
“ Barrel, per “.....	0 50	0 50
Deals—per Standard Hundred.....	0 50	0 50
Lathwood—per Cord.....	0 40	0 40
Oars and Handspikes, per 100 pieces.....	0 75	0 75
DELIVERING.		
	From the Bank.	Crib.
Hardwood—per ton.....	\$0 44	\$0 35
Pine—Red “.....	0 37	0 30
Pine—White “.....	0 28	0 24
Deals—per Standard Hundred.....	1 45	1 20
Staves—Standard, per Mille.....	4 50	3 50
“ West India, “.....	1 50	1 20
“ Barrel, per “.....	1 20	1 00
Lathwood—per Cord.....	0 70	0 70
Oars and Handspikes, per 100 pieces.....	2 00	2 00

RATES FOR THE BOOMAGE OF RAFTS WHEN DELIVERED *EN BLOC* :

For.	One month.	Two months.	Three months.
White Pine, per 1,000 feet.....	\$1 50	\$2 50	\$3 00
Red Pine, do.....	2 00	3 00	4 00
Hardwood, do.....	3 00	4 00	5 00

N. B.—When Rafts remain in after the 1st day of December, they will become subject to Ground Rent, and the full Tariff Scale will apply to them when delivered.

**GROUND**



GROUND RENTS.

	HARDWOOD.	PINE.
Timber in Raft .....	15 cts. per ton.	10 cts. per ton.
“ Moulinette.....	10 cts. “	6 cts. “
Staves—Standard, per Mille .....		\$2 00
“ West India, per Mille.....		0 67
“ Barrel, per Mille .....		0 50
Deals, per Standard Hundred .....		0 50
Lathwood, per Cord .....		0 40
Oars and Handspikes, per 100 pieces.....		0 50

N. B.—These charges will be due and payable on the 1st day of December of each year.

C A P . X C V I I I .

An Act for the incorporation of the “ Lake St. Peter Navigation Company.”

[Assented to 18th May, 1861.]

**W**HEREAS the persons, hereinafter named, have represented that for some years past, they have, with others, formed, by written agreement, an Association under the name of the “ Lake St. Peter Navigation Company,” for the conveyance, by means of steamboats, of passengers and freight on the river St. Lawrence and its tributaries; that the capital of the said Company is at present twenty-four thousand dollars, divided into shares of one hundred dollars each, and that with the view of facilitating and promoting internal navigation, they propose to increase it to the amount of eighty thousand dollars; And whereas, to establish their Association on a more extensive and solid basis, and to avoid certain difficulties, they have prayed to be incorporated under the name of the “ Lake St. Peter Navigation Company :” Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

**1.** F. Remi Tranchemontagne, George E. Mayrand, Joseph Duval, Joseph E. Pichette, Edouard L. Augé, George B. Houlston, C. Gélinas and Raphael Lambert, Esquires, and all other persons who now are, or shall hereafter become subscribers or stockholders of the said Company, shall be, and are hereby constituted a body politic and corporate, for the purposes mentioned in the preamble to this Act, under the name of the “ Lake St. Peter Navigation Company”; and under that name they shall have perpetual succession and a common Seal, and may sue and be sued in all Courts of Justice in this Province, may make, establish and enforce, alter and repeal all such By-laws not being contrary to the laws of this Province, nor to this Act, as they may judge to be useful and necessary for the administration of the affairs of the said Company; and all the property and rights whatsoever, moveable and immovable, of the said Association, are, in virtue of this Act, transferred

Company incorporated.

Corporate name and general powers.

Property and liabilities of existing Asso- transferred

ciation trans-  
ferred.

transferred to the said Corporation, who, reckoning from the day of the passing of this Act, shall be proprietors thereof, as likewise of all the property which they may hereafter acquire; and all debts and obligations of the said Association shall be discharged and fulfilled by the said Corporation.

Liability of  
Shareholders  
limited.

2. The Stockholders of the Company hereby incorporated, shall not be, as such Stockholders, held responsible for any claims, engagements, losses or payments, or for any damages, transactions, matters or things relating to or concerning the Company, nor for any obligations, acts or defaults of the Company, beyond the amount of their respective shares.

Capital of  
Company and  
shares.

3. The Capital of the Company is now fixed at twenty-four thousand dollars, divided into shares of one hundred dollars each, and such Capital may, at any general meeting of the Company, be increased to the amount of eighty thousand dollars, in shares of the same amount.

May be in-  
creased.

Business and  
general pow-  
ers of the  
Company.

4. The Company may build, construct, acquire, hold and charter any steamboats and other vessels, may maintain and work the same for the purpose of carrying and transporting, on such conditions as the Company may find expedient, merchandize, or freight, or passengers, to all ports which the boats of the Company shall frequent; may tow and make voyages with such boats elsewhere than on the River St. Lawrence and its tributaries, when and as often as they may consider it profitable so to do; may sell or hypothecate the capital or property of the Company or any part of the same, from time to time, or may dispose of the same when and in such manner as they may think expedient so to do; and may enter into and carry out any contract or arrangement whatsoever with any body politic or corporate, or persons whomsoever, for the joint or better execution of the purposes and exercise of the powers and authority above mentioned or otherwise, for the benefit of the Company.

Real property  
of the Com-  
pany.

5. The Company may acquire and hold real property, for the construction of such wharves, sheds, offices, and other dependencies thereto, as they may require at the different ports and places at which the boats of the Company shall touch; and may, at all times, sell, exchange and alienate the same, and buy others for the same purposes; Provided, always, that the Company may not, at any time, hold real property exceeding in value the sum of six thousand dollars.

Its amount  
limited.

Certificates to  
Shareholders.

6. The Directors of the Company shall, from time to time, deliver to each of the Stockholders respectively, certificates bearing the seal of the Company, signed by the President or Vice-President, and countersigned by the Secretary-Treasurer, specifying the number of shares belonging to such Stockholder; such certificates shall be made in the form of the  
Schedule

Schedule A, annexed to this Act, and shall be surrendered to the Company whenever a share is transferred, and new certificates shall be issued to those entitled to receive the same; and a book shall be kept, called the "Share Book," in which shall be entered, from time to time, the names and residences of the different persons who are Stockholders in the Company, and the number of shares which they hold.

Share book.

7. The shares of the Company shall be held to be moveable property, and transferable to others by the persons to whom they belong; but the seller shall not be entitled to sell or transfer his shares or any portion of them, until he shall have paid to the Company all sums of money in which he may be indebted to them.

Transfer of shares.

Debts to the Company must be first paid.

8. The transfer of shares shall be made according to the form of the Schedule B, annexed to this Act, and shall be signed by the seller and accepted by the purchaser; and the instrument of transfer shall be delivered, together with the certificate of the seller, to the Secretary-Treasurer of the Company, who shall register it in a book which shall be called the "Transfer Book," and a new certificate or new certificates shall be granted in the manner hereinbefore mentioned; but at least one week previously, notice shall be given by the seller of his intention to make such transfer, to the Board of Directors of the Company, and the Board shall, during such week, have the right and privilege preferentially to accept the transfer of such share or shares, at the price and subject to the conditions demanded by the seller, according as the Board may judge such transfer to be advantageous or otherwise to the Company.

How transfers of shares shall be made.

Transfer book.

Notice of intention to sell—privilege of Directors.

#### ANNUAL GENERAL MEETING.

9. The yearly general meeting of the Stockholders of the Company shall be holden at the Village of Maskinongé, or at such other place as may be selected by a majority of the Shareholders, sometime during the months of February or March in each year, for the election of the President, Vice-President, Secretary-Treasurer and Directors, and for the transaction, generally, of the affairs of the Company, and shall be convened by notice from the President or Vice-President, or in default of the two latter to issue the said notice, from two of the Directors, addressed by mail or otherwise to each of the Stockholders.

General meetings.

How convened.

Notice thereof.

10. Special General Meetings shall be convened by the Board of Directors, for the consideration and transaction of the business of the Company whenever the affairs of the Company may require the same, and notice thereof shall be given in the same manner as notice is required to be given of the annual General Meeting, stating the objects of the meeting.

Special general meetings.

Notice thereof.

Shareholders' votes.

Proxies.

Majority.

Casting vote.

**11.** Stockholders may attend the Annual General Meeting or the Special Meetings, and vote either personally or by proxy; the bearers of proxies being Stockholders, authorized in writing according to the form of the Schedule C, annexed to the present Act; all questions shall be decided and the Directors chosen and appointed by the majority of votes of the Stockholders; and in case of an equality of votes, the President shall have the casting vote.

Each Stockholder shall have only one vote.

Proviso.

**12.** Every Stockholder shall have one vote only at General Meetings, whatever the amount of the shares which he holds, provided he is a Stockholder under a transfer registered in the transfer book of the Company, at least one month before the time of voting, and not otherwise.

#### MANAGEMENT OF THE AFFAIRS OF THE COMPANY.

Number of Directors and election.

Vacancy by continued absence.

**13.** The affairs of the Company shall be conducted, and the powers thereof exercised by a Board of nine Directors, who shall be chosen and appointed yearly at the annual general meeting of the Company, by the Stockholders then present in person or by proxy, in the manner herein above prescribed; the President and Vice-Presidents shall be of right members of the Board of Directors; In case of the death or continued absence or the resignation of one of the Directors, or of his refusal to accept the said office, the Board of Directors may appoint another in his room.

Quorum.

Casting vote

**14.** At all meetings of the Directors, five of them shall form a quorum; their decisions shall be passed by a majority of the members present, and in case of an equality of votes, the person who presides shall have a casting vote.

Present Directors continued in office.

**15.** The present Directors of the Lake St. Peter Navigation Company, as also their President, shall continue in office as such Directors until the next annual general meeting.

Provision in case of failure of election.

**16.** In case it shall happen that an Election of Directors does not take place within the time prescribed, the Corporation hereby constituted shall not on that account be dissolved, but such Election may take place at any general meeting of the Company duly convened for that purpose.

President may call meetings.

Also the Directors.

**17.** The President, or in his absence, the Vice-President shall convene meetings of the Directors whenever need requires, and at such place as he shall think fit, and shall preside thereat; and in their default, or refusal to do so, two of the Directors may convene meetings, and the Directors shall be convened to attend such meetings by letters sent to them by mail at least three days beforehand.

**18.** The Board of Directors shall appoint such Agents, Sub-Agents, and other employees as may be necessary for the transaction of the business of the Company, and dismiss the same when they think it expedient and advantageous so to do, shall appoint auditors to audit the accounts; shall fix the remuneration of the Secretary Treasurer and of the different employees of the Company, and shall make By-laws for the conduct and management of the affairs of the Company, provided they be not contrary to the laws of this Province, nor to the provisions of this Act, and shall alter, amend, repeal, and re-enact the same, as and whenever they shall think fit.

Appointment of Agents, &amp;c.

Auditors.

By-laws. Proviso.

**19.** Every year, within fifteen days next preceding the Annual General Meeting, the Auditors of the accounts of the Company shall, on notice being given to them by the Secretary-Treasurer, attend at the Office of the Company, examine the accounts of the last past year, and make a Report thereof to the General Meeting.

Audit of accounts.

**20.** The Directors shall declare such yearly dividends out of the profits of the Company, as they, or a majority of them, shall think fit; and an exact and detailed statement shall every year be made of their affairs, debts, profits, credits and losses,—which statement shall be entered on the books of the Company,—which books shall be open to the inspection of any Shareholder.

Division of profits and account.

**21.** The Secretary-Treasurer shall keep minutes of the proceedings of the Board of Directors, and of the General Meetings of the Company; shall receive the moneys of the Company, and be responsible therefor; and shall keep the account books and other books of the Company, in which all their affairs and transactions shall be regularly entered and recorded.

Minutes of proceedings and accounts to be kept by Secretary.

**22.** Books shall also be kept on board of the steamboats belonging to the Company, in which shall be regularly and strictly entered and recorded all the moneys received and disbursements made by the employees of the Company.

Books to be kept on boats.

**23.** The Board of Directors of the Company shall fix, and from time to time, as they shall think fit, change the place where the Office of the Company shall be kept.

Office of Company.

**24.** All services executed or effected at the Office of the Company, at the place where the same shall be fixed, or on the President or Secretary-Treasurer, or at the domicile of either of the two latter, shall be sufficient for all Courts of Justice or Equity in this Province; and no Stockholder of the Company, unless in his individual capacity a party in any proceeding, shall be incompetent to give evidence as a witness in such proceeding.

Service of process.

Competency of Stockholders as witnesses.

*Saisie-arrêt*  
and answer  
thereto.

**25.** If a Writ of *saisie-arrêt* be served on the Company, the President or the Secretary-Treasurer may make an appearance in obedience thereto, in order to make the declaration required by Law, as the case may require; and his declaration shall be held and received in all Courts of Justice in Lower Canada, as the declaration of the Company.

Public Act

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

## SCHEDULES

*Mentioned in the foregoing Act.*

### SCHEDULE A.

LAKE ST. PETER NAVIGATION COMPANY.

This is to certify, that A. B., is the owner of \_\_\_\_\_ shares in the Lake St. Peter Navigation Company, subject to the Rules, Orders and By-laws of the said Company; and that the said A. B., his heirs and assigns, have a right to the profits and advantages accruing from the said Shares.

Given under the Common Seal of the said Company, the  
day of \_\_\_\_\_, in the year of Our Lord

### SCHEDULE B.

LAKE ST. PETER NAVIGATION COMPANY.

I, A. B., in consideration of the sum of \_\_\_\_\_, paid to me by C. D., of \_\_\_\_\_, hereby make over and transfer to the said C. D., \_\_\_\_\_ shares in the Lake St. Peter Navigation Company, to be enjoyed by the said C. D., his heirs and assigns subject to the same conditions on which I held them; and I, the said C. D., do hereby agree to accept and receive the said shares, subject to the same conditions.

In witness whereof, we have signed this present act of transfer, at \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_

Witnesses.

### SCHEDULE C.

LAKE ST. PETER NAVIGATION COMPANY.

I, A. B., of \_\_\_\_\_, one of the Stockholders of the Lake St. Peter Navigation Company, hereby appoint C. D., of \_\_\_\_\_, to be my Attorney, for me and in my name in  
my

my absence, to vote on all matters whatsoever, which may be moved at the meeting of the Stockholders of the said Company, to be holden on the \_\_\_\_\_ day of \_\_\_\_\_ next, in such manner as the said C. D. may think it expedient to vote.

In witness whereof, I have signed the present power of Attorney, at \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_

Witnesses.

## C A P . X C I X .

### An Act to incorporate the St. Lawrence Navigation Company.

[Assented to 18th May, 1861.]

**W**HEREAS James Gibb Ross, Hugh B. Wilson, John MacLeod, John Cameron, John White, Isaac Buchanan Arthur Harvey, J. Bell Forsyth, George Burns Symes, J. B. Renaud, W. H. Jeffrey, W. G. Wurtele, James Dean, Joseph K. Boswell, C. F. Smith, John Thompson, James Gillespie and others, have petitioned the Legislature of this Province, praying that they may be incorporated with such other persons as shall become associated with them, as a Company under the designation and style of the "St. Lawrence Navigation Company," for the purpose of building, owning and navigating steam and other vessels trading between various ports of this Province, and also with foreign countries, and for such other purposes incidental thereto, as may seem expedient to the said Company; and whereas it is desirable and for the interests of the Province to grant the prayer of the petition as in manner and terms hereinafter provided: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. James Gibb Ross, Isaac Buchanan, John Ferrie, William P. McLaren, John Young, Adam Brown, Thomas C. Kerr, James Cummings, James Osborne, William Powis, James Matheson, William Boice, W. H. Glassco, J. O. Macrae, James Turner, E. L. Ritchie, James Gillespie, William Walker, junior, John Henry Clint, Andrew Thompson, David Douglas Young, Henry S. Scott, Henry John Noad, Henry Lemesurier, Abraham Joseph, William G. Wurtele, Henry May, Robert H. Smith, Alexander Fraser, Hugh B. Wilson, John Macleod, John Cameron, John White, Arthur Harvey, J. Bell Forsyth, George B. Symes, J. B. Renaud, W. H. Jeffrey, James Dean, Joseph K. Boswell, C. F. Smith, John Thompson, W. H. Anderson, James Gibb, William White, John Gilmour, George M. Douglas, Thomas Conrad Lee, the Honorable William Hamilton Merritt, James R. Benson and \_\_\_\_\_

Preamble.

Company incorporated.

and Charles C. Rykert, or so many of them as shall become Stockholders, together with such other persons as shall become Stockholders in the Company, and their respective heirs, executors and assigns, shall be a body corporate and politic by the name of the St. Lawrence Navigation Company, with all the privileges and incidents to such Corporation belonging.

May construct and navigate steam and other vessels, and charter, sell and dispose of the same at pleasure.

**2.** It shall be lawful for the Company to construct, acquire, navigate and maintain steam and other vessels for the carrying and conveying of goods, wares, merchandize and passengers between the inland and sea-ports of the Province, and also between any such ports and those of other countries, inland or otherwise; and also to carry on business and trade generally in and by means of such vessels, as to the Company shall seem meet and proper; and the Company shall have power to charter, sell and dispose of any of their vessels, and grant or consent to bottomry bonds on the same, or to mortgage the property of the Company when and as they may deem expedient, and to make contracts and agreements with any person or Corporation whatsoever, for the purposes aforesaid, or for any other purposes connected with the business of the Corporation.

May acquire lands, erect warehouses, &c.

**3.** It shall be lawful for the Company to purchase, take, hold and enjoy for their use, such lands, wharves, docks, warehouses, grain elevators and other buildings, or to erect the same, as may be necessary for the carrying on the business of the said Corporation, with power to sell, lease, mortgage or dispose of the same when not required for such purposes, and others to purchase and acquire in their stead.

Capital Stock to be \$500,000 to be divided into 5000 shares of \$100 each.

**4.** The Capital Stock of the Company shall be five hundred thousand dollars, divided into five thousand Shares of one hundred dollars each, which may be increased by the votes of a majority of the Shareholders at any annual or special general Meeting, notice of such intention having been given at least thirty days prior to such Meeting, in manner to be provided for by the By-laws of the Company, to the sum of one million of dollars, to be divided into like shares; Provided always, that the sum of one hundred and fifty thousand dollars shall be subscribed and ten per cent. paid thereon before the Company shall commence business.

May be increased to \$1,000,000.

When to commence business.

Directors herein named may open books for subscription of Stock subject to certain conditions.—calls.

**5.** The Directors of the Company hereinafter named may open books for the subscription of Stock at such times and places and in such manner as they shall think fit, and they and their successors shall call in the capital so subscribed in such sums as they may deem proper, provided no larger amount than twenty per cent thereon shall be called in at one time, whereof at least thirty days' notice shall be given in one or more newspapers of the Province, and the intervals of such calls shall not be less than thirty days.



6. The business and affairs of the Company shall be conducted and managed by nine Directors to be annually elected by the Shareholders, and who shall be severally Shareholders to the amount of not less than one thousand dollars of the said Stock, and who shall be elected at the annual meetings of the Company by the Shareholders then present, or by proxy as hereinafter provided, and which Board in the first instance and until the first Annual General Meeting of the Company as hereinafter provided, shall consist of James Gibb Ross, James Gillespie, William Walker, junior, John Henry Clint, Alexander Fraser, J. B. Renaud, W. H. Jeffrey, Isaac Buchanan, Hugh B. Wilson, the Honorable William Hamilton Merritt, and James R. Benson, with power to fill up from among the Shareholders properly qualified, any vacancies that may occur in their number before the first annual general meeting of the Company.

Directors to be annually elected.  
 Directors to be the holders of \$1000 of Stock.  
 First Board.

7. It shall be lawful for the Company at an Annual Meeting, or Special General Meeting convened for that purpose, to make By-laws, Rules and Regulations for the conduct and management of the business, real estate, vessels, stock, property and effects of the Company; and the same to amend, alter and repeal and re-enact as shall be needful and proper; and the said By-laws, Rules and Regulations shall, among other things, particularly apply to and affect the following matters:

Company may make By-laws on certain subjects.

1. The calling up and payment, from time to time, of the Capital Stock of the Company and of any increase thereof, and of the calls thereon, as hereinbefore provided;

Calls.

2. The issue of Certificates to the respective Shareholders of the Company of their Shares or Stock therein, and the registration thereof, and of the addresses of the Shareholders for the purposes of the Company;

Scrip for Stock.

3. The forfeiture or sale of Shares or Stock, for non-payment of calls or other liabilities of Shareholders; Provided always, that such forfeiture shall not be held to be conclusive against such liable Shareholder, until after the actual sale of the shares declared to be forfeited, or the enforcement of the judgment for the payment of the calls in arrear, as the case may be;

Forfeiture for non-payment of calls.

4. The set off of all debts due to the Company from the Shareholders against such Shares or Stock, and dividends or payments to which they may be entitled;

Set off against Shareholders.

5. The transfer of Shares or Stock, and the approval and control by the Directors of such transfer and of the proposed transferees, and as to the remedy of transferees;

Transfer of Stock.

6. The declaration and payment of profits of the Company and dividends in respect thereof;

Dividends.

- Sinking Fund.** 7. The formation and maintenance of a sinking or reserved Fund ;
- Officers and servants.** 8. The removal and remuneration of Directors and of all such managers, agents, officers, clerks or servants of the Company, as they shall deem necessary for carrying on the business of the Company, and the security, if any, to be taken from such parties respectively for the due performance of their respective duties, and also the indemnity of such parties ;
- Meetings.** 9. The calling of general, special, or other Meetings of the Company and Directors, in this Province or elsewhere, and the quorum and the business to be transacted thereat respectively, and the mode of voting and regulating proxies of Directors and Shareholders respectively ;
- Executing deeds and documents.** 10. The making and entering into deeds, bills, notes, agreements, contracts, charter-parties, bonds, debentures and other engagements and documents to bind the Company, and whether under the seal of the Company or not, and whether by the Directors, or their agents, as may be deemed expedient ;
- Borrowing or lending money.** 11. The borrowing or advancing of money, for promoting the purposes and interests of the Company, and the securities to be given by or to the Company, for the same ;
- Keeping minutes and accounts.** 12. The keeping of minutes of proceedings, and the accounts of the Company, and making the same conclusive and binding on the Shareholders, and rectifying any errors which may be made therein ;
- Audit.** 13. The audit of accounts and appointment of auditors ;
- Notices.** 14. The giving of notices by or to the Company ;
- Penalties, &c.** 15. The recovery of damages and penalties ;
- Penalties.** 16. The imposing of penalties against shareholders, officers and servants of the Company, to an amount not exceeding twenty dollars for each offence ;
- Proviso.** 17. Provided always, that the said By-laws, Rules and Regulations are not contrary to this Act, or to the laws of this Province.
- Directors to issue certificates of Stock.** 18. The Directors shall, from time to time, issue to each Shareholder, under the seal of the Company, certificates of the number of Shares which he or she is entitled to, and the person receiving the same shall then be the legal owner thereof, and invested with all the rights and subject to all the liabilities of a Shareholder in respect of such Shares ; and each person to whom any Share or Shares shall be assigned, shall sign,

sign, in person or by proxy, an acknowledgment of his or her having taken such Share or Shares, which acknowledgment shall be kept by the Directors, and shall be conclusive evidence of such acceptance, and that the person signing it has taken upon himself the liability aforesaid.

**9.** Should the Directors deem it more expedient in any case to enforce the payment of any unpaid instalment than to forfeit or sell the said Shares therefor, it shall and may be lawful for the Company to sue for and recover the same from such Shareholder, with interest thereon, in any Court having civil jurisdiction in the Province to the amount claimed; and in any such action it shall be sufficient to allege that the defendant is the holder of one or more Share or Shares, stating the number, and is indebted to the Company in the sum to which the calls in arrear may amount; and to maintain such action it shall be sufficient that the signature of the defendant to such acknowledgment as hereinbefore mentioned shall be proved, and that the calls in arrear have been made; and a Certificate under the Seal of the Company and signed by any one or more of the Directors shall be sufficient evidence of the calls having been duly made and being in arrear, and the amount due in respect thereof; Provided that nothing herein contained shall in any way affect the right of the Company to forfeit the Shares for non-payment of calls or subscriptions, whether before or after such a judgment for the recovery thereof.

Option to  
Directors to  
sue for calls,  
or forfeit  
Stock.

Evidence, &c.,  
in such suit.

Proviso.

**10.** The Capital Stock of the Company, and any increase thereof, is hereby directed and appointed to be laid out and applied in the first place for and towards the payment, discharge and satisfaction of all fees and disbursements for obtaining and passing this Act, and the preliminary expenses attending the establishing of the Company, and all the rest of such money for and towards the carrying out the objects of the undertaking, and to no other use.

Application of  
Company's  
Funds.

**11.** The Company shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the Shares may be subject, and the receipt of the party in whose name any such Share or Shares shall stand in the books of the Company, shall from time to time be a discharge to the Company for any dividend or other sum of money payable in respect of such Share or Shares, notwithstanding any trust to which such Share or Shares may be subject, and whether or not the Company have had notice of such trust; and the Company shall not be bound to see to the application of the money paid upon such receipt.

Company not  
bound to see  
to the execu-  
tion of trusts.

**12.** When any Share shall have become transmitted in consequence of the bankruptcy or insolvency of any Shareholder, the assignee of such Shareholder shall not be entitled, and in case of such transmission in consequence of death or of

Assigns of  
bankrupts and  
persons hold-  
ing Stock as  
representing  
the

others not entitled to profits or to vote.

the marriage of a female Shareholder, the executors or administrators, tutors, curators or husband, as the case may be, of such Shareholder, shall not, except so far as may be otherwise provided by the By-laws, be entitled to receive any profits of the Company, or to vote in respect of such Share or Shares as holders thereof; but nevertheless after the production of such declaration or other evidence of such transmission, as may be required in that behalf by any By-law of the Company, such executors, administrators, tutors, curators or husband, as the case may be, shall have power to transfer the Share or Shares so transmitted in the same manner, and subject to the same regulations as any other transfer is to be made.

Quorum of Directors.

**13.** At all meetings of the Directors and of those hereafter elected by the Shareholders, the quorum for the transaction of business and exercising the functions and powers of the Directors shall be five, unless and until the same shall be altered by a By-law to be passed for the purpose.

Annual meetings to be held at Companies Office in the City of Quebec.

**14.** The Annual General Meeting of the Company shall be held at the chief office of the Company, in the City of Quebec, on the second Wednesday in March in each year, for the purpose of electing Directors, and for transacting the general business of the Company, at which the President, or in his absence the Vice-President, or in the absence of both then one of the Directors, shall preside; and Shareholders may appear in person or by proxy, provided the holder of such proxy shall be a Shareholder, and each Share shall be entitled to one vote; and if there shall happen on any question to be an equality of votes, the Chairman shall have the casting vote; Provided always, that the place for having the chief office of the Company, and for holding the general or other meetings, and the time for holding the same for the election of Directors, and the transaction of other business, may be changed by By-law adopted by a vote of two-thirds of the Shareholders, of which due notice shall have been given in accordance with the provisions of this Act or of the By-laws of the Company.

Each Share to give one vote.

Head Office to be changed by a vote of two-thirds of the Shareholders.

Directors to choose a President and Vice-President.

**15.** The Directors elected at the annual meeting aforesaid shall assemble within one week after their election, and shall then elect from amongst themselves a President and Vice-President; the President, and in his absence the Vice-President, may call meetings of the Directors as often as occasion may require.

Filling vacancies among Directors.

**16.** If any vacancy shall occur among the Directors, by death, resignation, or disqualification, such vacancy may be filled up for the remainder of the term by the remaining Directors, from among the duly qualified shareholders.

Directors may open transfer offices in ter-

**17.** The Directors may establish offices for the registration and transfer of Shares, and may constitute local Boards for the supervision

supervision and management of local business of the Company, and for the payment of dividends in Great Britain or the United States, and in the City of Quebec or any other City in the Province; Provided always, that the Acts and proceedings of such local Boards shall be ratified and approved by the Chief Board of Management; The Directors may also appoint one or more agent or agents in this Province or elsewhere, and for such time, and on such terms as to them shall seem expedient; and the Directors may, by any By-law to be made for such purpose, empower and authorize any such agent or agents to do and perform any act or thing, or to exercise any powers which the Directors themselves or any of them, may lawfully do, perform and exercise, except the power of making By-laws; and all things done by any such agent, by virtue of the powers in him vested by such By-law, shall be valid and effectual to all intents and purposes as if done by such Directors themselves, any thing in this Act to the contrary notwithstanding.

tain places ;  
and constitute  
local Boards  
if they think  
fit in such  
places.

**18.** The Directors shall have power, if they think fit, to receive and take into the Stock of the Company any steam or other vessels owned or built by any other party or parties or Company, assigning shares of the said Company in payment thereof.

Company may  
pay for ves-  
sels in Stock.

**19.** All acts done by any person or persons acting as Directors, shall, notwithstanding there may have been some defect in the appointment of any such person or persons, or that they or any of them were disqualified, be as valid as if every such person or persons had been duly appointed and was qualified to be a Director.

Acts of Direc-  
tors not to be  
void by rea-  
son of non-  
qualification  
of any of them.

**20.** A Shareholder may give evidence in all actions by or against the Company, unless he be incompetent otherwise than as a Shareholder, and suits at law or in equity may be prosecuted and maintained between the Company and any Shareholder.

Shareholders  
may be wit-  
nesses where  
the Company  
is a party, &c.

**21.** The Shares in the Capital Stock of the Company shall be deemed personal estate and be transferable as such.

Shares deem-  
ed to be per-  
sonal estate.

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

Public Act.

### C A P . C .

An Act to incorporate the St. Lawrence Grain Elevating and Floating Storage Company.

[Assented to 18th May, 1861.]

**W**HEREAS it is of importance that sufficient facilities be afforded in the Port of Montreal, for the transshipment of grain into sea-going vessels, and for its storage in barges or other

Preamble.

other moveable warehouses ; And whereas the several persons hereinafter named have, by their petition, prayed to be incorporated for the purpose of supplying such facilities, with the powers hereinafter named, and it is deemed expedient to grant the prayer of such petition : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

- Company incorporated.** 1. W. Osborne Smith, Alfred Perry, John Smith, Alexander Walker, Robert Simms, James W. Bruce Gardyne, J. G. Mackenzie, George Perry and Thomas Mayne Daly, and all such other persons as may have become or shall become subscribers to the stock of the Company hereby incorporated, shall be and are hereby constituted a body politic and corporate, by the name of the " St. Lawrence Grain Elevating and Floating Storage Company."
- Corporate name and general powers.**
- Capital.** 2. The Capital Stock of the said Company shall consist of two hundred shares of fifty dollars each, which shall be payable as follows, to wit : Twenty dollars per share on subscription and allotment, and the remainder in and by such instalments as the Directors may, from time to time, see fit to call in, payable in such manner and at such times as shall be prescribed by the resolution calling in the same ; provided always, that by a Resolution passed by a majority of the shareholders thereof, at any Meeting called for the purpose, the Company may increase the capital stock by an additional sum of thirty thousand dollars, making the total capital stock thereof the sum of forty thousand dollars,—and the provisions of this Act shall apply to such increased capital ; Provided always, that the said Company shall have paid up the sum of twenty dollars per share upon the capital stock of two hundred shares before commencing their operations under this Act.
- How payable.**
- Provision for increase of capital.**
- Proviso : when Company may commence business.**
- Business of the Company.** 3. The business of the Company shall consist in the weighing, measuring, storing, elevating and transhipment of grain, with full power to purchase, hold, lease or acquire, by any title whatsoever, all real or personal property necessary for carrying on properly the business of the said Company, and the said Company may, from time to time, sell, lease or dispose of, and replace the said property, as they may deem fit.
- Property.**
- Transfer of shares, how effected and proved.** 4. The shares in the stock of the said Corporation shall be assignable, and may be sold and transferred on the conditions prescribed by the rules of the Company, and any party holding the same, shall become a Member of the said Corporation in respect of such shares, in the place of the party transferring the same ; but no such transfer shall be valid unless all instalments due thereon have been fully paid ; and a copy of any such transfer, signed by the proper officer of the Company shall be sufficient evidence of such transfer in any Court in the Province.

5. For the proper management of the affairs of the Company, five persons shall be elected out of the members of the said Company as Directors, and each Director shall be a proprietor of not less than five shares of the said Capital Stock, and any four of the said Directors shall form a quorum, and the majority of such quorum shall have the same powers as the Directors; and the said Directors shall have full power to make such calls for money from the shareholders, from time to time as provided for, with full power to sue for and recover all such calls after they become due; and, moreover, they may cause and declare the shares to be forfeited to the said Company in case of non-payment, in accordance with the terms of their By-law; and the Directors may, with the consent of a majority of the Stockholders present, dispose of any portion of their property in stock of the said Company.

Five Directors to be elected.

Quorum.

Calls.

Forfeiting and disposing of shares for non-payment.

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

Directors may make contracts, &amp;c.

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

By-laws.

To be subject to approval by Stockholders.

8. This Act shall be deemed a Public Act.

Public Act.

### C A P. C I.

An Act further to amend the Act incorporating the Metropolitan Gas and Water Company of the City of Toronto.

[Assented to 18th May, 1861.]

WHEREAS there is ordained and constituted, in the city of Toronto, under and by virtue of an Act passed in the sixteenth year of Her Majesty's Reign, chaptered two hundred and fifty, as amended by an Act passed in the eighteenth year of Her Majesty's Reign, chaptered two hundred and

Preamble.

18 V. c. 218.

eighteen, a body politic and corporate, by the name of "The Metropolitan Gas and Water Company," with, among other powers, power to erect, maintain and carry on both Gas and Water Works, and at one and the same time, or at different times, to commence the construction of such several works, and open books for the subscription of stock therefor, jointly, as in the said first mentioned Act provided; and whereas it is desirable that the said several works should be erected, constructed, maintained, carried on, managed and controlled by two several Companies; and whereas the said Company have, under the powers, privileges and authorities in them vested, erected and now carry on the Water Works contemplated by the said Acts, and are willing and desirous that the persons hereinafter named and their successors, should be ordained and constituted a Company for the erection, construction, carrying on, management and control of the said Gas Works: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

- Name of present Company changed: it shall be a Water Company only.**
- 1.** The name and style of the said Company shall, from the passing of this Act, be changed to, and be "The Metropolitan Water Company;" and under such name the said Company shall have and enjoy all the corporate and other rights and privileges, as regards the erection, construction, carrying on, maintenance, management and control of the Water Works authorized, contemplated and intended by the said Acts, now held and enjoyed by the said "The Metropolitan Gas and Water Company;" Provided always, that the lands or real estate held, or to be held by the said Company, for the purposes of their incorporation and business, shall not exceed eighty thousand dollars in value; Provided further, that no deeds, contracts, bargains, dealings, agreements, suits, acts or proceedings, shall be in any way avoided, vitiated, abated or affected by the said change of name; but the same shall in all respects be valid and effectual to, for and with the Metropolitan Water Company; and all property, real and personal, now belonging to the Metropolitan Gas and Water Company, is hereby declared to belong to, and to be vested in "The Metropolitan Water Company."
- Proviso: as to real property.**
- Proviso: as to pending contracts, &c.**
- Present property vested in it.**
- 2.** Hugh Miller, Frederick Callaway, John Ritchey, Junior, Joseph Davids, or such of them, and such other persons as shall hereafter become shareholders in the Company mentioned in this clause, shall be and are hereby ordained and constituted a body politic and corporate, by the name of "The Metropolitan Gas Company," and by that name they and their successors shall and may have perpetual succession and a common seal, with power to make, break or change the same at pleasure; and shall and may, by the same name, have, enjoy and exercise all the powers incident to corporate bodies generally; and shall and may have full power to purchase, take and hold, besides personal property, lands, tenements and other real property for the erection, construction and
- Metropolitan Gas Company constituted.**
- Corporate name and general powers.**
- Real property.**
- convenient



convenient use of the Gas Works mentioned in the said Acts, and for the purposes and uses generally of the said Company, and such lands, tenements and real property, or any of them, to sell, alienate and convey, and others in their stead to purchase, take and hold, from time to time, for the purposes and uses aforesaid; Provided always, that such lands, tenements and real property, to be holden by the said Company, shall not exceed eighty thousand dollars in value and be so holden for the constructing, maintaining and carrying on the said Gas Works, and in and towards accomplishing the same, and effecting the objects for which the said Company is hereby incorporated, and not otherwise; And the said Company shall, as regards the erection and construction, carrying on, maintenance, control and management of the said Gas Works, have all the rights, powers and privileges by the said Acts conferred upon the Metropolitan Gas and Water Company, or now held or enjoyed by the said last mentioned Company; subject, however, to all the conditions, limitations, restrictions, penalties and liabilities affecting the same according to the provisions of the Act first cited in the preamble of this Act, and especially of the fourteenth, nineteenth, twentieth and twenty-first sections of the said Act, which shall be read with reference to the Company hereby incorporated as if they formed part of this Act; Provided that nothing herein contained shall have the effect, in any manner or form, of lessening, abridging, or otherwise affecting the rights, powers and privileges of "The Metropolitan Water Company," under and by virtue of the said Acts, as regards the erection, construction, maintenance, carrying on, management and control of the said Water Works; Provided, further, that all stock heretofore subscribed, or by the said Acts authorized to be subscribed, in and for the Metropolitan Gas and Water Company, shall be deemed and taken to be the stock of the Metropolitan Water Company alone, and not in any manner to affect the stock to be subscribed in and for the Metropolitan Gas Company, as hereinafter provided.

Proviso: real property limited.

To have the gas privileges given by formal Acts, and on the same conditions.

Proviso.

Stock now subscribed to be water stock only.

**3.** The Metropolitan Gas Company may raise and contribute among themselves, in shares of fifty dollars each, a sum not exceeding five hundred thousand dollars; and the President and Directors of the said Company may and are hereby authorized, for the purposes and uses of the said Company, with the assent thereto given by vote of the Shareholders at a general meeting to be called for that purpose, to borrow money, in one sum or several sums, from any individual or corporate body willing to lend or advance the same, and may pledge or mortgage to such individual or corporate body the property and income of the said Company, for the re-payment of the said sum or sums so borrowed, and the interest thereon.

Capital of Gas Company.

Power to borrow money.

And mortgage property.

**4.** So soon as two hundred thousand dollars of the capital stock of the said Company shall have been taken and subscribed, and the sum of ten dollars per share paid thereon, it shall

When the first general meeting shall be held.

shall be lawful for the subscribers of the said stock, or any of them, to call a public meeting of the said subscribers, by a notice therefor, to be inserted at least ten days previously to the time of such meeting, in two of the newspapers in the City of Toronto, in which notice shall be specified the time and place in the City of Toronto where such meeting shall be held, and that the same is for the election of Directors of the said Company; and at such meeting, when so convened, the Shareholders in the said Company may proceed to the election, by ballot, of seven of the Shareholders in the Company for and as Directors of the said Company, each such Shareholder to be elected being a holder of not less than twenty shares in the said Company; and the said Directors may then forthwith, or at any subsequent meeting of themselves, elect from among their own number, a President of the said Company; and such Directors and President shall continue in office until the first Monday in July, in the year then next following that in which they shall be so elected; and on such first Monday of July, and on every first Monday of July in each succeeding year, or on the next following day, if such Monday be a holiday, a General Annual Meeting of the shareholders shall be held in the Office of the said Company, at eleven o'clock in the forenoon, or in such other more convenient place, or at such other more convenient time, as the Directors of the said Company shall appoint and have given notice of in two of the newspapers in the City of Toronto, at least one week previously to the said Annual Meeting; and at such Annual Meeting the Shareholders present shall proceed to elect from among themselves seven persons holding not less than twenty shares each in the Stock of the said Company, to be Directors in the room of the Directors for the then past year; Provided that every Director in the Company shall continue to be the holder of at least twenty shares of the Stock of the said Company during the whole of the period in which he remains a Director; Provided that any of the Shareholders then, or who have been Directors, shall be eligible to re-election; and such Directors, so elected, shall, at such time as shall be appointed by any By-law of the Company, or in case of no such By-law, at their first meeting after such election, elect one of their number to be President of the Company; Provided that in all matters the Directors shall vote *per capita*, and not according to the number of the shares held by them; and the President or Chairman, *pro tempore*, shall, in addition to his vote as a Director, have also a casting vote in case of an equality of votes among such Directors.

Election of Directors.

President.

Period of service.

Annual general meetings.

Election of Directors.

Qualification of Directors.

May be re-elected.

Director to vote *per capita*.

Casting vote.

Quorum and its powers.

Chairman.

5. A majority of the said Directors shall from a quorum for the transaction of business; and any majority of such Directors assembled according to the provisions of this Act, and the by-laws of the Company then in force, may exercise any or all of the powers hereby vested in the Directors; and the President, or in his absence, a Chairman chosen by the Directors present,

*pro*

*pro tempore*, shall preside at the meetings of 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.

Directors not to be Shareholders in other Gas Companies.

6. At the general meetings of the shareholders, to be held annually, for the purpose of electing Directors as aforesaid, on the first Monday in the month of July in each year, and before the election of new Directors, the Directors of the then past year shall exhibit a full and unreserved statement of the affairs of the Company, of the funds, property and debts due to and by the said Company, which said statement shall be certified by the President, under his hand and seal; Provided always, that in the event of there being no election of Directors on the first Monday in July in any year, in consequence of the said shareholders neglecting to attend in conformity with the requirements of this Act, or from any other cause, then and in that case, the Directors of the previous year shall continue and remain in office, until an election shall take place at a future special meeting of the said shareholders, to be called for that purpose in the manner provided by the By-laws of the Company then in force.

Annual statements of affairs.

Proviso: in case of failure of any election.

7. It shall be lawful for the said Directors, from time to time, in case of death, resignation, absence from the Province, disqualification, (and any person disqualified to be elected shall be disqualified from remaining in office) or the removal of any person so chosen to be President or Director, or either of them, to choose in their or his stead, from among the said Directors, another person to be President, or from among the other shareholders another person or other persons to be Director, or Directors, respectively, to continue in office until the next annual election as aforesaid.

Filling vacancies among Directors.

8. The Directors shall and may have the power to appoint a Manager, Secretary and Treasurer, Clerks, and such other persons as may appear to them necessary for carrying on the business of the said Company, with such powers and duties, salaries and allowances to each, as shall seem meet and advisable; and also shall and may have the 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 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

Directors to appoint officers.

And to make By-laws for certain purposes.

Proviso: dividends not to impair stock.

Proviso: By-laws must be approved, &c.

Proviso: calling special meetings.

Proxies and ratio of votes to shares.

Subscriptions before or after this Act to be valid.

per annum, out of the profits of the said undertaking, as they may deem expedient; Provided that no dividend shall be made if the payment thereof would render the said Company insolvent, or would in any way diminish the amount of its capital stock; and to make contracts or, by such By-laws, to empower the President or any Director or officer to make contracts on behalf of the Company, and to affix (if need,) the common seal of the Company to such contracts, and generally to manage the affairs of the said Company, and to do, and empower others to do, whatever the Company may lawfully do under this Act, unless it be otherwise herein provided; Provided, always, that such By-laws shall be in no wise inconsistent with the true intent and meaning of this Act and the powers hereby granted, nor repugnant to the laws of this Province, and shall, before they shall have force, be approved by the shareholders, at some annual or special meeting, at which such shareholders shall have power to alter or amend the same; and provided also, that until it be otherwise ordered by the By-laws of the Company, a special meeting of the shareholders may be called by the Directors, or in their default, on being thereunto requested, by at least five of the stockholders, being proprietors together of not less than one hundred shares of the stock of the said Company, the Directors or stockholders giving at least six weeks' notice thereof, in at least two of the public newspapers of the city of Toronto, and specifying in the said notice the time and place of such meeting, together with the objects thereof.

9. Shareholders may vote by proxy (duly appointed in writing) or in person, and all elections shall be by ballot, and all questions to be decided at any Annual or Special Meeting of the Shareholders, shall be so decided by a majority of votes, and the number of votes which each Shareholder in the said undertaking or Company shall be entitled to give on any occasion, when, in conformity with the provisions of this Act, the votes of the Shareholders of the said Company are to be given, shall be for one share and not exceeding two shares, one vote; for every two shares above two and not exceeding ten shares, 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 shall have a greater number of votes than ten.

10. All subscriptions for shares in the capital stock of the said Company 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 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,

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 the 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, 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.

Recovery of calls not paid.

What only need be alleged and proved.

**11.** No one instalment to be paid on account of the shares in the stock of the said Company shall exceed ten dollars on each share; and notice thereof shall be given, by advertisement in the newspapers, during at least two months before such instalment shall be called for; Provided always, that no instalment shall be called for except after the lapse of two calendar months from the time when the last instalment was called for; and if any person or persons shall neglect or refuse to pay his or their share of such money to be so paid in as aforesaid, at the time and place fixed and appointed by the Directors, such person or persons so neglecting or refusing, may be sued as aforesaid, or at the option of the Directors shall thereby incur a forfeiture of not more than ten nor less than five per cent. on the amount of his or their respective share or shares; and if such person or persons shall refuse or neglect to pay their proportion of the instalments demanded, for the space of two calendar months after the time fixed for the payment thereof, then and in that case such person or persons shall forfeit his or their respective share 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

Calls limited.

Notice.

Proviso.

Forfeiture for non-payment of calls.

To be declared at a general meeting.

**Its effect.** 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 subscriptions for Capital Stock in the said Company, and carrying on the said works.

**Application of capital.** **12.** The Capital Stock of the said Company is hereby directed and appointed to be laid out and applied, in the first place for and towards the payment, discharge and satisfaction of all fees and disbursements for obtaining and passing this Act, and for making surveys, plans and estimates incident thereto, and all the rest, residue and remainder of such money, for and towards making, completing and maintaining the said Gas Works, and for efficiently and properly carrying out and accomplishing the purposes and uses generally of the said Company.

**Transfer of stock.**  
**Stock to be personalty.**  
**Proviso.** **13.** 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.

**Allowance to Directors.**  
**Proviso.** **14.** The said Directors may provide, by any By-law to be approved of by the shareholders at any special meeting, for the payment of the Directors of the said Gas Company for their attendance at the meetings of the Board of Directors from time to time; Provided that the said allowance shall in no case exceed the sum of five dollars for each day's actual attendance.

**Company not to unite with other Companies.** **15.** It shall not be lawful for the said Company to purchase out the Stock, or any part thereof, of any other Gas Company in the said City of Toronto, or to sell their own Stock, or any part thereof, to any Company or Companies.

**When the works to be in operation.** **16.** The said 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.** **17.** This Act shall be, and it is hereby declared to be, a public Act, and the same shall be construed as such in all Her Majesty's Courts in this Province.

**Interpretation.** **18.** The Interpretation Act shall apply to this Act.

## C A P. C I I .

## An Act to incorporate the Toronto Cotton Mills Company.

[Assented to 18th May, 1861.]

**W**HEREAS David L. Macpherson, Casimir S. Gzowski, Preamble.  
 J. K. Kilbourn, Theodore Pomeroy, Andrew Elliott, Robert Pomeroy and Donald Robertson, and others, have, by their Petition, prayed that an Association, under the title of "The Toronto Cotton Mills Company," may be incorporated for the purpose of manufacturing cotton and woollen goods, and water-proof cloths, webbing and other fabrics, and for the purpose of printing cotton goods, or any of them, and such machinery as may be necessary to carry on the said business ; And whereas the Corporation of the City of Toronto have, by their Petition, signified their assent to the establishment of the said Manufactory in their City, and have set forth that with a view of promoting the objects of the said Association, they have agreed to exempt the Company from all Municipal assessments, rates and taxes, for the space of twenty-five years, and have also leased to the said David L. Macpherson and Casimir S. Gzowski, one acre and three-quarters of an acre of land, in the said City, for the purposes of the Company, for nine hundred and ninety-nine years, at a nominal rent, and have prayed that the Act may contain provisions to exempt the said Company from taxation, and to confirm the said lease ; And whereas it is expedient to grant the prayers of the Petitioners : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. The said Petitioners, and such other persons as shall become Stockholders of the said Company, are hereby constituted a body corporate and politic for the purposes aforesaid, by the name of "The Toronto Cotton Mills Company." Incorporation of Company.
  2. The capital stock of the Company shall be five hundred thousand dollars, in shares of one hundred dollars each. Corporate name.
  3. The Company may commence operations, and exercise all the powers hereby granted so soon as one hundred thousand dollars of the capital stock shall be subscribed, and fifty thousand dollars shall be paid up. Capital stock.
  4. The business of the said Company shall be carried on at the City of Toronto, and the stock, property, affairs and concerns of the Company shall be under the control and shall be managed and conducted by three Directors, each of whom shall be a stockholder to an amount of not less than five thousand dollars, and shall be elected on the first Tuesday in February of every year, at the Office of the Company in the said City ; Commence-ment of operations.
- Business of Company.  
Board of Directors to manage business, &c.  
Qualification.  
and

and all such elections shall be by ballot, by a plurality of the votes of the stockholders present, each share to have one vote, and stockholders not personally attending may vote by proxy ; and the Directors so chosen shall, as soon as may be, elect one of their number to be President, which President and Directors shall continue in office one year, and until others shall be chosen to fill their places ; and if any vacancy shall at any time happen of the President or Directors, the remaining Directors shall supply such vacancy for the remainder of the year.

Election of.  
By whom.  
Term of office.  
Vacancies.

First Direct-  
ors.

5. The said David L. Macpherson, Casimir S. Gzowski, and J. K. Kilbourn shall be the first Directors of the Company, and the said Casimir S. Gzowski first President thereof, who shall severally hold their offices till the first Tuesday in February next after the Company shall go into operation.

Directors to  
make By-laws  
for certain  
purposes.

6. The Directors of the Company shall have full power and authority to make, amend, repeal, and re-enact all such By-laws, resolutions, rules and regulations as shall appear to them proper and needful touching the well-ordering of the Company, the acquirement, management and disposition of its stock, property, and effects, and of its affairs and business ; the declaration and payment of profits of the said Company, and dividends in respect thereof ; the form and issuing of stock certificates, and the transfer of shares ; the calling of general and special meetings of the Company ; the appointment, removal and remuneration of all managers, agents, officers, clerks, artificers, workmen and servants of the Company ; the making and entering into bonds, bills, notes, agreements, contracts and other documents, whether under the seal of the Company or not ; and also in respect to the dissolution and winding up of the Company, and in general to do all things that may be necessary to carry out the objects and exercise the powers incident to the Company.

Directors may  
make bills,  
notes, &c.

7. The Directors of the Company shall have full power and authority to make Bills of Exchange and Promissory Notes ; and any contract, agreement, or bargain by the Company, or by the President on behalf of the Company, or by the Secretary or any Agent thereof, and every Promissory Note made or endorsed, and every Bill of Exchange, drawn, accepted or endorsed by the President, or any officer on behalf of the Company, in pursuance of and in general accordance with the said By-laws, shall be binding on the said Company ; and it shall not be necessary to have the seal of the Company affixed to any such contract, agreement, bargain, note, or bill, or to prove that the same was made, drawn, accepted, or endorsed, in pursuance of any By-law, or special vote or order ; nor shall the party entering into, making, or doing the same as President, other officer, or agent, be thereby subjected individually to any liability whatsoever ; Provided always, that nothing in this

Seal not re-  
quired.

Proviso : as to  
Bank notes.

section



section shall be construed to authorize the Company to issue any note payable to the bearer thereof, or any Promissory Note intended to be circulated as money, or as the note of a bank.

8. The stock of the Company shall be deemed personal estate, and shall be transferable in such way as the Directors shall by By-law appoint; and the Directors shall cause a book to be kept by their Secretary or Treasurer, in which shall be recorded the names of the shareholders, and the number of shares held by each, and the amounts paid in, and remaining unpaid thereon, and the names and addresses of the Directors; and the Directors may refuse to allow the entry in such book of any transfer of stock, unless the whole amount due thereon at the time shall be paid up, and no transfer of stock shall be valid until entry has been duly made in the said book, and such stock and Transfer book shall be open to the inspection of any shareholder of the Company, at all reasonable hours.

Stock personal estate.

Transfer of stock.

9. The Company may acquire, hold, lease and convey any real and personal estate or property necessary and convenient for carrying on the operations of the Company.

Company may acquire lands.

10. If the election of Directors be not made on the day appointed by this Act, the Company shall not for that reason be dissolved, but the stockholders may hold the election on any other day, in the manner provided for by any By-law passed for that purpose; and all acts of Directors until their successors are elected shall be valid and binding upon the Company.

Non-election of Directors not to dissolve Company.

11. In the event of the said Company deeming it necessary that the capital stock should be increased, so as to enable them to extend the operations of the Company, the Directors of the Company, by a By-law passed for that purpose, may increase the capital stock to an amount in all not exceeding eight hundred thousand dollars.

Increase of capital stock.

12. The lease granted by the Corporation of the City of Toronto to the said David L. Macpherson and Casimir S. Gzowski, of one acre and three quarters of an acre of land, or thereabouts, in the said City, as a site for the mills and works therein mentioned, and bearing date the first day of April, one thousand eight hundred and sixty-one, shall be held to be a valid and binding lease; and it shall be held that the Corporation of the City of Toronto had and have full power and authority to grant and make such lease for the term, and upon the conditions, and for the purposes therein mentioned, and if required by the lessees, in pursuance of the provisions of the said lease, shall have power to alienate and convey the same, or any part thereof in fee simple, to the lessees or their assigns, notwithstanding that the said lands had been set apart for a market, or held by the said Corporation for any other purposes whatsoever.

Lease granted by City of Toronto, valid.

City may convey in fee simple.

Commutation  
of or exemp-  
tion from  
taxation.

**13.** The Corporation of the City of Toronto may agree with the said Company to commute all Municipal Assessments for a fixed sum payable annually, for a period not exceeding ten years, and may also, wholly exempt any such property and business of such Company from assessment during a period of five years.

Company not  
bound to see  
to trusts.

**14.** The Company shall not be bound to see to the execution of any trust,—express, implied, or constructive,—to which any shares of its stock may be subject, and the receipt of the party, or one of the parties, in whose name shares shall stand, shall be a sufficient discharge to the Company for any dividend or other money payable in respect of such shares.

Time limited  
for Company  
going into  
operation.

**15.** The said Company shall go into operation within eighteen months after the passing of this Act, on pain of forfeiting the privileges hereby conferred on them.

Public Act.

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

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

An Act to amend the Act incorporating the "British American Manufacturing Company"

[Assented to 18th May, 1861.]

Preamble.

**W**HEREAS the British American Manufacturing Company, and the Directors thereof, interested therein, have petitioned for an amendment to their Act of Incorporation, being the Act twenty-third Victoria, chapter one hundred and nineteen, and it is expedient to grant their Petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Capital of the  
Company fixed  
with power  
to increase it.

**1.** The said Act twenty-third Victoria, chapter one hundred and nineteen, and particularly the fourth section thereof, is hereby amended, so that notwithstanding any thing therein contained, the capital of the said Company shall be the sum of two hundred thousand dollars, with power to increase the same from time to time to one million dollars, by sums of not less than fifty thousand dollars at each time; such increase, in every case, to be authorized by a vote of not less than two-thirds of the shares of the Company, which may be passed at any meeting of the Shareholders specially convened for the purpose, or at any meeting, in the notice convening which, it shall be stated that it is proposed to increase the capital.

A certain sum  
to be paid up  
before a Ma-  
nufactory may  
be establish-  
ed.

**2.** The aforesaid Act, and particularly the nineteenth section thereof, is also hereby amended, so that notwithstanding any thing therein contained, the Company shall not establish any manufactory whatever, until the whole capital stock to the extent

extent of the said sum of two hundred thousand dollars shall have been *bonâ fide* subscribed for, nor until an amount equal to fifty per cent on the said sum of two hundred thousand dollars shall have been paid up by the Shareholders, and placed at the disposal of the Directors, for the purpose of carrying out the objects for which the Company has been incorporated.

3. This Act shall be deemed a Public Act.

Public Act.

## C A P . C I V .

### An Act to amend the Act incorporating the Windsor Improvement Company.

[Assented to 18th May, 1861.]

**W**HEREAS the Windsor Improvement Company have prayed for certain amendments to their Charter, and for powers enabling them to undertake works of drainage; and whereas it is desirable to encourage such operations and to grant the prayer of the petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

1. The Capital Stock of the said Company shall be divided into shares of five dollars, in place of twenty dollars, each, as provided by the second section of the said Act. Capital stock.  
Shares.

2. The third section of the said Act is hereby amended by striking out the word "adjacent," where it occurs, and substituting the word "near," and the said Company shall also be entitled to hold in perpetuity such further quantity of land in addition to the land mentioned in the said section, as shall be necessarily occupied by drains, sewers, or water courses constructed by the Company. Third section  
of original Act  
amended.

3. The Company shall have all power, liberty and license to contract for, execute and perform, all works of trunk, arterial, surface and subsoil drainage, of sewerage, water supply, the collection and distribution of sewerage and other refuse in Townships, Towns and Villages within the Counties of Essex and Kent, the clearing, reclaiming, fencing, grading and irrigating of land,—and for such purposes, to construct, erect, work and maintain all houses, homesteads, tileries, kilns, steam engines, water wheels, embankments, sluices, reservoirs and roads, and to do and perform all and singular such other works and things not herein enumerated, as may be needful and convenient for properly and effectually carrying out all or any of the operations hereby authorized to be done. Powers of the  
Company for  
carrying on  
their business.

4. When owners of land, or the authorities of Townships, Towns and Villages within the said Counties, shall desire to avail Mode in which  
the Company  
avail

may contract to perform work.

avail themselves of the powers of the Company for the execution of all or any of the works herein authorized to be done, the Company shall, on application from such owners or authorities, proceed to make an inspection of the lands or other places and to prepare plans, specifications and estimates of the work to be done, and shall submit the same to such owners or authorities, for their approval and concurrence, when a contract may be entered into for the due performance of the work, which shall be binding on all parties; The Company may require from such owners or authorities, security for payment to the Company of such sum for preliminary expenses, as will defray the actual cost thereof, if no contract therefor is entered into; but, if a contract be concluded between the parties, those expenses shall be included in the amount of the contract.

May require security, &c.

Company shall, if required, allow time for payment for work done by it.

5. In all operations undertaken by the Company, it shall be lawful, at the option of the owners of land or authorities of Townships, Towns or Villages, within the said Counties, for the said Company to extend the payment of the cost of the works over any period to be agreed upon between the parties, not exceeding twenty years, and to receive the same by such yearly, half-yearly, or quarterly instalments, to be also agreed upon, as shall redeem the said total cost and interest within the period prescribed, the said owners or authorities giving to the Company a full and sufficient mortgage, security or rent charge upon the lands improved or the works executed, for the time over which the payment of the instalments extends.

Security.

Power to hold lands for the purposes of this Act: and dispose thereof.

6. The Company may acquire and hold, by mortgage or otherwise, any land and real estate requiring drainage, for the purpose only of improving the same under the powers conferred upon them by this Act, and the same may improve, sell and convey, and also may hold and sell any personal and moveable property whatsoever, which may be necessary for conducting the several operations of the Company, or as security for the payment of any money due to them or which shall comport with the general design of the powers and provisions herein given and made; Provided, always, that no land or real estate purchased under the power conferred by this section shall be held by the said Company for a longer period than ten years, and shall not at any one time exceed in quantity one thousand acres.

Proviso: extent of property, and time of holding, limited.

Provision if the Company hold it longer.

7. If any land or real estate, acquired by the said Company under the powers conferred by the last preceding section, be held and retained by the said Company for a period longer than ten years, the title of the person from whom the Company acquired the same shall revive immediately upon the expiration of the said period; and he shall thereupon have the right to enter upon possession thereof as proprietor, and shall be entitled to all the remedies for the recovery thereof of which he might have availed himself had he never sold the same, free and

and clear of any claim in respect of improvements made thereon by the Company.

**8.** In consideration of the character of the operations to be undertaken, and the nature of the security upon which the repayment of their cost is based, it shall be lawful for the Company to issue debentures in sum not less than fifty dollars each, bearing interest at the rate of six per centum per annum, and payable either in this Province or elsewhere, and at such times respectively as shall correspond with the period over which the repayment of their contracts shall extend, and so that the total amount of such Debentures issued or outstanding at any one time, shall not exceed two-thirds of the entire amount of the cost of the works executed by and in progress of repayment to the Company.

Company may issue debentures and to what amount.

Total amount limited.

**9.** Inasmuch as the work herein provided are calculated to be of essential benefit to the inhabitants of Townships, Towns and Villages within the said Counties; it shall be lawful for Municipalities therein to take and hold shares in the Capital Stock of the Company, to such extent as they may severally duly determine; Provided that in no case the amount held shall exceed five shares to every one hundred souls of the population.

Municipalities may take stock.

Amount limited.

**10.** The Directors may and they are hereby authorized to call, at any time or times, as they may think needful, special meetings of the Shareholders, at the Office of the Company, or at any other place by adjournment, as may be found more convenient; and at each and all the yearly general meetings, the Directors shall submit a report of the state of the affairs of the Company, together with a true and correct balance-sheet and account, shewing the amount of capital paid up, the amount of moneys expended and liabilities, the contracts existing, and other matters requisite to the full understanding of the affairs of the Company, and such meeting shall declare the amount of dividends to be paid to the Shareholders out of the profits of the Company, and shall transact any business which may be needful.

Special meetings of the Company.

Statements of its affairs.

Dividends.

**11.** At such meetings it shall be lawful for executors, administrators, tutors, curators, guardians, trustees and municipal authorities, to represent and vote on the shares in their hands, but they shall not be eligible for Directors or for any office under the Company.

Executors, &c., may vote, but not be elected.

**12.** The Company shall furnish the Bureau of Agriculture with a copy of each yearly report and statement of accounts, and shall at all times afford any further information as to the state of the affairs of the Company which may be required by the Legislature or the Government.

Company to furnish copies of statements of affairs, &c.

**13.** The Interpretation Act shall apply to this Act, and this Act shall be deemed a Public Act.

Public Act.

## C A P . C V .

## An Act to amend the Charter of the South-Eastern Mining Company of Canada.

[Assented to 18th May, 1861.]

Preamble.

**W**HEREAS the South-Eastern Mining Company of Canada, by the Provisional Board of Directors thereof, have prayed for amendment of their Charter in the particulars hereinafter set forth, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Capital and shares.

1. The Capital Stock of the Company shall be the sum of one million of dollars, divided into shares of five dollars each, and may be increased in the manner provided by the eleventh section of their Charter, to a total amount of not more than two millions of dollars; and the total price or purchase money of all the land they may hold for the ends of their incorporation, independently always of the mining improvements thereon, shall at no time exceed the half of the total amount of their Capital Stock at such time.

Purchase money of lands limited.

Public Act.

23 V. c. 126.

How to be cited.

2. This Act shall be a Public Act, and shall be construed and applied to all intents as though forming part of the Act passed in the twenty-third year of Her Majesty's reign, intituled: *An Act to incorporate the South-Eastern Mining Company of Canada*, hereby amended; and the expression "The Charter of the South-Eastern Mining Company of Canada," shall constitute a sufficient citation, as well of this Act as of the said Act hereby amended.

## C A P . C V I .

An Act to revive and amend *An Act to incorporate the Kingston Fire and Marine Insurance Company*.

[Assented to 18th May, 1861.]

Preamble.

13, 14 V. c. 133.

**W**HEREAS the Kingston Fire and Marine Insurance Company was incorporated and constituted by and under the Act of the Legislature of this Province, passed in the thirteenth and fourteenth years of Her Majesty's reign, and intituled: *An Act to incorporate the Kingston Fire and Marine Insurance Company*; And whereas doubts have arisen whether the said Company has not expired from non-user; And whereas certain parties interested in the said Company, that is to say: Archibald John Macdonell, Horatio Yates, William Anglin, R. Kent, Donald W. Kay, John Creighton, George M. Wilkinson, Clark Wright,

Wright, J. Rowlands, Griffith Davies, William J. Dick, James Hope, John V. Noel, David Kemp, James Richardson, Edward Berry, and J. Lillie, being desirous of reviving the said Company, and of carrying on the business of the same, have, by their petition, prayed that the said Act may be declared in full force and effect, and may be amended as may be deemed requisite : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. The Act of Parliament of this Province, made and passed in the session held in the thirteenth and fourteenth years of Her Majesty's reign, and intituled : *An Act to incorporate the Kingston Fire and Marine Insurance Company*, is hereby revived and declared of full force and effect, except in so far as the same may be by this Act repealed, amended, or altered.

Acts 13 and 14 V. c. 139, revived.  
Exception.

2. Each share in the stock of the said Company shall be fifty dollars, and the number of shares shall not exceed two thousand five hundred shares, and books of subscription shall be opened in the principal cities and towns of the Province at the same time, of which public notice shall be given by such person or persons, and under such regulations as the majority of the said Petitioners shall direct ; Provided that the Corporation may increase its capital stock to such sum not exceeding four hundred thousand dollars, as a majority of the Stockholders, at a meeting to be expressly convened for that purpose, shall agree upon.

Capital stock, 2,500 shares of \$50 shares  
Proviso: for increase of stock.

3. So soon as two thousand, out of the aforesaid two thousand five hundred shares, shall have been subscribed, and five dollars for every hundred dollars subscribed, paid thereon, the shareholders or subscribers may proceed to the election by ballot of nine Directors, at such time and place as the majority of such subscribers shall appoint, giving fifteen days notice thereof in the *Canada Gazette*, and in one newspaper at least in each County or Union of Counties where subscription has been made, which Directors shall be subjects of Her Majesty, and stockholders at the time of their election, and during their continuance in office, to the amount of twenty shares ; and shall have power to choose from among themselves a President and Vice-President ; and the said Directors shall thereupon, at their first meeting thereafter, divide themselves by lot into three classes, of three each, who shall go out of office in rotation, as in the said Act provided for.

First meeting for election of Directors.  
Qualification of Directors.

4. The persons chosen Directors of the Corporation, by the stockholders aforesaid, shall hold their offices until the second Wednesday in February, one thousand eight hundred and sixty-two, or until the election hereinafter provided for takes place.

Term of office of first Directors.

5. A general meeting of the stockholders of the said Corporation shall be holden in the City of Kingston, at the place of business

Annual general meeting

and election  
of Directors.

business of the said Corporation, on the second Monday of February, one thousand eight hundred and sixty-two, and thereafter on the same day in each and every year; and at such meeting the three Directors, whose names stand first on the roll or list of Directors, shall be held to vacate their seats, and the stockholders, present at such meeting, either in person or by proxy, shall proceed to elect by ballot three Directors, to serve as Directors for the ensuing three years, who shall, upon election, be placed at the bottom of the roll of Directors; Provided, always, that nothing herein contained shall be held to render the retiring Directors ineligible to re-election.

Proviso.

Portions of 13  
and 14 V. c.  
139, repealed.

6. The second, third, fifth, sixth and twenty-third sections, and such other portions of the Act passed in the thirteenth and fourteenth years of Her Majesty's reign, and intituled: *An Act to incorporate the Kingston Fire and Marine Insurance Company*, as are contrary to or inconsistent with the provisions of this Act, are hereby repealed.

Liability of  
former and  
future Share-  
holders, li-  
mited.

7. No shareholder or person having subscribed for or taken stock in the Corporation under the Act hereinbefore recited, shall be liable to be called upon for any further subscription or payment of any call or calls on any such stock; nor shall he or she be liable or responsible in any suit or action which may be brought or prosecuted in respect of any transaction, business, loss or matter incurred or transacted by the Corporation, under the authority of or subsequent to the passing of this Act, unless such shareholder or person aforesaid shall subscribe for and take stock under the issue of stock authorized by this Act, and in such case, and also in the case of any shareholder or person having subscribed for stock under this Act, such shareholder, or person aforesaid, shall be liable and responsible only in his or her individual capacity, to the extent of his or her respective share or shares of stock, taken under the authority of this Act, and no further, in any action or suit which may be brought in respect of the business of the said Corporation.

Public Act.

8. This Act shall be deemed a Public Act.

## CAP. CVII.

An Act to amend and extend an Act intituled: *An Act for the incorporating and granting certain powers to the Agricultural Loan Association of Canada.*

[Assented to 18th May, 1861.]

Preamble.

23 V. c. 130.

WHEREAS the Agricultural Loan Association of Canada, constituted as such under and by virtue of the Act of the Legislature of this Province, passed in the twenty-third year of Her Majesty's reign, and intituled: *An Act for the incorporating and granting certain powers to the Agricultural Loan Association of Canada*, have, by their petition in that



that behalf, prayed for the amendments hereinafter set forth of the Act relating to the said Association, and it is desirable to grant the prayer of the said petition : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. The ninth section of the Act of Incorporation of the Association is amended to the effect that the Association are hereby empowered to demand and receive in advance, either for themselves or any person or persons, or Corporation for whom they are Trustees or Agents, from any person or persons, or from the Government of this Province, or from any Municipal Council, Board, Trustees or Commissioners, or other person or persons, the half yearly interest from time to time accruing on any loans granted by the Association, or by such person or persons, or Corporation, under and by virtue of the powers given them by the said Act, any law or statute of this Province, or of the late Provinces of Lower or Upper Canada notwithstanding.

Association may receive half-yearly interest in advance.

2. The sixty-seventh section of the Act of Incorporation of the Association is amended to the effect that the chief place of business of the Association shall be at the Town of Cobourg, in the County of Northumberland ; but the said Association shall, from time to time, and at all times hereafter, have power and authority, and they are hereby authorized to establish Offices, Boards or Agencies in such places in Great Britain and Ireland as they shall think fit, and to appoint Directors and Officers in such places, and to regulate the registry and transfer of shares in the Association at such Offices or Agencies, and to declare the powers of such Directors ; and also to establish such and so many Agencies or Boards in any part or portion of this Province, or in the United States, and under such regulations for the management thereof, and to remove the same, as to the Directors of the said Association may seem expedient.

Section 67 of the Company's Act amended.

Chief place of business to be Cobourg.

Agencies and Local Boards, &c.

3. If it shall at any time be deemed desirable to register a memorandum of Association or Articles of Association under the provisions of the Act of the Parliament of the United Kingdom, intituled : *The Joint Stock Companies' Act, 1856*, such memorandum or articles being registered for the purpose of granting to the said Association, under the title in this Act mentioned, the powers and authorities in Great Britain necessary for carrying on and accomplishing the undertaking authorized by this Act, it shall be competent for the Provisional Directors of the Association, or any Board of Directors thereof hereafter to be elected under the Act hereby amended, to register such memorandum or articles of Association as aforesaid ; And the election of future Directors and other officers, and also the time, place and mode of calling and holding general and extraordinary or other meetings of the said Association, and of the directors of the said Association, shall,

Provision in case the Association should become incorporated under the Imperial Joint Stock Companies' Act.

save

save and except so far as by this Act and the said amended Act they are specially provided for, be subject to and regulated by such rules and regulations and provisions, and the general, extraordinary and other meetings of the Association, and of the Directors and other Officers of the Association, shall have such powers, privileges and authorities, as may be set forth in such memorandum or articles of Association as above mentioned; and it shall be lawful for the said Association to be invested with and exercise any further powers not inconsistent with this Act and the Act amended hereby, which may be lawfully exercised by Companies incorporated or carrying on business under the said Joint Stock Companies' Act, 1856, and to do all acts necessary for the exercise of such powers, in the same manner and to the same extent as if the same had been given and authorized by this Act and the Act hereby amended.

Company may purchase debentures and mortgages.

4. In addition to the other powers given to the Association by this Act and the Act hereby amended, it shall be lawful for them to purchase, at such rates as may be agreed on, Government or Municipal Debentures and Mortgages on real estate.

Company may provide that all the Directors be resident in Great Britain, &c.

5. It shall be lawful for the Association to provide by By-law, that the whole or any number of the Directors may be resident in Great Britain, and the business carried on in this Province by Commissioners or otherwise as may be thought most desirable; and nothing herein or in the said amended Act contained shall be construed to render it imperative for the Directors to be resident in Canada, or to render Shareholders resident in Great Britain ineligible as Directors.

Public Act.

6. This Act shall be deemed a Public Act.

### CAP. CVIII.

An Act to change the name of the College of Bytown, and to amend the Act incorporating the same.

[Assented to 18th May, 1861.]

Preamble.

WHEREAS the Roman Catholic Bishop of Bytown, President of the College of Bytown, the Superior of the said College, the Curé of the Parish of Bytown, the Director of the said College, the Professor of Philosophy and *Belles Lettres*, and the Bursar of the said College, constituting a body corporate, under the name of "The College of Bytown," under the Act passed in the twelfth year of Her Majesty's Reign, intituled: *An Act to incorporate the College of Bytown*, have petitioned, that the corporate name of the said Corporation may be changed, and that the Act incorporating it may be amended, in manner hereinafter mentioned, and it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. From and after the passing of this Act, the Corporation incorporated by the Act of the Parliament of this Province, passed in the Session of Parliament held in the twelfth year of Her Majesty's Reign, intituled: *An Act to incorporate the College of Bytown*, by the name of "The College of Bytown," shall be called and known by the name of "The College of Ottawa."

Name of the Corporation incorporated by Act 12 V. c. 107, changed.

2. From and after the passing of this Act, the said, "The College of Ottawa," shall be composed of the Superior of the said College as President thereof, the Director of the said College, the Professor of Philosophy and *Belles-Lettres*, and the Bursar of the said College, together with such other necessary officers as have been or may hereafter be appointed, under the provisions of the said Act, and their several and respective successors.

Members who shall compose the Corporation.

3. Neither the Roman Catholic Bishop of Bytown, nor the Curé of the Parish of Bytown, nor their respective successors, shall hereafter be Members of the said Corporation; Provided always, that such change of name, and such change in the Members composing the said Corporation, shall not be construed to make the said Corporation a new Corporation, or to impair or alter the effect of any Act relating to the said Corporation, or of any instrument or proceeding to or in which the said Corporation, by its former name, may be or may have been a party, or in anywise concerned or interested, but the same shall have full force and effect, and shall apply to and be continued with respect to the said Corporation, by the name and style hereby assigned to it.

The Bishop of Bytown or Ottawa, and the Curé of the Parish not to be Members.

Proviso: as to effect of change of name.

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

Public Act.

## CAP. CIX.

An Act to incorporate *Morrin College*, at Quebec.

[Assented to 18th May, 1861.]

WHEREAS by a certain deed of gift made by Joseph Morrin, of the City of Quebec, Physician and Surgeon, and passed before William Bignall, and his colleague, Notaries Public, residing at the said city, and bearing date the twenty-sixth day of September, in the year of our Lord, one thousand eight hundred and sixty, it is expressed that the said Joseph Morrin thereby gave, assigned, and made over unto the Reverend John Cook, Doctor in Divinity, William Stewart Smith, Doctor of Laws, and James Dean, senior, Merchant, all of the said city, and to the survivor or survivors of them, and the heirs and assigns of such survivor or survivors, certain immoveable properties and sums of money therein described and mentioned; And whereas, by another deed, executed by the same parties, on the same day and before the same Notaries, the said parties,—

Preamble.

parties,—after reciting that the said Joseph Morrin was desirous of leaving some permanent memorial of his regard for the city of Quebec, of which he had been a citizen for more than fifty years, and over which he had twice had the honor of presiding as Chief Magistrate, and at the same time of marking his attachment to the Church in which he was reared, and to which he had always belonged, and considered that none could be more suitable for both purposes than a provision for increasing and rendering more perfect the means of obtaining for the youth generally, and especially those who may devote themselves to the Ministry of the said Church, the means of obtaining a liberal and enlightened education,—declared that the said deed of gift was made in trust for the purpose of carrying into effect the wishes of the said Joseph Morrin, by founding and establishing, within the city or *banlieue* of Quebec, under an Act of Incorporation, for which the said donees should apply at the then next meeting of the Provincial Parliament, and which should contain, among others, certain provisions hereinafter made, a College for the instruction of youth in the higher branches of learning, and especially for young men intended for the ministry of the Church of Scotland, in Canada; and whereas the said donees have accordingly applied to the Legislature for such Act of Incorporation, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Morrin College incorporated, Corporation to consist of Members to be called Governors.

Who shall be such Governors.

1. There shall be and there is hereby constituted and established in the city or *banlieue* of Quebec, in Lower Canada, a body politic and corporate, under the name of *Morrin College*, which corporation shall consist of the following members, who shall be called Governors of the said College, that is to say:

*First*.—The said Reverend John Cook, the present Minister of St. Andrew's Church at Quebec, who shall, during his pleasure, and whether he be or be not then such Minister, be the first Principal of the said College, with the right to choose for himself and hold any Professorship therein, and shall, when present at any meeting of the Governors, be the Chairman thereof;

*Secondly*.—The Minister of St. Andrew's Church aforesaid for the time being;

*Thirdly*.—The said William Stewart Smith, who shall be the first Professor of Classical Literature in the said College;

*Fourthly*.—Daniel Wilkie, of Quebec, Esquire, who shall be Secretary-Treasurer of the said College, with such remuneration as the Governors see fit;

*Fifthly*.—Two Ministers from the Synod of the Presbyterian Church of Canada in connexion with the Church of Scotland,

to

to be chosen by the Synod, on the second day of its annual meeting, and to hold office one year, and until others are appointed in their stead ;

*Sixthly.*—An Elder of St. Andrew's Church aforesaid, to be elected by the Session, and to hold the office for life, or so long as he remains such Elder ;

*Seventhly.*—A Trustee of St. Andrew's Church aforesaid, to be elected by the Trustees of the said Church, for life, or so long as he remains such Trustee ;

*Eighthly.*—James Dean, senior, Esquire, Alexander Rowand, M. D., James Dean, junior, Esquire, Frost Wood Gray, Esquire, Andrew Thompson, Esquire, and John Wilson Cook, Esquire, who shall be Governors for life.

2. Vacancies among the Governors who are not such *ex officio*, and for the election of whose successors no other provision is herein made, shall, as they occur, be filled up by the said corporation, who shall appoint proper persons as Governors to fill such vacancies, but such persons shall be members of the Presbyterian Church of Canada in connexion with the Church of Scotland, or in the event of the union of that Church with any other Presbyterian body or bodies, then members of the United Church ; and the number of Governors shall never exceed fourteen.

Vacancies among Governors who are not so *ex officio* how to be filled.

Total number limited.

3. Any Governor, *ex officio*, shall cease to be such on his ceasing to hold an office to which such Governorship is attached ; and any other Governor may resign his office as such, by a resignation in writing under his hand addressed to the corporation.

Governors ceasing to hold the requisite office or resigning.

4. The Governors for the time being shall form the corporation, whose acts shall not be invalidated by any temporary vacancy therein ; and the said corporation shall have full power, from time to time, to make and establish such by-laws, and rules and regulations, (not being inconsistent with the laws of Canada, or with this Act), as they shall think proper, as well concerning the system of education in, as for the conduct and government of the said College, and of any other school or institution connected with or dependent on the same, and of the corporation thereof, and for the superintendence and management of all the property, moveable or immoveable, belonging to the corporation, and shall have power to take under any legal title whatever, and to hold for the use of the said College, without any further authority, license, or letters of mortmain, all lands and other property, moveable or immoveable, which may hereafter be sold, ceded, given, bequeathed, or otherwise granted to the said corporation, and the same to sell, alienate and convey, let or lease, whenever need shall be.

Temporary vacancies not to invalidate Acts of the Corporation.

Corporate powers. By-laws.

Property.

Property  
vested in Cor-  
poration.

Conditions.

Purchase of  
site.

Accommoda-  
tion for High  
School.

Provision for  
W. S. Smith.

Quorum of  
Governors.

Application of  
College Re-  
venues.

The College  
may be affil-  
iated to certain  
Colleges.

5. Such title to the property, moveable and immoveable, as was conveyed by the said Joseph Morrin, to the said John Cook, William Stewart Smith, and James Dean, senior, by the deed of gift hereinbefore mentioned, shall be, and is hereby transferred to, and vested in the said corporation, subject to the following conditions :

*First.*—The said trustees John Cook, William Stewart Smith, and James Dean, senior, may purchase for the corporation, within the city or *banlieue* of Quebec, a site for the erection of proper buildings for the said College ;

*Secondly.*—Ample accommodation shall be provided in the College building for the High School of Quebec, if the Corporation thereof shall elect to receive the same free of all charge, on condition that the said High School shall be subject to the government of the corporation of the said College, and ancillary to it ; but the Governors of the said College may, at any future time, have the School and College in separate buildings, if they deem it for the advantage of the said institutions ;

*Thirdly.*—In case the said William Stewart Smith should, from ill-health, or otherwise, be prevented from fulfilling the duties and receiving the emoluments of the office of first Professor of classical literature of said College, the Governors thereof shall, in accordance with the wish of the said Joseph Morrin, make such reasonable allowance for his support, as his circumstances and the funds at their disposal may warrant.

6. The quorum of Governors, at meetings of the corporation, may be from time to time fixed by the by-laws thereof, but shall not be less than five, which number shall be the quorum, unless and until it is otherwise provided by by-law ; and a majority of such quorum may exercise all the powers of the corporation, except in so far as it is otherwise expressly provided by this Act or by by-law.

7. All the property at any time belonging to the said corporation, and the revenues thereof, shall, at all times, be exclusively applied and appropriated to the advancement of education in the said College and to no other object, institution or establishment whatever, unconnected with or independent of the same.

8. The said Morrin College may, at any time, become affiliated to the University of Queen's College, Kingston, or to the University of Toronto, or to the University of McGill College, upon such terms as the said College and such University may agree upon.

9. Nothing in this Act shall be so construed as to give to the deed of gift hereinbefore mentioned any validity which does not otherwise belong to it.

Act not to affect the title under the Deed of Gift.

10. This Act is a Public Act, and the Interpretation Act applies to it.

Public Act.

## CAP. CX.

### An Act respecting the Eclectic System of Medicine.

[Assented to 18th May, 1861.]

**W**HEREAS a great number of persons interested in or favorable to the system of medicine called "Eclectic" have petitioned for the passing of an Act to extend to duly qualified practitioners of such system, privileges similar to those enjoyed by licentiates of medicine under the laws now in force in this Province, and whereas it is expedient to grant such prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. Until other persons are appointed as hereinafter provided, George A. Carson, of the Town of Whitby, M. D., Orrin Ford, of Newmarket, M. D., Nicholas Hopkins, of Carlisle, M. D., Young Cowen, of Exeter, M. D., J. M. Vanorman, of the City of Hamilton, M. D., James J. Hall, of Exeter, M. D., and Richard H. Clark, of Cobourg, M. D., shall be a Board (of whom three shall be a quorum) to examine all persons who may desire to obtain a license to practise Medicine according to the doctrines and teachings of Eclectics, within this Province.

First Board of Examiners.

2. The Board may appoint a Secretary and Treasurer, who shall attend all the meetings, and keep a record of the proceedings of the Board, in a book to be provided for the purpose.

Secretary and Treasurer.

3. The Board shall hold one meeting in the City of Toronto in each year, on the second Tuesday in October, which may be continued by adjournment, from day to day, until the business before the Board be finished, but no session shall exceed one week.

Meetings of the Board.

4. The Secretary may, at any time, on the requisition of two members of the Board, call an extraordinary meeting of the Board for the purpose of examining candidates and for the transaction of such other business as may come before it.

Extraordinary meetings.

5. Every person who desires to be examined by the said Board, touching his qualification to practise Physic, Surgery and Midwifery, or either of them, according to the doctrines and teachings of Eclectics, shall give at least one month's notice.

Persons wishing to be examined to give notice.

notice

**Qualifications  
required for  
examination.**

notice in writing to the Secretary of the Board; and must show that he is not less than twenty-one years of age,—that he has followed Medical study uninterruptedly for not less than four years, under the care of one or more duly qualified Medical practitioners, and that he has attended at some University or Incorporated School of Medicine, not less than two six months courses of Anatomy, Physiology, Surgery, Theory and Practice of Medicine, Midwifery, Chemistry, Materia Medica and Therapeutics, respectively, and not less than one six months course of Clinical Medicine and Medical Jurisprudence, respectively, and one six months course of the Institutes of medicine, and one three months course of Botany if obtainable in Upper Canada, and also that he has attended the general practice of an Hospital in which are contained not less than fifty beds under the charge of not less than two Physicians or Surgeons, for a period of not less than one year or two periods of not less than six months each.

**Certificate.**

6. If the Board be satisfied by such examination that the person is duly qualified to practise either or all the said branches of Medicine, as they are understood and practised by Eclectics, they shall certify the same under the hands and seals of three or more of such Board.

**License on  
certificate.**

7. The Governor, on receipt of such certificate, may, if satisfied of the loyalty, integrity and good morals of the applicant, grant to him a license to practise Physic, Surgery and Midwifery, or either of them, in Upper Canada, conformably to the certificate.

**License to  
Members of  
Board.**

8. The Governor may, without any special certificate, grant the Provincial License to practise to such of the above named members of the Board as have not yet obtained it.

**By-laws.**

9. The Board shall have power to make By-laws for the regulation of its own affairs, which, however, shall not take effect until they have been published in the *Canada Gazette*.

**Retirement of  
Members of  
Board.**

10. At the meeting in October, one thousand eight hundred and sixty-two, the Board shall determine by lot, which four of its members shall retire, and shall immediately publish their names in one of the Toronto newspapers, and such retiring members shall then only hold office until their successors are appointed; the other members of the Board shall vacate their seats (if successors are appointed) from and after the meeting in October, one thousand eight hundred and sixty-three.

**Meetings of  
Practitioners  
and election  
of Members of  
Board.**

11. The practitioners licensed under this Act, and resident in this Province, may meet at Toronto on any day during the October session of the Board, one thousand eight hundred and sixty-two, and on any day during such October session in each year thereafter, and may, at such meeting, elect, by a majority



of votes, either two or three fit and proper persons to be members of the said Board in the place of the retiring members (who shall be eligible for re-election), and the members so elected shall hold office for two years only, or until successors are elected as aforesaid.

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

Public Act.

## C A P . C X I .

### An Act to incorporate the Guelph General Hospital.

[Assented to 18th May, 1861.]

**W**HEREAS certain benevolent individuals of the County of Wellington are desirous of establishing a General Hospital in the Town of Guelph, in the County of Wellington, and have, by their petition, prayed for an Act of Incorporation for that purpose; and whereas it is expedient to grant the same: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

**1.** The Honorable Adam Johnston Fergusson, David Stirton, Esquire, M. P. P., James Ross, Esquire, M. P. P., William Whitlaw, Esquire, Warden of the County of Wellington, Thomas S. Parker, Esquire, Mayor of the Town of Guelph, the Reverend Arthur Palmer, the Reverend John Douse, the Reverend Thomas Adams, the Reverend F. W. Clarke, the Reverend John Clarke, the Reverend John Holtzer, the Reverend John Hogg, the Reverend H. Melville, the Reverend Edward Michael Stewart, the Reverend R. Torrance, Charles Clarke, Esquire, Reeve of the Village of Elora, W. Robertson, Esquire, Reeve of the Village of Fergus, John Harvey, Esquire, Reeve of the Town of Guelph, N. Higinbotham, Esquire, George M. Keeling, Esquire, William Clarke, Esquire, Henry W. Peterson, Esquire, David Allan, Esquire, and Thomas Sandilands, Esquire, (in this Act hereinafter mentioned as Provisional Directors,) and their successors, shall be and are hereby constituted a body corporate and politic, by the name of "The Guelph General Hospital," and as such shall have perpetual succession, and a corporate seal, with power to alter the same, and may sue or be sued, implead or be impleaded, and have the rights and powers of bodies corporate, and may, subject as hereinafter provided, acquire and hold all such real estate, interest in real estate, or any goods, chattels, or effects as shall be granted, sold, given, devised or otherwise conveyed to the said Corporation, by any person or persons, body corporate or politic, for the use or support of the said Hospital, or the endowment thereof; Provided, always, that the annual revenue of the said Hospital shall not exceed twenty thousand dollars in any one year.

Corporation constituted.

Corporate name and powers.

Proviso.

First Directors named.

2. Until the first meeting of the subscribers of the said Hospital, to be held in manner hereinafter provided for the election of Directors, the said the Honorable Adam Johnston Fergusson, David Stirton, Esquire, M. P. P., James Ross, Esquire, M. P. P., William Whitlaw, Esquire, Warden of the County of Wellington, Thomas S. Parker, Esquire, Mayor of the Town of Guelph, the Reverend Arthur Palmer, the Reverend John Douse, the Reverend Thomas Adams, the Reverend F. W. Clarke, the Reverend John Clarke, the Reverend John Holtzer, the Reverend John Hogg, the Reverend H. Melville, the Reverend Edward Michael Stewart, the Reverend R. Torrance, Charles Clarke, Esquire, Reeve of the village of Elora, W. Robertson, Esquire, Reeve of the village of Fergus, John Harvey, Esquire, Reeve of the Town of Guelph, N. Higinbotham, Esquire, George M. Keeling, Esquire, William Clarke, Esquire, Henry W. Peterson, Esquire, David Allan, Esquire, and Thomas Sandilands, Esquire, shall be invested with the whole management and control of the said Hospital, and the affairs thereof, and shall and may open subscription lists for the purpose of obtaining subscribers for the said Hospital, and within one month after one hundred such subscribers for the annual sum of at least four dollars each shall have been obtained, may call a meeting of such subscribers for the election of Directors as hereinafter provided; Provided, always, that, after the election of the said Directors, the general management and control of the said Hospital shall cease to vest in the said Provisional Directors, and shall be transferred to the said Directors; but nothing in this Act shall be construed so as to prevent any of the said Provisional Directors being elected Directors.

Their powers until Directors are elected.

Proviso.

Board of elective Directors.

3. The Government of the said Corporation shall be vested in a Board of Directors, which shall consist of twelve ordinary Directors, to be annually elected by subscribers and donors to the said Hospital, and of such persons who shall become extraordinary Directors as hereinafter provided.

First election of Directors.

4. The first election of ordinary Directors shall take place at the town of Guelph, on such day and hour, and at such place as the Provisional Directors may appoint, provided that such day be not more than one month after the said one hundred subscribers have been obtained as in section two of this Act provided, unless as otherwise herein contained.

Subsequent annual elections.

5. All subsequent elections for ordinary Directors shall be held annually at the town of Guelph, on the second Tuesday in June, at such hour and place as the Board of Directors shall appoint, and give notice of by publication in some newspaper published in the County of Wellington; Provided, always, that the corporate rights hereby granted shall not be forfeited in the event of no first or other election being held as above provided; but the same may be held on some other day to be appointed

Provision in case of failure of election.

as aforesaid, and the previous directors, whether provisional or ordinary, shall, in all cases, hold office till the election of their successors.

6. The election of such ordinary Directors shall be made by and from among such persons as shall be subscribers to the amount of not less than four dollars for the then current year, and such persons as shall have given at any one time to the Corporation money or property to the amount of forty dollars.

7. The said election shall be by ballot, and the said subscribers or donors may vote thereat either in person or by proxy; and when any vacancy shall happen by the death, resignation or retirement of an ordinary Director, the Board of Directors shall fill such vacancy for the remainder of the year in such manner as they may appoint.

8. The number of votes to which any subscriber shall be entitled at all meetings for the election of Directors, shall be as follows:—A subscriber who shall annually pay four dollars shall be entitled to one vote, and for every four dollars that he shall annually pay in addition to that amount, shall be entitled to another vote; Provided, always, that no subscriber for any amount shall be entitled to vote or take part in the proceedings at such meetings, who shall not have paid up his annual subscription; A donor, who shall give at any one time to the Corporation the sum of forty dollars, shall be entitled during his lifetime to one vote, and for every four dollars additional given annually shall be entitled to another vote.

9. It shall be lawful for any Municipal Corporation in the Counties of Wellington, Grey, Waterloo and Bruce, from time to time, to contribute to the funds of the said Hospital; and, in the event of any such Municipal Corporation being a County Council, so contributing not less than one hundred dollars per annum, and the County Council of the County of Wellington contributing not less than four hundred dollars per annum, the Warden of each, respectively, shall be *ex officio* an extraordinary Director of said Hospital for that year, or on contributing one hundred dollars more, then any other member of the County Council, whom the Council may appoint, shall likewise be *ex officio* an extraordinary Director; and, in the event of any such Municipal Corporation being a Town, Township, or Village, so contributing not less than fifty dollars, the Mayor or Reeve thereof, as the case may be, shall be *ex officio* an extraordinary Director of the said Hospital for that year; or contributing fifty dollars more, then the Reeve of a Town or Deputy Reeve (if any) of a Township or Village, or there being no Deputy Reeve, then any member of the Township or Village Council, whom the Council may appoint, as the case may be, shall likewise be *ex officio* an extraordinary Director of the said Hospital.

Trustees or  
Governors.

**10.** The Board of Directors shall, at their first meeting after every election, elect from among themselves twelve Trustees or Governors, who, with all other necessary officers to be appointed annually at such meeting, shall hold office until their successors are appointed.

Constitution  
and By-laws  
to be framed.

**11.** The Board of Directors shall have power to frame a Constitution for the said Corporation, and to alter the same when it shall be deemed expedient, and to make all such By-laws, Rules and Regulations for the admission into and general management of the said Hospital, or for holding the meetings of Directors and proceedings thereat, and for the payment of officers and employees, and generally for all purposes relative to the conduct and well working of the Corporation and the management and business thereof; and from time to time to repeal, alter, and amend such By-laws or any of them, and shall have power to appoint such officers and servants as they deem right for the management of the said Hospital, and to remove him, her, or them at pleasure, and appoint others in their places.

May be  
amended, &c.

Real property.

**12.** The said Corporation may acquire and hold such real estate, at or adjoining to the town of Guelph, as may be necessary for their actual use and occupation for the purposes of such Hospital; and they may also take any real estate in Upper Canada that may be given or devised to them, and hold the same till they can dispose thereof; but such disposition shall be made within five years from the acquisition thereof, otherwise the same shall revert to the donor, his heirs or assigns, or to the heirs or assigns of the devisor; provided, always, that any such devise of real estate must be made at least six months before the death of the devisor.

Gifts and de-  
vises.

Conditions.

Proviso.

Investment of  
moneys.

Mortgages.

**13.** The said Corporation may invest their funds on mortgage of real estate in Upper Canada; and they may take any real estate that may fall to them by forfeiture of such mortgage, or under legal proceeding against any of their debtors; but in all such cases they shall be bound to dispose thereof within five years from their acquisition of the same; and they shall not, except as hereinbefore contained, take or hold any real estate whatsoever.

Public Act.

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

## C A P. C X I I .

An Act to incorporate the Wesleyan Female College  
of Hamilton.

[Assented to 18th May, 1861.]

Preamble.

**W**HEREAS Edward Jackson, Calvin McQuesten, William Boice, John W. Rosebrugh, M. D., George Roach, Frederick W. Watkins, Joseph Lister, Dennis Moore and Edward Gurney,

Gurney, of the City of Hamilton, William Anglin and John Breden, of the City of Kingston, Thomas Baxter, of Wellington Square, Simeon Morrill, of the City of London, in this Province, and John Lewis, of Belleville, Esquires, and the Reverend Messieurs Joseph Stinson, D. D., Enoch Wood, D. D., Richard Jones, Samuel D. Rice, Samuel S. Nellis, A. M., George Douglass, and Samuel Rose, Ministers of the Wesleyan Methodist Church in Canada, by their humble petition in this behalf, have represented that a number of citizens of the City of Hamilton, and other residents of Canada, chiefly members of the Wesleyan Methodist Church, have associated themselves together provisionally for the purpose of establishing and conducting a Seminary of learning of a collegiate character for the education of female youth, based upon Christian principles, under the name of the "Wesleyan Female College of Hamilton," according to a certain agreement or prospectus dated the sixth day of July, one thousand eight hundred and sixty, by which the capital stock of the said Association is limited to the sum of fifty thousand dollars, divided into five hundred shares of one hundred dollars each, the whole of which have been subscribed for and taken up, as evidenced by the said agreement and the stock list referring thereto; and whereas the establishment of such institutions of learning in connexion with and under the influence of religious denominations, is conducive to the diffusion of sound moral and religious principles as well as intellectual acquirements, and it is desirable to encourage the same; and the said Petitioners having prayed for the incorporation of their said Association: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. Edward Jackson, Calvin McQuesten, William Boice, John W. Rosebrugh, M. D., George Roach, Frederick W. Watkins, Joseph Lister, Dennis Moore, Edward Gurney, John Breden, William Anglin, Thomas Baxter, Simeon Morrill, and John Lewis, and the Reverend Messieurs Joseph Stinson, D. D., Enoch Wood, D. D., Richard Jones, Samuel D. Rice, Samuel S. Nellis, A. M., George Douglass, and Samuel Rose, and such others as now are or shall under the authority of this Act be associated with them, and their several and respective heirs, executors, curators, administrators, successors and assigns, and all such other person or persons as shall at any time be possessed of any share or shares in the said undertaking, hereby authorized to be carried on, shall be and are hereby constituted and declared to be a Corporation, Body corporate and politic, by and under the name and style of "The Wesleyan Female College of Hamilton;" and by the said name they and their successors shall and may have continued succession, and shall be capable in law of contracting and being contracted with, and of suing and being sued, pleading and being impleaded, in all Courts or places whatsoever in Law or Equity; and they and their successors shall and may have a common seal, and

Certain persons incorporated.

Corporate powers and name.

- By-laws.** may change or alter the same, and may also, from time to time, at any ordinary Meeting of the Directors, by a majority of votes as hereinafter provided, ordain, establish, and put in execution, such By-laws, ordinary Rules and Regulations (the same not being contrary to this Act or to the laws in force in this Province) as may appear to them necessary or expedient for the management of the said Corporation, its business and affairs, and may from time to time alter or repeal the same, or any of them, and shall have power to accept, on behalf of the said Corporation, gifts and endowments for promoting objects of education, science and literature, or otherwise, in aid of the general purposes of the said Corporation, on such terms as may be agreed upon with the persons bestowing such gift or endowment; and shall also be in law capable of acquiring by purchase, lease, mortgage, or otherwise, and of absolutely or conditionally holding any lands, tenements, real or immovable estate, and the same to alienate, let, release, mortgage, transfer and dispose of; Provided, always, that nothing herein contained shall be considered as permission to hold any real estate beyond what may be necessary for the said Corporation to hold for its own immediate accommodation in relation to the purposes for which the said Corporation is authorized, or such as shall have been *bonâ fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted or purchased at sales upon Judgments which shall have been obtained for such debts; and provided further, that the said Corporation shall be bound to sell or dispose of any real estate so purchased or conveyed to them (except such as may be necessary as aforesaid for the convenient carrying on of the undertaking) within seven years after acquiring the same.
- Real estate.**
- Proviso: as to holding real estate.**
- Amount of capital stock and shares.** 2. The capital stock of the said Corporation shall, until otherwise determined, as hereinafter provided, consist of the sum of fifty thousand dollars, divided into five hundred shares of one hundred dollars each, which shares shall be and the same are hereby vested in the said several persons hereinbefore mentioned and others, the present shareholders in the said Corporation, their successors and assigns, according to the shares and interests which they may have subscribed, purchased or acquired, and may now hold in the same; and such part of the said capital stock subscribed for as may not have been paid in by the shareholders by whom the same is due, shall be paid by them by such instalments and at such times and places as the Directors of the said Corporation shall appoint, after notice of not less than two calendar months in that behalf, to be previously given in one or more of the public newspapers published in the City of Hamilton, as well as by circular letters addressed and mailed to every shareholder at his last known place of residence; and, in case any such shareholder shall refuse to pay the same, the said Corporation are hereby empowered to sue for and recover the same with interest at six per cent. per annum to and from the time appointed to pay the same; and
- Calls.**
- Recovery of calls if not paid.**
- all

all executors, curators and administrators, who shall pay up the instalments due by the estate or succession which they may respectively represent in obedience to any call made for that purpose in the manner aforesaid, shall be and they are hereby respectively indemnified.

3. The said Corporation shall have power and legal authority to establish and maintain an institution of learning, to be called by the said name of "The Wesleyan Female College of Hamilton," for the education of female youth, and direct and manage the same for the purposes of education in the various branches of literature and science, upon christian principles, in such manner as they shall deem most conducive to that end, except in so far as their authority shall be limited by this Act.

Purposes for which the Corporation is created.

4. The affairs of the said Corporation shall be conducted by a Board of twenty-one Directors, consisting in the first place of the persons named in the first section of this Act and who shall serve as such Directors until the first Wednesday of May, one thousand eight hundred and sixty-two, or until the election hereinafter provided takes place.

First Board of Directors.

5. A general meeting of the Stockholders of the said corporation shall be holden in the City of Hamilton, at the office of the Corporation, on the last Tuesday in the month of May, one thousand eight hundred and sixty-two, and thereafter in each year at such time as shall be fixed by the Directors, and such meetings shall be called "Ordinary Meetings," and at such first meeting seven of the aforesaid lay Directors, whose names shall be determined alphabetically, shall vacate their seats but shall be eligible for re-election; and the Stockholders present at such meeting, either in person or by proxy, nine of whom shall form a quorum, shall proceed to elect by ballot seven Stockholders to serve as Directors for the ensuing two years; and in like manner at each ensuing "ordinary meeting" seven lay Directors shall be elected for the term of two years, those having served that term then vacating their office as soon as their successors shall have been appointed; but in all cases the retiring Directors shall be eligible for re-election, and each of such lay Directors shall be a proprietor of at least ten shares; and eleven of the said fourteen of said lay Directors shall be members of the Wesleyan Methodist Church in Canada.

Annual general meetings.

Retirement of Directors.

Election of others.

Qualification.

6. Seven of the said twenty-one Directors shall be Ministers of the Wesleyan Methodist Church in Canada, and members of the Conference of that Church, and shall be appointed by the said Conference, and shall hold office for one year, or until their successors shall have been appointed, but shall be eligible for re-election.

Certain Directors to be Ministers.

7. The said Board of Directors shall annually, at their first meeting after such annual general meeting, elect by ballot, President and Vice-President.

President and Vice-President.

from amongst themselves, a President and Vice President of said Corporation; and until the first general meeting, as aforesaid, Edward Jackson shall be President, and Calvin McQuesten, Vice President.

**Powers of voting.**

8. At all meetings of the proprietors each Director may cast one vote for every share held by him, and every question shall be determined by the majority of votes present at such meeting.

**Certain decisions to require confirmation.**

9. No determination or resolution of any ordinary meeting on any matters, except such as are directed by this Act, shall be binding upon the Corporation, unless either the same be confirmed in a subsequent meeting, of which meeting and resolution or determination reasonable notice shall be given by the Secretary, or unless special notice of such extraordinary matter be given in the advertisement convening such first mentioned ordinary meeting.

**Extraordinary meetings.**

10. Every meeting of Shareholders, other than an ordinary meeting, shall be called an "Extraordinary Meeting," and such meetings may be convened by the Directors, at such times and such places as they may think fit; and an extraordinary meeting of the proprietors at large shall be convened at any time by the Directors, when a requisition of any ten proprietors, requiring them to do so, and such requisition shall fully express the object of the meeting and shall be left with the Secretary; and if the Directors shall fail to call a meeting within fourteen days thereafter, such proprietors may call a meeting by giving notice as hereinafter mentioned; Provided that no extraordinary meeting shall enter upon business not set forth in such requisition and notice.

**Proviso.**

**Notice of meetings.**

11. Ten days' notice of all meetings, ordinary and extraordinary, shall be given by mailing circulars addressed to the Shareholders at their last known place of residence, which shall specify the place, day, and hour of such meeting.

**Quorum for meetings.**

12. In order to constitute a meeting, ordinary or extraordinary, there shall be present nine or more proprietors.

**Chairman of meetings.**

13. At every meeting the President, or in his absence the Vice President, or in the absence of both, one of the Directors, who shall be elected by a majority of the proprietors present, shall be Chairman, and such Chairman shall have not only a deliberate vote, but also a casting vote in case of equality in all matters before the meeting.

**Adjourned meetings.**

14. Every meeting of the Stockholders may be adjourned from time to time, and no business shall be done at an adjourned meeting, other than the business left unfinished at the last meeting, from which such adjournment took place.



**15.** Every person entitled to vote may, in writing, constitute any other proprietor his or her proxy, to vote at such meeting; and every such appointment shall be produced to the Secretary and entered in a book; Provided, always, that such authority shall bear date within twelve calendar months of the time of the meeting at which it is produced.

Manner of voting by proxy.

Proviso.

**16.** If any Director resign or become incompetent or ineligible to act, or cease to be a proprietor, the remaining Directors may elect in his place any other proprietor, who shall continue in office until the first yearly meeting after such vacancy, when the proprietors shall elect a Director, who shall hold office for the same period as he who caused the vacancy.

Filling vacancies among Directors.

**17.** The Directors shall have the management of the affairs of the Corporation;—they shall organize and put in operation and carry on the institution of learning, for which the Corporation is authorized;—they may make and enforce calls upon Shareholders;—they shall fix the salaries of the principal, teachers and other officers or servants;—they shall take control of and may vary, repeal, and make all the regulations relating to the management, government and discipline of the said Institution, its services, studies, lectures, exercises, and instructions; Provided, always, that no religious test shall be required of any pupil or officer, except as is hereinafter expressed;—they may make any payments and enter into all contracts for the execution of the purposes of the Corporation;—they may generally deal with, treat, sell, and dispose of, and acquire the lands, property and effects of the said Corporation for the time being, in such manner as they shall deem expedient and conducive to the benefit of the Corporation;—they may appoint and displace the principal and all such officers, professors, teachers, agents or servants, as they shall deem requisite for the management and care of the property and affairs of the Corporation;—they may make By-laws for the regulation of the affairs of the Corporation; but all the powers so to be exercised shall be in accordance with and subject to the provisions of this Act, and the exercise of all such power shall be subject to the control and regulation of any general meeting specially called for that purpose, but not so as to render invalid any act done by the Director prior to any resolution passed by such general meeting; Provided, always, that the Governor, as the person having the moral and religious control in the said Institution, shall be a Minister of the Wesleyan Methodist Church, nominated by the said Directors, but appointed by the Wesleyan Methodist Conference; but if the said Conference shall not confirm such nomination at its first session thereafter, then the said Directors shall be authorized to appoint any person being a member of the said Church, to that office, until the next session of the said Conference.

Powers of Directors.

Proviso: against religious tests.

Further powers.

By-laws.

Powers to be exercised subject to this Act.

Proviso: Governor to be a Methodist Minister, &c.

**18.** The Directors shall hold meetings at such times and place as they shall appoint for that purpose, and they may

Meetings of Directors.

meet

meet and adjourn as they think proper, and at any time three of the Directors may require the Secretary to call a meeting of the Directors; and in order to constitute such meetings, there shall be present, at least, seven of the Directors, and all questions shall be determined by a majority of votes, and no Director, except the Chairman, shall have more than one vote, but the Chairman shall have a casting vote; the President or Vice-President, or in their absence, a Director to be chosen, shall preside.

**19.** The shares of the said capital stock shall not be transferred until paid up, unless such transfer shall be sanctioned by the Directors and duly registered by the Secretary in the transfer book, and no person shall sell or transfer any stock until he shall have paid all calls for the time being, due on any share held by him.

**20.** The Directors may enforce payment of all calls and interest thereon, by action in any competent court; and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is holder of one share or more, stating the number, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more, stating the number of calls and the amount of each, whereby an action hath accrued to the corporation under this Act; and a certificate under their seal, and purporting to be signed by an officer of the corporation, to the effect that the defendant is a shareholder, and that so much is due by him and unpaid thereon, shall be received in all Courts of Law and Equity as *prima facie* evidence to that effect.

**21.** The Directors if they see fit at any time after the whole capital shall be subscribed for, may make a By-law for increasing the capital stock to the amount of one hundred thousand dollars, but no such By-law shall have any force or effect whatsoever, until after it shall have been sanctioned by a vote of not less than two-thirds in amount of all the stockholders at a general meeting of the corporation, duly called for the purpose of considering such By-law, and such By-law shall declare the number and value of the shares of such new stock, and prescribe the manner in which the same shall be allotted, and in default of so doing, the control of such allotment shall be held to vest in the Directors.

**22.** Any of the proprietors whose names appear upon the stock list hereinbefore mentioned, and who have subscribed for stock upon the understanding in the said prospectus expressed that certain property therein mentioned should be procured for the purposes of the corporation, shall be at liberty to surrender the said stock if the said property be not procured, provided they do so within ninety days after they have been notified

notified

notified that the Directors have determined not to procure the same; and in case of such surrender, the Directors shall have the same power in respect to such surrendered stock as they have in reference to new stock; but if the said proprietors shall not, after such notice, elect to so surrender their stock, they shall be taken to be proprietors or shareholders unconditionally.

**23.** The Secretary shall cause a book or books to be kept, Books to be kept. wherein shall be recorded :

1. A correct copy of the Prospectus or Declaration, and original stock list referring to the same, as also every By-law and supplementary declaration for increasing the capital stock;

2. The names alphabetically arranged of all persons who are or have been proprietors;

3. The address and calling of every such person while such proprietor;

4. The number of shares held by each;

5. The amounts paid in and unpaid respectively by each proprietor;

6. All transfers or surrenders of stock in their order, as presented to the company for entry, with the date and other particulars of each transfer;

7. The names, addresses and callings of all persons who are or have been Directors, with the dates at which each became or ceased to be such Director.

**24.** Such books shall, during reasonable business hours of every day, except Sundays and holidays, be kept open for the inspection of all proprietors and creditors of the said corporation or their representatives at the office or chief place of business of the said Corporation, and to make extracts therefrom. Books to be open to inspection.

**25.** Every contract, agreement or engagement made on behalf of the corporation by any of its agents, officers or servants, in general accordance with his powers as such under the By-laws, shall be binding upon the corporation, and in no case shall it be necessary to have the seal of the said corporation affixed thereto, nor shall the party so acting as agent, officer or servant of the said corporation, be thereby subjected individually to any liability to any third party therefor; Liability for contracts of Agents. Provided, always, that the corporation shall not be authorized to issue any note payable to bearer, or intended to be circulated as money, or as the note of a bank. Provide

Limitation of liability of Shareholders.

**26.** Each of the said proprietors or shareholders, until the whole of his stock shall have been paid up, shall be individually liable to the creditors of the corporation to an amount equal to that not paid up therein, but shall not be liable to an action by any creditor before an execution against the corporation has been returned unsatisfied, in whole or in part, and the amount due on such execution shall be the amount recoverable, with costs, against such proprietors.

Further limitation.

**27.** The proprietors in the said corporation shall not as such be held responsible for any act, default or liability whatsoever of the said corporation, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever, relating to or connected with the corporation, beyond the amount of their respective shares in the capital stock thereto.

Public Act.

**28.** This Act shall be deemed and taken to be a Public Act.

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

An Act to incorporate the "Church of England Female Orphan Asylum," at Quebec.

[Assented to 18th May, 1861.]

Preamble.

**W**HEREAS a Female Orphan Asylum, in connection with the Church of England, has existed for several years in the City of Quebec; and whereas the undermentioned Ladies, the present managers of the institution, have represented, by their petition, that they would derive benefit from having corporate powers conferred upon them; and whereas it is expedient to grant the said prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Corporation constituted.

**1.** Mesdames Margaret Walker, Maria Plees, Julia Roe, C. Hellmuth, Izza Housman, Sophie Louise Ashworth, Charlotte Forsyth, Elizabeth Jeffrey, Georgiana Leaycraft, Marian Wurtele, Catherine Grieve and Eliza Taylor, and such other persons as shall, under the provisions of this Act, become members of the said institution, shall be and are hereby declared to be a body politic and corporate in deed and in name, by the name of the "Church of England Female Orphan Asylum" of the City of Quebec, and by that name shall, from time to time, and at all times hereafter, be able and capable to purchase, acquire, hold, possess and enjoy, and to have, take and receive, for them and their successors, to and for the uses and purposes of the said Corporation, any moveable property, or any immoveable property which may be requisite or necessary for their actual use and occupation; and the same to sell, alienate and dispose of, and to purchase others in their stead,

Corporate name and general powers.

Real property.

stead, for the same purpose ; and any majority of the members of the Corporation, for the time being, shall have power and authority to make and establish such By-laws, orders and regulations, not being contrary to this Act, nor to the laws in force in Lower Canada, as shall be deemed useful or necessary for the interests of the said Corporation, and for the management thereof, and for the admission of members into the said Corporation, and from time to time to alter, repeal and change the said By-laws, orders and regulations, or any of them, or those of the said institution, in force at the time of the passing of this Act ; and shall and may do, execute and perform all and singular other the matters and things relating to the said Corporation and the management thereof, or which shall or may appertain thereto, subject nevertheless to the rules, regulations, stipulations and provisions hereinafter prescribed and established.

By-laws.

General powers.

2. The said Corporation shall be composed of the said Ladies whose names are mentioned above ; and whenever a vacancy shall occur, by reason of the death or resignation of any of the members of the said Corporation, or by reason of any of them ceasing to reside within the City of Quebec or its immediate neighborhood, the remaining members of the said Corporation shall forthwith proceed to fill the vacancy by selecting some lady being a member of the Church of England, and residing in Quebec or its immediate neighborhood, and who shall, in virtue of such election, become a member of the Corporation ; provided that the members of the said Corporation shall not exceed twelve in number.

Vacancies among Members, how filled.

Proviso.

3. The said Corporation shall be vested with all the funds now held by the said Ladies as managers of the said Female Orphan Asylum, and with all property and moneys to be hereafter raised for that purpose ; provided, always, that the rents, revenues, issues and profits of all property, real or personal, held by the said Corporation, shall be appropriated and applied solely to the maintenance and support of destitute female orphans, who shall have become such within the limits of the Diocese of Quebec, and the payment of expenses to be incurred for objects legitimately connected with or depending on the purposes aforesaid.

Property of the present Association transferred to the Corporation.

4. The religious instruction of the children in the said Asylum, and their attendance on divine service, shall be regulated in concert with the Rector of the Parish of Quebec, for the time being ; and the Clergy of the Church of England, holding charge within the said Parish, shall have at all times free access to the institution.

Religious instruction of the children.

5. The Lord Bishop of Quebec for the time being shall be visitor of the said Asylum, and shall exercise in relation thereto the powers ordinarily understood to attach to visitors of such institutions.

Bishop of Quebec to be Visitors.

6. This Act shall be deemed a Public Act.

Public Act.

## C A P . C X I V .

An Act to incorporate "The Boys' Home" of the City of Toronto.

[Assented to 18th May, 1861.]

Preamble.

**W**HEREAS an Institution supported by voluntary contributions has subsisted in the City of Toronto for one year and seven months, called and known as "The Protestant Boys' Home," the object and purposes of which are to provide for the destitute, homeless and vagrant boys, children of drunken or dissolute parents, and to promote and encourage habits of honest industry in these poor out-casts; And whereas the management of the said Institution has hitherto been vested in thirty-three ladies, as Directresses and Managers, elected annually at a public meeting of the subscribers; And whereas the said Directresses and Managers, interested in the welfare of the said Institution, have, by their petition, represented that the said Institution would be rendered much more efficient by giving it the character of a Corporation: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Institution incorporated.

**1.** Minerva McCutcheon, Caroline Watson, Elizabeth Dunlop, Jessie Gilmor, Frances Hodgins, Maria Gzowski, Charlotte B. Ridout, Elizabeth Burns, Christina Wilson, Directresses; Anna Mulholland, Maria MacDonell, Augusta Strachan, Adelaide Harriet Allan, Catherine H. Blake, Isabella Henning, Fanny Cameron, Hannah Davidson, Frances Hodder, Jane M. Lambert, Christina Wilson, Eliza Wilson, Annie Gordon, Maria L. Milroy, M. Margaret Rutherford, Harriet E. Gamble, Ann Baldwin, Amelia Gilmor, Margaret Freeland, Mary Ann Ryerson, Margaret Wilson, Sarah Kerr, Isabella Brown and Grace Cameron, Managers, and all others who may, from time to time, be elected to succeed them in manner hereinafter mentioned, as Directresses and Managers, shall be, and they are hereby nominated and constituted a body politic and corporate, by the name and style of "The Boys' Home," of the City of Toronto.

Corporate name.

General corporate powers.

**2.** The said Corporation shall have perpetual succession, and may have a common seal, with power to change, alter, break and renew the same, when and as often as they shall think proper, and may, under the same name, contract and be contracted with, sue and be sued, implead and be impleaded, prosecute and be prosecuted, in all Courts and places whatsoever in this Province, and by the same name they, the said Directresses and Managers and their successors, from time to time, and at all times hereafter, shall be able and capable to have, take, receive, purchase and acquire, hold, possess, enjoy and maintain, to and for the use of the said Corporation, all lands and property, moveable and immoveable, which may hereafter

hereafter be sold, ceded, exchanged, given, bequeathed or granted to the said Corporation, or to sell, alienate, convey, let or lease the same if need be; Provided that the annual income to be derived from such property shall not exceed the sum of four thousand dollars; and the said Corporation shall further have the right of appointing Attorney or Attorneys for the management of its affairs, and generally shall enjoy all the rights and privileges enjoyed by other bodies politic and corporate, recognized by the Legislature, and shall have full power to make and establish such and so many By-laws, Orders and Regulations (not being contrary to the laws of this Province or to this Act) as they shall deem useful or necessary for the conduct and government of the said Institution; Provided, always, that no act done by such Directresses and Managers shall be valid and effectual unless seven of such Directresses or Managers at the least shall be present, and the major part of them consenting thereto.

Real property.  
Proviso: real property limited.

Further powers.

Proviso.

Quorum of Managers.

**3.** The said Directresses and Managers shall keep or cause to be kept, in a book to be opened for that purpose, a list of all subscribers to the said Institution; and a meeting of the said subscribers shall be held annually on the second Monday in the month of September in each year, (the first of such meetings to be on the second Monday in September next) at such time and place as the Directresses and Managers for the time being shall, by notice thereof given in some newspaper published in the City of Toronto, appoint; and at each such meeting a report in writing of the affairs and management of the said Institution, and of all moneys received and expended, and of all property moveable and immoveable then held by the Institution, and also the number of boys received into the Home and apprenticed shall be exhibited under their proper heads, by the Directresses and Managers for the year then past; and at such meetings, vacancies shall be filled up in the number of Managers and Directresses which may have occurred during the year by resignation, absence for twelve months from the City, neglecting to attend to any business of the Institution for six consecutive months, when not absent from the City, or death; and also at the same meeting, the persons then present, who shall be respectively subscribers of a sum not less than thirteen shillings annually, or donors who shall have contributed at any one time an amount not less than twenty dollars, or who shall have given lands to the value of one hundred dollars, shall elect from the subscribers or donors of like amounts, not less than thirty fit and proper persons as Managers of the said Institution, who, with the Directresses, shall be the governing body of the Institution; Provided, always, that if from any cause such meeting shall not take place at the time aforesaid, such meeting may be called as aforesaid at any subsequent time.

Lists of subscribers to be kept.

Annual meetings and report.

Filling vacancies among Managers.

Election of Managers.

Proviso.

**4.** The said Directresses and Managers shall and may send out to service, and apprentice thereto, or to any healthy trade or

Power to apprentice children, &c.

or business, all boys having the protection of the Institution aforesaid, to such person or persons, and upon such terms as to the said Directresses and Managers may seem fit and proper, and for that purpose and on behalf of and for such boy and themselves, may enter into and make with any persons or person with whom such boy may be placed by the said Directresses and Managers, articles of apprenticeship or agreement; and such articles or agreement may be enforced as well by action at law or in equity, for breach thereof warranting any such action, as by summary application to a magistrate or Justice of the Peace, (who is hereby authorized and empowered to act thereon) on any such occasion as would, according to the laws of this Province, warrant the interference or adjudication of any one or more Justice or Justices of the Peace, in disputes and difficulties between masters and apprentices; Provided, always, that a copy of the articles of indenture apprenticing such boy shall, within three days from the time that such articles of indenture were executed, be lodged with the Clerk of the Common Council of the City of Toronto, who is hereby required to file such copies; And further be it provided, that all persons desirous of obtaining any boy for the purpose of service and apprentice, shall deposit in the hands of the Treasurer of the said Institution for the benefit of said boy, not less than three dollars a year.

Articles to be valid.

Proviso.

Proviso.

Application of funds.

5. All property which shall at any time belong to the said Institution, as well as the revenues thereof, shall at all times be appropriated and applied exclusively to provide for the destitute boys, and to promote and encourage habits of honest industry in the young, and for no other use or purpose whatsoever.

Present Managers continued.

6. The persons now acting as the Committee or Board of Management of the said Institution shall have the like powers, and be considered, as Managers of the Corporation, for and until the second Monday in September next, or till such time as Managers shall be appointed as provided for by this Act.

Statements to the Governor.

7. The said Corporation shall be bound, when required by the Governor, to render true statements of their receipts and expenditure, and of the real and personal estate held and enjoyed by the said Corporation.

Public Act.

8. This Act shall be a Public Act.



## C A P . C X V .

## An Act to amend the Act incorporating the Montreal Asylum for Aged and Infirm Women.

[Assented to 18th May, 1861.]

**W**HEREAS the Ladies, Directresses and Members of the Corporation of the Montreal Asylum for Aged and Infirm Women, incorporated by an Act passed in the fourth and fifth years of Her Majesty's reign, and chaptered sixty-seven, have, by their petition, prayed for a change in the name of the said Corporation, and for certain amendments to the said Act of Incorporation, and it is but just to accede to their prayer : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. The said Corporation of the Montreal Asylum for Aged and Infirm Women shall hereafter be known and designated as *Les Sœurs de l'Asile de la Providence de Montreal*, and shall enjoy all the advantages conferred upon the said Corporation by the said Act passed in the fourth and fifth years of Her Majesty's reign, chaptered sixty-seven as hereby amended.

Preamble.  
Name of the Corporation changed.

2. The second section of the said Act is repealed, and a majority of the members of the said Corporation is hereby authorized to make all necessary By-laws relating to the admission of members of the said Corporation, the manner of calling meetings of the members of the said Corporation, the period at which such meetings shall be held, the number of members requisite to constitute a quorum at such meetings, and generally all other By-laws necessary for the administration of the property and affairs of the said Corporation, and to amend and repeal them from time to time in whole or in part, provided that the said By-laws are not contrary to this Act, nor to the laws in force in this Province.

Sect. 2 of 4, 5 V. c. 67; repealed.

Any majority of the Members of the Corporation may make By-laws.

3. The said Corporation may appoint such officers, agents or administrators as may be necessary for the efficient management of the property and affairs of the said Corporation.

Corporation may appoint Agents.

4. This Act shall be deemed to be a public Act.

Public Act.

## CAP. CXVI.

An Act to amend the Act passed in the twelfth year of Her Majesty's Reign, intituled: *An Act to Incorporate La Communauté des Révérendes Sœurs de la Charité, at Bytown.*

[Assented to 18th May, 1861.]

Preamble.

WHEREAS "La Communauté des Révérendes Sœurs de la Charité," at Bytown, have, by their petition, set forth that in connection with the Hospital established under the provisions of the Act passed in the twelfth year of Her Majesty's Reign, intituled: *An Act to incorporate La Communauté des Révérendes Sœurs de la Charité, at Bytown*, the said Corporation have, for many years past, conducted a Seminary of Learning, and also an Alms House, and the said petitioners have prayed that the corporate name of their Institution should be changed, so as more clearly to express not only the object of their original Association, but also the subsequent additional augmentations, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Name of Corporation constituted by 12 V. c. 108, changed.

1. From and after the passing of this Act, the Corporation incorporated by the Act of Parliament of this Province, passed in the Session held in the twelfth year of Her Majesty's Reign, intituled: *An Act to incorporate La Communauté des Révérendes Sœurs de la Charité, at Bytown*, shall henceforth be called and known by the name of "The Community, General Hospital, Alms House, and Seminary of Learning of the Sisters of Charity at Ottawa," any thing in the said Act to the contrary notwithstanding; provided always, that such change of name shall not be construed to make the said Corporation a new Corporation, or to impair or alter in effect any Act relating to the said Corporation, or any instrument or proceeding to or in which the said Corporation by its former name may be or may have been a party or in any wise concerned or interested, but the same shall have full force and effect, and shall apply to and may be continued with respect to the said Corporation by the name hereby assigned to it.

Proviso: as to effect of change of name.

Public Act.

2. This Act shall be deemed a Public Act.

## CAP. CXVII.

An Act to incorporate the Society called the *Union St. Joseph de L'Industrie.*

[Assented to 18th May, 1861.]

Preamble.

WHEREAS an Association, under the name of the *Union St. Joseph de L'Industrie*, has existed for several months in the Village of Industrie, in the County and District of Joliette,

Joliette, having for its object the aid of its members in case of sickness, and the ensuring of like assistance, and other advantages to the widows and children of deceased members; and whereas the members of the said Association have prayed to be incorporated, and it is expedient to grant their petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. Louis Mercile, François Xavier Payet, Alexis Rivet, Jean Baptiste Desmarais, Cutlibert Bordeleau, Salomon Miron, François Xavier Piché, Jean Baptiste Ethier, together with such other persons as now are members of the said institution, or may hereafter become members thereof, in virtue of this Act, shall be, and they are hereby constituted a body politic and corporate, in fact and in name, under the name of the *Union St. Joseph de L'Industrie*, and by that name shall have power from time to time, and at any time hereafter, to purchase, acquire, possess, hold, exchange, accept and receive for themselves and their successors, all lands, tenements, and hereditaments, and all real or immoveable estate, being and situated in Lower Canada, necessary for the actual use and occupation of the said Corporation, and the said property to hypothecate, sell, alienate and dispose of, and to acquire other instead thereof for the same purposes; and any majority whatsoever of the said Corporation, for the time being, shall have full power and authority to make and establish such rules, regulations and By-laws, in no respect inconsistent with this Act, or with the laws then in force in Lower Canada, as they may deem expedient and necessary for the interests and administration of the affairs of the said Corporation, and for the admission of members thereof; and the same to amend and repeal, from time to time, in whole or in part, and also such regulations and By-laws as may be in force at the time of the passing of this Act; such majority may also execute and administer, or cause to be executed and administered all and every the other business and matters appertaining to the said Corporation, and to the government and management thereof, in so far as the same may come under their control, respect being nevertheless had to the regulations, stipulations, provisions and By-laws to be hereafter passed and established.

Institution incorporated.

Name and general powers.

Real property-

By-laws.

Other general powers.

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

Application of revenues.

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

Property of the Association  
the

tion transferred to the Corporation

Present By-laws to apply until altered.

Appointment of officers, &c.

Returns to the Legislature.

Public Act.

the members thereof in their capacity as such, by purchase, donation or otherwise, and all debts, claims and rights which they may be possessed of in such capacity, shall be and they are hereby transferred to the Corporation constituted by this Act, and the said Corporation shall be charged with all the liabilities and obligations of the said Association; and the rules, regulations and By-laws now or hereafter to be established for the management of the said Association, shall be and continue to be the rules, regulations and By-laws of the said Corporation, until altered or repealed in the manner prescribed by this Act.

4. The members of the said Corporation, for the time being, or the majority of them, shall have power to appoint administrators or managers for the administration of the property of the Corporation, and such officers, managers, administrators or servants of the said Corporation, as may be required for the due management of the affairs thereof, and to allow to them respectively a reasonable and suitable remuneration; and all officers so appointed shall have the right to exercise such other powers and authorities for the due management and administration of the affairs of the said Corporation, as may be conferred upon them by the regulations and By-laws of the said Corporation.

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

6. This Act shall be a Public Act.

## CAP. CXVIII.

### An Act to incorporate *Les Dames Religieuses de Jésus-Marie.*

[Assented to 18th May, 1861.]

Preamble.

WHEREAS a religious community has existed for several years in the Parish of St. Joseph de la Pointe-Lévy, in the County of Lévis, in this Province, under the name of *Les Dames Religieuses de Jésus-Marie*, having for its object the instruction of young persons of the female sex and the practice of works of Christian charity; and whereas the said community, through the medium of its Superior and principal Officers, has represented, by its petition, to the Legislature, during its present Session, that the incorporation of the said community would increase the advantages resulting therefrom, and has prayed to be incorporated in conformity with the regulations and provisions hereinafter mentioned: Therefore, Her Majesty,

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

**1.** Mesdames Rose Eynac, Superior of the said Community, Marie Lagarrigue, Assistant, Louise Creuset, Treasurer, Maria Naussac, Mistress of the Boarding School, Eliza Peyrouse, Sub-Treasurer, and such other persons as shall become members of the said Community, and who shall fill the offices and posts above mentioned, and who shall reside within the said Parish of St. Joseph de la Pointe-Lévy, shall be and are in virtue of this Act, constituted a Corporation under the name of *Les Dames Religieuses de Jésus-Marie*.

Corporation created.

Members.

Corporate name.

**2.** The said Corporation shall have perpetual succession, and three members thereof, including in all cases the Superior, who shall preside as of right, shall form a quorum, and shall have full power to make and establish such rules, orders and regulations (not being contrary to this Act nor to the laws of the Country) as shall be deemed useful and necessary as well for the interests of education as for the government of the Community, and for the management and administration of all property, moveable or immovable, belonging to or which may hereafter belong to the Community, and may, by its corporate name acquire and hold any lands and property, moveable and immovable, which shall hereafter be sold, ceded, exchanged, given, bequeathed, or granted to the said Corporation, and the same may sell, alienate, dispose of, or lease, as occasion may require ; Provided, always, that the annual income from such real property shall not at any time exceed the sum of eight thousand dollars current money of this Province.

Corporate powers.

Quorum.

By-laws.

Property.

Real property limited.

**3.** All property at any time held by the Corporation, as well as the revenues arising therefrom, shall be appropriated and applied solely to the advancement of education and to the other charitable works performed, in accordance with the rules of their Order, by the said *Dames Religieuses de Jésus-Marie*, and to the construction, repair, or renting of the buildings requisite for the purposes of the Corporation, as well for the benefit of the Mother-house inhabited by the said *Dames Religieuses de Jésus-Marie* at St. Joseph de la Pointe-Lévy, as of the other institutions subordinate to the said Mother-house, which have already been established or may hereafter be established in other Parishes in this Province.

Application of property.

**4.** The said Corporation shall furnish to the Governor General, in the month of January of each year, a statement shewing the amount of real and other property held by the said Corporation, in virtue of the provisions of this Act, and the revenue arising therefrom, together with the number of Members of the Corporation, the number of teachers and pupils, and a statement of the course of studies.

Yearly returns to the Governor.

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

Public Act.

## C A P. C X I X.

## An Act to incorporate the St. Antoine Association of Montreal.

[Assented to 18th May, 1861.]

Preamble.

**W**HEREAS an Association, under the name of the St. Antoine Association of Montreal, has existed for several years in the City of Montreal, having, for its object, the aiding of its members in case of sickness, and the ensuring of like assistance, and other advantages, to the widows and children of deceased members; And whereas the said Association has, by its petition, prayed to be incorporated, and it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain persons incorporated.

Corporate name and general powers.

Amount of real property limited.

Majority to make By-laws.

Further powers of majority.

1. John A. Leclerc, Joseph Valade, André Lapierre, Alphonse Boissi, H. Laviolette, E. Perrault, together with such other persons as now are members of the said Institution, or may hereafter become members thereof, in virtue of this Act, shall be and they are hereby constituted a body politic and corporate, in fact and in name, under the name of the "St. Antoine Association of Montreal," and, by that name, shall have power, from time to time, and at any time hereafter, to purchase, acquire, possess, hold, exchange, accept and receive, for themselves and their successors, all lands, tenements, and hereditaments, and all real or immoveable estate, being and situated in Lower Canada, necessary for the actual use and occupation of the said Corporation, and the said property to hypothecate, sell, alienate and dispose of, and to acquire other instead thereof for the same purposes; and any majority whatsoever of the said Corporation, for the time being, shall have full power and authority to make and establish such rules, regulations and by-laws, in no respect inconsistent with this Act, or with the laws then in force in Lower Canada, as they may deem expedient and necessary for the interests and administration of the affairs of the said Corporation, and for the admission of members thereof; and the same to amend and repeal, from time to time, in whole or in part, and also such regulations and by-laws as may be in force at the time of the passing of this Act; such majority may also execute and administer, or cause to be executed and administered all and every the other business and matters appertaining to the said Corporation, and to the government and management thereof, in so far as the same may come under their control, respect being nevertheless had to the regulations, stipulations, provisions and by-laws to be hereafter passed and established.

Appropriation of property to

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

to the said Corporation, shall be appropriated and employed exclusively for the benefit of the members of the said Corporation, and for the erection and repair of the buildings necessary for the purposes of the said Corporation, and for the payment of expenses legitimately incurred in carrying out any of the objects above referred to.

certain purposes only.

3. All the real and personal estate, at present the property of the said Association, or which may hereafter be acquired by the members thereof in their capacity as such, by purchase, donation or otherwise, and all debts, claims and rights, which they may be possessed of, in such capacity, shall be and they are hereby transferred to the Corporation constituted by this Act, and the said Corporation shall be charged with all the liabilities and obligations of the said Association; and the rules, regulations and by-laws, now or hereafter to be established, for the management of the said Association, shall be and continue to be the rules, regulations and by-laws of the said Corporation, until altered or repealed in the manner prescribed by this Act.

Property of Association transferred to Corporation.

Also liabilities. Present By-laws to continue till altered.

4. The members of the said Corporation, for the time being, or the majority of them, shall have power to appoint administrators or managers for the administration of the property of the Corporation, and such officers, managers, administrators or servants of the said Corporation, as may be required for the due management of the affairs thereof, and to allow to them respectively a reasonable and suitable remuneration; and all officers so appointed shall have the right to exercise such other powers and authorities for the due management and administration of the affairs of the said Corporation, as may be conferred upon them by the regulations and by-laws of the said Corporation.

Corporation to appoint officers, &c.

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

Annual report to the Legislature.

6. This Act shall be a Public Act.

Public Act.

C A P . C X X .

An Act to incorporate *La Société de Colonisation du Bas Canada.*

[Assented to 18th May, 1861.]

WHEREAS a large number of the Citizens of Montreal and of other places have lately united themselves into an association in the said city, and have formed a philanthropic society under the name and style of *La Société de Colonisation*

Preamble.

*du Bas Canada*, the operations of which are to be extended over the whole of that section of the Province, and the object of which is to promote the colonization of the waste lands of Lower Canada by the inhabitants of the country, to prevent the emigration of Canadians to foreign lands, to encourage the return to their country of those who have already emigrated, and to attract to Lower Canada an immigration suitable to its national requirements; and whereas the said society has, by its petition, presented by the Honorable Thomas Jean Jacques Loranger, and its Secretary, Louis A Jetté, Esquire, prayed to be incorporated, and it is for the interest of the public that its prayer should be acceded to: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Society incor-  
porated.

1. The said Society, composed of the Honorable Thomas Jean Jacques Loranger, the Honorable Antoine Aimé Dorion, and the Honorable Pierre J. O. Chauveau, Jean C. Taché, Pierre Beaubien, François P. Pominville, Romuald Trudeau, Louis A. Jetté, Joseph Doutre, Ephrem Hudon, J. M. V. Regnault, Rodolphe Laflamme, Rouer Roy, Charles A. Leblanc, Francis Cassidy, Joseph M. Loranger, Jean Louis Beaudry, Joseph Beaudry, Benjamin H. Lemoine, Alexis Laframboise, Louis O. Loranger, Paul M. Galarneau, Louis Betournay, Louis Belanger, A. Lacoste, Esquires, and others, now members of the said Society, or who may hereafter become members thereof, in virtue of the constitution and of the statutes and by-laws thereof, are hereby constituted a corporation or body politic and corporate, for the purposes mentioned in the preamble of the said Act, under the name and style of *La Société de Colonisation du Bas Canada*, and the said Corporation shall be invested with all the rights, privileges and powers which, by the common law of the country, belong to all corporations and public bodies, politic and corporate, and the said Society may acquire, by donation, purchase or otherwise, and hold, in addition to the waste lands mentioned in the sixth section of this Act, lands, tenements and immoveable property of the yearly value of two thousand dollars currency, for its own use and occupation, and all such books, scientific instruments, cabinets of natural philosophy and of natural history, and all such furniture and other moveable property as they may think fit to acquire, and may sell, exchange and alienate such moveable and immoveable property, and acquire other of the same nature in the stead thereof, and may execute all deeds or contracts necessary for that purpose, and the title to such property shall be vested in and belong to the said corporation for all purposes whatsoever.

Corporate  
name and ge-  
neral powers.

Real property.

Property and  
rights of As-  
sociation  
transferred to  
Corporation,

2. The lists of subscriptions to the said association, and all property in their possession when this Act goes into force, shall become the property of the said corporation, who may collect all sums of money whatsoever, either by the subscriptions of

its



its members or by gifts or donations, or by any other means whatsoever in harmony with the objects of its foundation, and dispose thereof for the purposes for which it was incorporated.

3. The constitution, statutes and by-laws prepared and passed by the said Society shall remain in force, and such constitution, statutes and by-laws may be amended, amplified, modified and repealed in the manner provided at their original adoption, and the officers of the said Society shall be those appointed by the said statutes and by-laws.

Constitution, &c., to remain in force.

4. Any colonisation Society now in existence may affiliate itself to the said Society upon the terms and conditions indicated by the Constitution mentioned in the next preceding section, and so soon as such affiliation shall have been effected, such affiliated Society shall form part of and become one with the present Corporation; The Branch Societies formed or to be formed which shall incorporate themselves with the parent Society, shall also form part of the said Corporation.

Existing Societies may affiliate.

Branch Societies.

5. With the view of fulfilling the purposes for which the said Society was founded, the pecuniary assistance at their disposal shall be distributed to settlers in the manner provided by the said Statutes and By-laws, and to attain more effectually one of the objects of the said Society and of this incorporation, the said Society may grant to settlers such assistance as they may consider suitable, either by a free grant, or by the sale at nominal prices and on long terms of payment of waste lands situated in the Townships of Lower Canada in the manner to be provided by by-laws which the said Society may pass for that purpose.

Society to grant assistance to settlers.

6. The said Society may purchase at public or by private sale, from the Department of Crown Lands, and may hold any extent of waste and unconceded lands situated in the Townships of Lower Canada, which it may be within the limits of their resources to purchase, and shall dispose thereof for the benefit of settlers in such manner as shall be provided by similar by-laws, which they may make for that purpose; Provided the said Society shall not hold at any one time more than one hundred thousand acres.

Societies may purchase lands.

Proviso.

7. The shareholders of said association shall not be entitled to divide any profit between them; but all profits which may be made after paying the expenses of management of said Company shall be applied by the said Corporation towards the furtherance of Colonisation in this Province.

Shareholders not to divide any profit.

8. It shall be the duty of the said Corporation to present to the Governor, whenever required so to do, a detailed statement of the money and moveable and immoveable properties held by them

Statement to the Governor, when required.

them in virtue of this Act, of the revenue arising therefrom, and of their receipts and expenditure.

Public Act. 9. This Act shall be deemed a Public Act, and the Interpretation Act shall apply thereto.

## C A P . C X X I .

An Act to incorporate the *Stadacona Club* of Quebec.

[Assented to 18th May, 1861.]

Preamble.

WHEREAS an Association of persons hath existed since the month of March, one thousand eight hundred and sixty-one, in the City of Quebec, in Lower Canada, under the name of the *Stadacona Club*; and whereas the persons composing such Association have, by their petition, prayed that the said Association may be incorporated, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain persons incorporated.

1. The Honorable Sir Narcisse F. Belleau, Knight, the Honorable Charles Alleyn, George Burns Symes, William Rhodes, C. E. Allen, R. Alleyn, M. W. Baby, Charles Baillargé, A. D. Bell, George Beswick, Noël H. Bowen, John Burstall, the Honorable Joseph Cauchon, Archibald Campbell, Junior, N. Casault, R. S. Cassels, Thomas Henry Chapman, Paul J. Charlton, Charles R. Coker, Octave Crémazie, George Desbarats, A. Dionne, G. M. Douglas, H. Duboid, W. E. Duggan, James Bell Forsyth, Joseph B. Forsyth, C. Frémont, M. D., Thomas Glover, Robert Hamilton, C. G. Holt, George Irvine, W. H. Jeffery, G. Joly, William H. Kerr, J. Langlois, Thomas C. Lee, H. LeMesurier, Junior, Ed. Lemesurier, Charles E. Levey, A. Lindsay, Robert Lomas, J. W. McCallum, John Nairne, Pemberton Paterson, R. C. Pentland, W. Petry, P. R. Poitras, J. Porter, D. E. Price, T. K. Ramsay, Octavius Rooke, James G. Ross, George H. Simard, Robert H. Smith, W. Elzéar Taschereau, L. Tétu, C. Tétu, D. C. Thomson, J. C. Thomson, J. K. Turnbull, G. A. L. Wood, W. F. Wood, David D. Young, Esquires, and such other persons as now are or hereafter shall become members of the said Association, shall be and are hereby declared to be a body politic and corporate, in deed and in name, by the name of the *Stadacona Club*, and by that name shall have perpetual succession and a common seal, and shall have power from time to time to alter, renew, or change such common seal at their pleasure; and shall, by the same name, from time to time, and at all times hereafter, be able and capable to purchase, acquire, hold, possess and enjoy, and to have, take, and receive to them and their successors, to and for the actual occupation of the said Corporation, any lands, tenements, and hereditaments, and real

Corporate name and powers.

Real property limited.

real and immoveable property and estate, situate, lying and being within the said City of Quebec, and the same to sell, alienate, and dispose of whensoever the said Corporation may deem it proper so to do; and by the same name shall and may be able and capable in law to sue and be sued, implead and be impleaded, answer and be answered unto, in any manner whatsoever; and the Constitution, Rules and Regulations now in force touching the admission and expulsion of members, and the management and conduct generally of the affairs and concerns of the said Association, in so far as they may not be inconsistent with the laws of this Province, shall be the Constitution, Rules and Regulations of the said Corporation; Provided, always, that the said Corporation, may from time to time, alter, repeal and change such Constitution, Rules and Regulations, in the manner provided by the Constitution, Rules and Regulations of the said Corporation.

By-laws of the present Association to be those of the Corporation.

Proviso: as to alteration.

2. All property and effects now owned by or held in trust for the said Association, are hereby vested in the said Corporation, and shall be applied solely to the maintenance of the said Corporation.

Transfer of property of the Association to the Corporation.

3. Members of the said Corporation shall be liable for the debts thereof, as if the Association was unincorporated, but they shall not be sued except after discussion first had of the property and effects of the said Corporation.

Liability of Members.

4. This Act shall be deemed a Public Act.

Public Act

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

An Act to incorporate the St. George's Society of Ottawa.

[Assented to 18th May, 1861.]

**W**HEREAS William Foster Coffin, Esquire, Helier Vava-sour Noel and Alexander C. Kely, Esquires, and Philip Pierson Harris, James Dyke, George Honey Preston, James Perry, George Offord, George Cox, Thomas Hunton and William Mills, Esquires, and others, by their petition to the Legislature, have represented, that they and others of English birth or extraction, residents of Ottawa, have maintained, by voluntary contributions, a certain Charitable Association, whereof they are members, for the relief of distressed immigrants and others, from England or of English descent, under the name of "The St. George's Society of Ottawa," and have prayed that for the better attainment of the objects of the said Association, the same may be invested with corporate powers; and it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

Certain persons incorporated.

Corporate name and powers.

Proviso: property limited.

What property only the Corporation shall hold.

Application of Funds restricted to certain purposes.

Committee of management and Members thereof.

Corporation may make By-laws.

1. The said William Foster Coffin, Helier Vavasour Noel, Alexander C. Kely, Honey Preston, James Perry, George Offord, George Cox, Thomas Hunton, William Mills, and such other persons as are now members of the said Association, or shall hereafter unite with them, under the provisions of this Act, and the by-laws made under the authority thereof, and their successors, shall be and they are hereby constituted a body politic and corporate, by the name of "The St. George's Society of Ottawa;" and may, by any legal title, acquire, hold and enjoy any estate whatever, real or personal; and may alienate, lease, or otherwise dispose of the same, or any part thereof, from time to time, and as occasion may require, and other estate, real or personal, may acquire instead thereof; Provided always, that the clear annual value of the real estate, held by the Corporation at any one time, shall not exceed eight thousand dollars.

2. Provided always, that the Corporation shall not hold any property except such as shall be derived from the following sources, that is to say: The property of the Association hereby constituted as the said Corporation, the life, annual and other subscriptions of members, donations, bequests or legacies made to the Corporation, and the moneys arising from fines and forfeitures lawfully imposed by their by-laws;---And provided, also, that all property and funds presently invested, of the said existing Association, and all sums which may hereafter be received by the Corporation for life subscriptions of members, or from legacies, bequests or donations, amounting to twenty dollars or upwards, not specially made for other purposes, shall constitute the permanent fund of the Corporation, no part of the capital amount of which shall be expended or paid away, but the whole shall, from time to time, be invested in real or immovable property (not exceeding the value aforesaid,) in bank stock, or Provincial or other securities; and the rents, interests, or other income arising from such investments, together with the moneys derived from other sources, shall be applied to the defraying of the current expenses of the Corporation, and the relief of persons whom the Corporation may deem proper objects of such relief, according to the By-laws of the Corporation then in force, and to the provisions of this Act.

3. The affairs and business of the Corporation shall be managed by such Officers and Committees, and under such restrictions as touching the powers and duties of such Officers and Committees, as by By-law in that behalf, the Corporation may, from time to time, ordain; and the Corporation may assign to any of such Officers such remuneration as they may deem requisite.

4. The Corporation may make such By-laws, not contrary to law, as they shall deem expedient for the administration and government of the Corporation, and of such Asylum, or other Charitabl

Charitable Institutions, as they shall maintain; and may repeal or amend the same from time to time, observing, always, however, such formalities as by such By-laws may be prescribed to that end; and generally shall have all the corporate powers necessary to the ends of this Act.

General powers.

5. The By-laws of the said Association, not being contrary to law, shall be the By-laws of the Corporation hereby constituted, until they shall be repealed or altered as aforesaid.

Present By-laws continued till altered.

6. Until others shall be elected, according to the By-laws of the Corporation, the present Officers of the Association shall be those of the Corporation.

First officers of the Corporation.

7. All subscriptions and penalties, due to the Corporation under any By-law, may be recovered by suit in the name of the Corporation; but any member may withdraw therefrom, at any time, on payment of all amounts by him due to the Corporation, inclusive of his subscription for the year then current.

Recovery of money due to the Corporation.

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

Competency of witnesses where the Corporation is concerned.

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

Returns of property, &c., to be made when required.

10. This Act shall be deemed a Public Act.

Public Act.

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

### An Act to incorporate the Montreal Skating Club.

[Assented to 18th May, 1861.]

**W**HEREAS the persons hereinafter named, and others, have, by petition, set forth, that they have organized themselves as a Society for the encouragement of the healthful exercise of Skating, and to that end have need to be enabled by an Act of Incorporation to hold such real estate as may be requisite for the formation of a Skating Rink, and the erection thereon of suitable buildings over and about the same, and that they are desirous of being so incorporated, under the name of "The Montreal Skating Club;" And whereas it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Club incor-  
porated.

1. His Excellency Lieutenant General Sir William Fenwick Williams, Baronet, of Kars, and Augustus Nathan Heward, D. Lorn MacDougall, James Tyre, J. G. Mackenzie, Alexander Maurice Delisle, Francis Godschall Johnson, Henry McKay, William Rae, F. W. Henshaw, William Edmonstone, Thomas Gordon, W. Osborne Smith, Thomas Ryan, James Torrance, W. C. Willis, Andrew Law, and O. Perrault de Linière, all of Montreal, Esquires, and all other persons who may, by virtue of this Act, replace or be united with them, shall be and they are hereby constituted a body politic and corporate, under the name of "The Montreal Skating Club," in the said city of Montreal, and, under the said name may acquire for themselves and their successors, under any legal title whatever, such real estate as they may require for their actual occupation as such Skating Club, and may sell and alienate any real estate held by them, and acquire other instead thereof for the purposes of this Act.

Corporate  
name and ge-  
neral powers.

Directors and  
officers.

2. The Corporation may administer their affairs by such and so many Directors and other officers, and under such restrictions as touching their powers and duties, as by By-law in that behalf they may from time to time ordain; and they may assign to any of such officers such remuneration as they may deem requisite.

Power to make  
By-laws for  
certain pur-  
poses.

3. The Corporation may make all such By-laws, not contrary to law, as they shall deem expedient, for the government thereof, the maintenance and due regulation of their Skating Rink and of their grounds and buildings connected therewith,—the raising of capital by the issue of transferable shares or otherwise, the conditions under which such shares shall be issued, and may be transferred or forfeited,—and the administration of their affairs generally,—and may amend and repeal such By-laws from time to time, observing, always, however, such formalities of procedure as, by such By-laws, may have been prescribed to that end,—and generally shall have all needful corporate powers for the purposes of this Act.

Application of  
funds.

4. All the revenues of the Corporation, from whatever source they may be derived, shall be devoted exclusively to the maintenance of the Corporation, and to the acquisition, improvement, and repair of the buildings and other real estate thereof, and to no other purpose whatever.

Returns to  
the Legisla-  
ture.

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

Public Act.

6. This Act shall be deemed a Public Act.

## CAP. CXXIV.

## An Act respecting the Union of certain Presbyterian Churches therein named.

[Assented to 18th May, 1861.]

**W**HEREAS the Moderators of the Synods of "the Presbyterian Church in Canada," and "the United Presbyterian Church in Canada" respectively, by and with the authority of such Synods, have, by their petition, stated, that the Presbyterian Church of Canada and the United Presbyterian Church of Canada, have agreed to unite together and to form one body or denomination of Christians under the name of "The Canada Presbyterian Church;" And for the furtherance of this their purpose and to remove any obstructions to such Union, which may arise out of the present form and designation of the several trusts or Acts of Incorporation by which the property of the said Churches and of the several Congregations connected with the said Churches respectively, are held and administered or otherwise, and for the better administration of the said Trusts, the said Petitioners have prayed for certain Legislative provisions to be made in reference to the property of the said Churches and other matters affecting the same in view of such Union: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. As soon as the said Union takes place, all property, real or personal, now belonging to, or held in trust for, or to the use of any Congregation in connection or communion with either of the said existing Churches, may thenceforth be held, used, and administered for the benefit of the same Congregation in connection or communion with the united body, under the name of the Canada Presbyterian Church, or any other name the said Church may adopt.

Property  
vested in the  
united body.

2. Provided always, that where the Trust Deed or conveyance under which any property is held by or for the use of, or in trust for any congregation in connection or communion with either of the said existing Churches, sufficiently provides for the case of such a union as that agreed upon as aforesaid, and stipulates for any consent thereto by such congregation or the members or adherents thereof, or by any specified proportion of such congregation or the members or adherents thereof, nothing in this Act shall be construed to affect the right of such congregation or the members and adherents thereof, in that behalf.

Effect of the  
Trust Deed,  
saved.

3. The names of "the Presbyterian Church of Canada" and "the United Presbyterian Synod in Canada, (the latter being the said United Presbyterian Church in Canada) mentioned in the

Certain Acts  
and provisions  
to apply to the  
united body.

the Act of the Provincial Parliament, sixteenth Victoria, chapter two hundred and sixteen, and intituled : *An Act for the relief of the Presbyterian Church of Canada as regards the keeping of Registers of Baptisms, Marriages and Burials in Lower Canada,*” shall be taken and understood respectively to apply to the said united body as soon as it shall have been formed, and all the Provisions of the said Act, and of all other Acts of the Provincial Parliament applicable to the said Churches respectively, whether in Lower Canada or in Upper Canada, shall equally apply to the said United Church so soon as the said intended union shall have been effected.

Filling up of Trustee-ships in case the Deed of Trust makes no provision.

4. For the relief of certain of the said congregations so in connection or communion with the Churches aforesaid in this Province, whose deeds of trust heretofore executed, or Acts of incorporation heretofore obtained, made no provision for the filling up from time to time of trustee-ships vacant by death, removal from the Province, or resignation of trustees, and whose property is held under a conveyance to the Trustees and their heirs or to the Trustees and their successors or otherwise, any such congregation may, from time to time, meet together, upon notice by the Minister, from the pulpit, or at the requisition, in writing, of any ten persons entitled to vote as hereinafter mentioned, (notice of the day, hour and place of such meeting, in either case, being first publicly made in the church or place of meeting for public worship on two Sabbath days next before such meeting shall be held,) then and there by a majority of those present, and entitled to vote, to elect and appoint new trustees in the room of such trustees as shall have removed from the Province, resigned, or died, and thereupon the property of the congregation shall *ipso facto* become vested in such newly elected Trustees jointly with the remaining Trustees, if any; and such Trustees, and their successors, to be appointed as aforesaid, shall have full power and authority to hold and administer the trust or corporate property of such congregation; Provided, always, that the said newly elected trustees shall be members in communion with the said united body, and those entitled to vote, where there is no provision on the subject as aforesaid, shall be all persons who are members in communion with said congregation and church.

Proviso : Trustees to be Members of the united body.

Certain deeds confirmed, notwithstanding non-registration, &c.

5. In case of deeds made to Trustees for congregations in connection or communion with either of the said Churches more than twelve months ago, but not registered within twelve months after the execution thereof, such deeds shall nevertheless be valid if they have been registered before the passing of this Act, or if the same are registered within three months after the passing of this Act; but this enactment shall not give effect to such deeds against subsequent purchasers or mortgagees for valuable consideration without notice, who have registered or shall register their conveyances or mortgages before the registration of the said deeds to Trustees.

Proviso.



6. Conveyances heretofore made in Upper Canada to trustees and their successors for the use of a congregation in connection or communion with either of the said churches, shall be deemed valid conveyances in fee, notwithstanding that the heirs of the trustees are not named, and notwithstanding that the manner of appointing successors is not provided in such conveyances.

Certain conveyances to be valid.

7. Trustees or other administrators of corporate or trust property of any congregation in connection or communion with the said united body may, with the consent of the congregation, or of a majority present of those entitled to vote at a meeting convened to consider the matter, (as provided either by their trust deed, or by section number four of this Act, for the election of trustees in case of vacancies, as the case may be) mortgage, sell, or exchange any real estate belonging to, or holden for the use, or in trust for the said congregation, for the purpose of repairing or securing the debt on any building thereon erected, or of erecting other or more suitable churches, manses, or glebes, or schools, in any other locality that they may deem best, or of purchasing other and more suitable churches, manses, glebes, or schools; Provided nevertheless, that such mortgage, sale or exchange, be first sanctioned by the Presbytery under whose care such congregation is placed, and not otherwise, and provided further, that in Upper Canada this clause shall only apply where the deed of trust or Act of Incorporation contains no provision for mortgaging, selling, or exchanging for the purpose for which such mortgage, sale, or exchange is desired.

Trustees may mortgage or convey property with consent, &c.

Proviso.

8. All other property, real or personal, belonging to or held in trust for the use of either of the said Churches, either generally or for any special purpose or object, shall from the time the contemplated union takes place, and thenceforth belong to, and be held in trust for, and to the use in like manner of the united body.

Other property to be held in trust for the united body.

9. But all such property, real or personal, as is affected by this Act, shall in all respects, save as aforesaid, be held and administered as nearly as may be in the same manner and subject to the same conditions as provided by the Deeds of Trust, Acts of Incorporation, or other instruments, or authority under which the same is now held or administered.

As to property affected by Trust Deed, &c.

10. Provided always, that nothing in the present Act contained shall be construed to impair or in any manner affect any rights or claims of the Church of Scotland or of the Presbyterian Church of Canada in connection with the Church of Scotland, or any congregation or any member or adherents of any congregation of the said Presbyterian Church of Canada in connection with the Church of Scotland, to any property acquired before the formation of the Synod of the Presbyterian Church of Canada or to any other property whatsoever.

Act not to affect certain titles to property.

11. This Act shall be deemed a Public Act.

C A P . Public Act.

## C A P . C X X V .

An Act to confirm and legalize a certain agreement entered into between the Church Societies of the Dioceses of Toronto and Huron, relative to certain Church Lands in the Diocese of Huron.

[Assented to 18th May, 1861.]

## Preamble.

**W**HEREAS the Church Society of the Diocese of Huron have, by their petition, represented, that in pursuance of their Act of Incorporation, it has been agreed between the said Church Society and the Church Society of the Diocese of Toronto, amongst other things, that the said first mentioned Church Society should have, receive and take all lands held by the said last mentioned Church Society, to and for the uses and purposes in their Act of Incorporation set forth, or any of such uses and purposes, and situate within the limits of the said Diocese of Huron, and all lands situate within the limits of either of the said Dioceses, and lawfully held by the said Church Society of the Diocese of Toronto, or by the Bishop of Toronto, to and for any special use, trust or purpose, for the benefit or advantage of any Church, Parsonage, or Rectory, or otherwise howsoever within the limits of the said Diocese of Huron; and that certain of such lands are held upon such trusts by the said Church Society of the Diocese of Toronto, and certain thereof by the Bishop of Toronto, and that it would be proper to confirm and effectuate the said agreement by an Act of Parliament of this Province, and otherwise to enact as hereinafter is enacted; and whereas it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

**Confirmation of agreement.** 1. The said agreement between the Church Society of the Diocese of Toronto and the Church Society of the Diocese of Huron is hereby, in every particular, ratified, legalized and confirmed.

**Lands within Diocese of Huron held by Church Society of Toronto vested in that of Huron.** 2. All lands situate within the limits of the Diocese of Huron, and lawfully held by the Church Society of the Diocese of Toronto, to and for the uses and purposes in their Act of Incorporation set forth, or any of such uses and purposes, shall be and the same are hereby vested in the said Church Society of the Diocese of Huron.

**Lands in either Diocese for use within Diocese of Huron vested in the Huron Society.** 3. All lands situate within the limits of either of the said Dioceses, and lawfully held by the Church Society of the Diocese of Toronto, or the Bishop of the said Diocese of Toronto, upon any special use, trust, or purpose, for the benefit or advantage of any Church, Parsonage, or Rectory, or otherwise howsoever

howsoever of the United Church of England and Ireland, within the limits of the said Diocese of Huron, shall be and the are hereby vested in the said Church Society of the Diocese of Huron.

4. All lands situate within the limits of the said Diocese of Huron, and now lawfully held by any person or corporation upon any special use, trust or purpose for the benefit or advantage of any Church, Burying ground, Parsonage or Rectory, or otherwise howsoever of the United Church of England and Ireland, within the limits of the said Diocese of Huron, may, by such person or corporation, with the consent of the parties beneficially interested, be transferred to the said Church Society of the Diocese of Huron.

Lands in Huron held for use of any Church, &c, therein vested in Church Society of Huron.

5. All lands, moneys, mortgages and securities heretofore conveyed, paid, made or assigned to either of the said Church Societies, or to any other person or persons for the benefit, and forming part of the fund called the Episcopal Trust Fund, to be applied in aid towards the support and maintenance of the Bishop of the Diocese of Huron, for the time being, shall be and the same are hereby vested in the said Church Society of the Diocese of Huron.

Lands, &c., forming Episcopal Trust Fund vested in Church Society of Huron.

6. The said Church Society of the Diocese of Huron, shall and may have, hold, receive, acquire and take all lands, moneys, mortgages or securities now, or hereafter made, paid, given, devised, or bequeathed to or otherwise acquired by the said last mentioned Church Society under this Act, or otherwise for the use of the said Episcopal Trust Fund, and may, with respect to such lands, moneys, mortgages and securities, exercise all the powers by their Act of Incorporation conferred on them with respect to any other lands, moneys, mortgages or securities.

Powers of Church Society with respect to property now held or hereafter acquired for use of said Fund.

7. All lands, moneys, mortgages, and securities, which, by or under authority of any section or sections of this Act, shall be vested in the said Church Society of the Diocese of Huron, shall, by the said Church Society, be held upon, to and for the uses, trusts, interests and purposes, upon, to, and for which the same were heretofore held by the person or corporation holding the same; and the said Church Society of the Diocese of Huron, shall execute and discharge such uses, trusts, interests and purposes, and such other persons and corporations are hereby discharged therefrom.

Lands, &c., vested in Church Society to be held by it subject to certain trusts, &c.

8. The said Church Society of the Diocese of Huron may sell and dispose absolutely of any such lands, mortgages and other securities as in this Act mentioned, or any other lands, mortgages or securities had, received, taken or held by the said Church Society of the Diocese of Huron, for the purposes, uses or trusts of their incorporation, and shall have and hold the proceeds

Church Society may dispose of such lands, &c.

Proviso.

proceeds of such lands, mortgages and securities upon the same trusts as the said lands, mortgages and securities had been before held; but no purchaser shall be liable for the application of any money paid by him on any sale under the provisions of this Act.

Certain lands  
not affected.

9. Nothing in this Act contained shall be considered in any wise to touch or affect the lands patented as endowments for any Parsonage or Rectory within the said Dioceses or either of them.

Public Act.

10. This Act shall be deemed a Public Act.

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

An Act to place the Wesleyan Methodist Church and Parsonage Property, in the town of Stratford, county of Perth, under the directions and provisions of the "Model Deed" of the Wesleyan Methodist Church in Canada, in connexion with the English Conference, for the better management thereof.

[Assented to 18th May, 1861.]

Preamble.

WHEREAS the Chairman of the District, the Superintendent Minister, the Trustees of the Stratford Congregation of the Wesleyan Methodist Church in Canada in connexion with the English Conference, and the Official Board of the Stratford Circuit of the said Church, at Stratford, in the county of Perth, have, in pursuance of the Resolutions of the Board of Trustees of the said Church, in that behalf, and with the consent and approbation of the President, in behalf of the Conference of the Wesleyan Methodist Church in Canada in connexion with the English Conference, petitioned for an Act to place the Wesleyan Methodist Church and Parsonage Property, at Stratford, under the directions and provisions of a Deed, known as the "Model Deed" of the said Denomination of Wesleyan Methodists, and bearing date the twenty-fourth day of May, one thousand eight hundred and fifty, and registered in the Registry Office of the County of York, at twelve of the clock at noon of the twenty-fifth day of May, one thousand eight hundred and fifty, and inserted in the Book of Discipline of the said Wesleyan Methodist Church in Canada in connexion with the English Conference, published by the Reverend Anson Green, at Toronto, in the year first mentioned, and it is expedient to grant the prayer of the said Petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain property  
in

1. From and after the passing of this Act, the lots numbers one hundred and sixteen and one hundred and seventeen, on Erie street,

street, in the said town of Stratford, and the Church and Parsonage erected thereon, shall, in all and every respect whatsoever, be placed under the directions and provisions of the "Model Deed" aforesaid, for such and the same ends, uses, intents and purposes, and with, under, and subject to such and the same powers, provisions, declarations and agreements, and to be controlled, disposed of and managed by the like authorities, officers, trustees, and persons appointed and to be appointed, and acting in the same manner, and with the same duties, powers, liabilities and restrictions, in every particular and respect, as are expressed, contained and declared, or referred to, in the said "Model Deed;" saving always such rights as may have been acquired by any person or corporation prior to the passing of this Act.

Stratford placed under the Model Deed.

Proviso.

2. It shall be lawful for the Trustees of the Stratford Congregation of the Wesleyan Methodist Church aforesaid, in accordance with the provisions, and under the restrictions, of the said "Model Deed," to mortgage the said lots and the buildings thereon for the purposes set forth in the said "Model Deed," and none other whatsoever.

How the said property may be mortgaged.

3. This Act shall be deemed a Public Act.

Public Act.

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

An Act to authorize the Trustees of the Congregation of the Presbyterian Church in Canada in connection with the Church of Scotland, at Beauharnois, to sell a certain lot held by them in trust for such Congregation.

[Assented to 18th May, 1861.]

**W**HEREAS the Ministers, Trustees and other Members of the Congregation, at Beauharnois, of the Presbyterian Church in Canada, in connection with the Church of Scotland, have, by their petition to the Legislature, represented that by a Notarial Act, bearing date the seventeenth day of August, Anno Domini eighteen hundred and fifty-seven, (passed before Hunter and his colleague, Notaries Public,) at the city of Montreal, the emplacement number fifty-two of the village of Beauharnois, in Annstown, in the parish of St. Clement in the said Province, was purchased by the trustees of the said congregation from Dame Mary Rutherford, formerly of Beauharnois, now of the city of Montreal, for the purposes of a Manse for the said congregation, and for the use of the minister thereof as a residence; and whereas the trustees of the said lot further represent that they are desirous to sell and dispose of the above mentioned emplacement, and to appropriate the proceeds of the sale thereof to the purpose of erecting another and more suitable Manse building on such other lot in the said village of Beauharnois,

Preamble.

Beauharnois, to be purchased or otherwise acquired by them as a site therefor as shall be found expedient : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Trustees may sell the present Manse lot and apply the proceeds towards purchasing another.

1. It shall and may be lawful for the Trustees of the said congregation holding the said Manse lot or emplacement in the village of Beauharnois, and their successors, or a majority of them, to sell, alienate and convey, by deed or *acte* of sale, to any person or persons whomsoever, and for such price, and on such terms as they shall see fit, for cash or for credit, the said lot or emplacement, number fifty-two of the village of Beauharnois, in the parish of St. Clement, with all and every the appurtenances thereof, and to apply the proceeds resulting from such sale towards the acquisition or purchase of a lot or emplacement in or near the village of Beauharnois, and the erection of a Manse thereon, for the use of the minister for the time being of the said congregation ; and such trustees and their successors for ever to be appointed in the manner set forth in the deed of grant, concession or conveyance, shall hold and possess such land so to be acquired as aforesaid, for the benefit of the said congregation, at Beauharnois, of the Presbyterian Church of Canada, in connection with the Church of Scotland, and may institute and defend all actions at law for the conservation of such land, and of their rights therein.

How to be held, &c.

Public Act.

2. This Act shall be deemed a Public Act.

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

An Act to change the name of the Roman Catholic Episcopal Corporation of Bytown.

[Assented to 18th May, 1861.]

Preamble.

12 V. c. 136.

WHEREAS by the Act of the Parliament of this Province, passed in the Session of Parliament held in the twelfth year of Her Majesty's Reign, and intituled: *An Act to incorporate the Roman Catholic Archbishop and Bishops in each Diocese in Lower Canada*, The Right Reverend Joseph Eugène Bruno Guigues, Roman Catholic Bishop of Bytown, and his successors, being Bishops in communion with the church of Rome, were declared to be a body corporate by the name of "The Roman Catholic Episcopal Corporation of Bytown:" And whereas since the passing of the said Act, the name of the Town of Bytown aforesaid has, by Act of Parliament, been changed into and the said town is known by the name of the City of Ottawa ; and in consequence the said Joseph Eugène Bruno Guigues hath petitioned that the name of the said corporation be changed, and that the said corporation be hereafter known by the name of "The Roman Catholic Episcopal Corporation of Ottawa," and it is desirable to grant the

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

1. From and after the passing of this Act, the Corporation incorporated by the Act of the Parliament of this Province, passed in the Session of Parliament held in the twelfth year of Her Majesty's Reign, intituled: *An Act to incorporate the Roman Catholic Archbishop and Bishops in each Diocese in Lower Canada*, by the name of "The Roman Catholic Episcopal Corporation of Bytown" shall be called and known by the name of "The Roman Catholic Episcopal Corporation of Ottawa," any thing in the said Act, or any other Act or Law, to the contrary, notwithstanding; Provided, always, that such change of name shall not be construed to make the said corporation a new corporation, or to impair or alter the effect of any Act relating to the said corporation, or of any instrument or proceeding to or in which the said corporation by its former name may be, or may have been a party, or in any wise concerned or interested, but the same shall have full force and effect, and shall apply to and may be continued with respect to the said corporation by the name hereby assigned to it.

The Corporation created by Act 12 V. c. 136, by the name of "The R. C. E. Corporation of By-town," hereafter to be called "The R. C. E. Corporation of Ottawa."

Proviso.

2. This Act shall be deemed a Public Act.

Public Act.

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

An Act to incorporate the St. Michel Congregation of Montreal.

[Assented to 18th May, 1861.]

WHEREAS an Association, under the name of the St. Michel Congregation of Montreal, has existed for several years in the City of Montreal, having for its object the aid and assistance of such of its members as, through sickness or otherwise, fall into poverty; and whereas the members of the said Association have, by petition, prayed to be incorporated, and it is expedient to grant their petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. Louis Joseph Prégen, George Ducharme, Magloire David, J. N. Provencher, Arsène Bertrand, Antoine Archambault, Edelmar Bazinet, Maurice Desroches, Jean Thibodeau, Isidore Lussier, together with such other persons as now are members of the said institution, or may hereafter become members thereof, in virtue of this Act, shall be, and they are hereby constituted a body politic and corporate, in fact and in name, under the name of the "St. Michel Congregation of Montreal," and by that name shall have power from time to time, and at any time hereafter, to purchase, acquire, possess, hold, exchange, accept and receive, for themselves and their successors, all lands, tenements and hereditaments, and all real

Certain persons incorporated.

Corporate name and general powers.

Amount of real property limited.

Majority to make By-laws.

Further powers of majority.

Appropriation of property to certain purposes.

Property of Association transferred to Corporation.

Also liabilities.

Present By-laws continued till altered.

Corporation to appoint officers, &c.

or immovable estate, being and situated in Lower Canada, necessary for the actual use and occupation of the said Corporation, and the said property to hypothecate, sell, alienate and dispose of, and to acquire other instead thereof for the same purposes; and any majority whatsoever of the said Corporation, for the time being, shall have full power and authority to make and establish such rules, regulations and By-laws, in no respect inconsistent with this Act or with the laws then in force in Lower Canada, as they may deem expedient and necessary for the interests and administration of the affairs of the said Corporation, and for the admission of members thereof, and the same to amend, and repeal from time to time, in whole or in part, and also such regulations and by-laws as may be in force at the time of the passing of this Act; such majority may also execute and administer, or cause to be executed and administered, all and every the other business and matters appertaining to the said Corporation, and to the government and management thereof, in so far as the same may come under their control, respect being nevertheless had to the regulations, stipulations, provisions and by-laws to be hereafter passed and established.

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

3. All the real and personal estate, at present the property of the said Association, or which may hereafter be acquired by the members thereof, in their capacity as such, by purchase, donation, or otherwise, and all debts, claims and rights which they may be possessed of in such capacity, shall be and they are hereby transferred to the Corporation constituted by this Act, and the said Corporation shall be charged with all the liabilities and obligations of the said Association; and the rules, regulations and by-laws now or hereafter to be established for the management of the said Association, shall be and continue to be the rules, regulations and by-laws of the said Corporation, until altered or repealed in the manner prescribed by this Act.

4. The members of the said Corporation, for the time being, or the majority of them, shall have power to appoint administrators or managers for the administration of the property of the Corporation, and such officers, managers, administrators or servants of the said Corporation, as may be required for the due management of the affairs thereof, and to allow them respectively a reasonable and suitable remuneration; and all officers



officers, so appointed, shall have the right to exercise such other powers and authorities for the due management and administration of the affairs of the said Corporation, as may be conferred upon them by the regulations and by-laws of the said Corporation.

5. The said Corporation shall be bound to make annual reports to both branches of the Legislature, containing a general statement of the affairs of the Corporation, which said reports shall be presented within the first twenty days of every session of the Legislature. Annual report to the Legislature.

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

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

An Act to incorporate the Montreal Baptist Church, under the name of The First Baptist Church of Montreal, and for other purposes.

[Assented to 18th May, 1861.]

**W**HEREAS the Minister, Trustees, and other officers of the Montreal Baptist Church have, by their petition, set forth that they have been in possession of a lot of land and meeting-house thereon erected, situate in St. Helen Street, in the City of Montreal, acquired by the Trustees of the said Church, by Deed executed before N. B. Doucet and colleague, Notaries, on the seventh day of June, 1832, from the late John Try, of Montreal, Architect, and Ebenezer Muir, of the same place, then Merchant Tailor,—that the said lot of land has become valuable for business purposes, and is distant from the residences of the Members,—that the Trustees, with the consent of the said Church, have sold the said lot of land and buildings thereon erected, to James Hutton of Montreal, Merchant, by Deed executed before I. J. Gibb and colleague, Notaries, on the twenty-second day of January, 1861, in order that the proceeds may be applied to the erection of a more central and eligible place of worship,—that doubts have arisen whether the said Trustees had the power to sell the said lot of land,—and that they pray for the passing of an Act to remove the said doubts and confirm the said sale, and also to incorporate the said Church under the name of “The First Baptist Church of Montreal;” and whereas it is expedient to grant such prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

1. The Reverend John Goadby, Ebenezer Muir, James Milne, James Thomson, Seth B. Scott, Thomas D. Reed, Robert Barlow, William Muir, David Bentley, Edward V. Moseley, William Dickson, and George B. Muir, and all other persons Incorporation.

persons who are now or who may hereafter become members of the said Church, according to the principles and usages of the denomination of Christians called Baptists, shall be and are hereby constituted a body politic and corporate, under the name of "The First Baptist Church of Montreal," and under that name may acquire and accept, by any description of title, lands and tenements, real and personal property, for the actual use and benefit of the said Church, and for Mission Chapels, Parsonages and other religious and benevolent purposes, in the City and Island of Montreal,—and may sell and alienate any property acquired or accepted, and apply the proceeds thereof for the use of the said Church or the promotion of the gospel in Canada,—and may mortgage any such land and tenement for the erection or completion of Meeting-houses or other buildings thereon; provided such sale or mortgage is recommended by the majority of the Temporal Committee hereinafter mentioned, and is sanctioned by three-fourths of the male members present at a meeting regularly convened to take into consideration such sale or mortgage; and may make, establish and put in execution, alter or repeal, such By-laws, Rules and Regulations, not contrary to the laws of the Province, the provisions of this Act, the principles or usages of the said denomination of Christians called Baptists, or to the spirit and meaning of any thing in the preamble to the subscription list under which a portion of the moneys used in and about the purchasing of the said lot of land, and the erection of the said meeting house, was raised, as may appear to the said Corporation necessary or expedient for the interests thereof.

Name and general powers.

Mortgaging property.

By-laws.

A certain sale confirmed.

2. The sale of the lot of land and meeting-house thereon erected, situate in St. Helen Street, in the City of Montreal, so made as aforesaid by the said Trustees, to wit: Ebenezer Muir, James Milne, Thomas D. Reed, Robert Barlow, William Muir, David Bentley, and Edward V. Moseley, to the said James Hutton, of Montreal, Merchant, by Deed executed before I. J. Gibb and colleague, Notaries, on the twenty-second day of January last past, is hereby confirmed and declared good and valid in law, as though the said Trustees had been to all intents a body corporate, with the right to sell and alienate the property thereto belonging.

Annual meetings.

3. An Annual meeting of the said Corporation shall be held on the second Wednesday of December of each year, for the election, by the majority of votes of the members present, of a Secretary-Treasurer and six Trustees, and for the transaction of all necessary business.

Temporal Committee powers:

4. The said Trustees and Secretary-Treasurer shall form a Temporal Committee, who shall administer the secular affairs of the Church, shall let and lease the pews and sittings, and receive the moneys arising therefrom, and other revenues of the Church; provided, however, that the rates and the mode of collecting

Proviso.

collecting the revenue shall be determined by the majority of the members present at a General Meeting regularly convened ; Four of the Committee shall form a quorum.

Quorum.

5. The Secretary-Treasurer shall keep a book, in which shall be enrolled the names of the members, with the date of admission and the time when they cease to be members by dismissal, death, exclusion or otherwise, which record, being countersigned by the Minister or Pastor, shall be evidence of membership.

Register to be kept.

6. The said Corporation shall assume all the liabilities of the Trustees of the Montreal Baptist Church, and succeed to all their rights and claims.

Corporation substituted for Trustees.

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

Returns to the Legislature.

8. This Act shall be deemed a Public Act.

Public Act.

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

An Act to authorize the Incumbent and Church-wardens of the Protestant Parish of Drummondville, in the County of Drummond, to dispose of certain real estate.

[Assented to 18th May, 1861.]

**W**HEREAS the Incumbent and Church-wardens of the Protestant Parish of Drummondville, in the County of Drummond, by their Petition, have set forth, that by indenture duly executed, and bearing date of the sixth day of April, in the year one thousand eight hundred and forty-two, between the late Major General Frederick George Heriot, Companion of the Bath, then of Drummondville aforesaid, and the late Reverend George McLeod Ross, then Rector of Drummondville aforesaid, the real estate therein described, theretofore the property of the said Major General Frederick George Heriot, was in due form of law granted, bargained, sold and confirmed unto the said Rector of Drummondville, and his successors in office forever, in trust, for the exclusive use in perpetuity of the Church of England ; that the church of the said Parish stands upon part of the said real estate, and other part thereof has been used as and is a duly consecrated burial-ground, adjacent to the said church ; and that it would be much to the advantage of the said Parish, and of the Church of England therein, that certain other parts of the said real estate should be sold, but they are advised that they are not in law capable

Preamble.

of

of alienating the same; and whereas they have therefore prayed for the passing of an Act to enable them so to do, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Incumbent and Church-wardens may sell certain property.

1. The Incumbent and Church-wardens for the time being of the Protestant Parish of Drummondville, in the County of Drummond, with the consent of the Lord Bishop of the Diocese wherein the said Parish is situate, signified by his becoming party to such sale, may sell to any person the whole or any part or parts of the real estate which, by the said indenture of the sixth day of April, in the year one thousand eight hundred and forty-two, between the said late Major General Frederick George Heriot and the said late Rector of the said Parish, was granted, bargained, sold and confirmed unto the Rector of Drummondville and his successors in office forever, with the exception always of so much thereof as is or hereafter shall become the site of the church or parsonage house, or the burial ground of the said Parish, and may execute all needful deeds of conveyance therefor, for such price, in such lots, at such times, and on such terms as regards payment and otherwise, as to them may seem meet; but no such sale shall be valid unless either expressly approved beforehand, or ratified thereafter, by the Vestry of the said Parish, at a meeting to be called in due form for that purpose.

Proviso.

Application of purchase money.

2. All purchase money accruing from any such sale shall be duly invested by the said Incumbent and Church-wardens in and about the erection, repairing, improvement and maintenance of the parsonage of the said Parish, or otherwise as so much of capital or endowment fund thereof; but no person paying money to them under any deed duly executed in pursuance hereof, shall be required to see to the proper application of such moneys.

Public Act.

3. This Act shall be deemed a Public Act.

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

An Act to authorize the Incumbent and Churchwardens of the Church of St. Paul, at London, to sell, lease, or mortgage a portion of that block of land on which the said Church stands.

[Assented to 18th May, 1861.]

Preamble.

WHEREAS the Incumbent and Church-wardens of St. Paul's Church, at London, in the County of Middlesex, have, in pursuance of a resolution of the said Church, in that behalf, and with the consent and approbation of the Lord

Lord

Lord Bishop of the Diocese of Huron, petitioned for an Act to authorize the said Incumbent and Church-wardens to sell, lease or mortgage a portion of the block of land on which the said Church is situate, for the purpose of raising money to be applied towards paying off the indebtedness of the said Church, and it is expedient to grant the prayer of the said petition : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. The Incumbent and Church-wardens, for the time being, of St. Paul's Church, at London aforesaid, may, with the consent of the Lord Bishop of the Diocese of Huron, contract with any person or persons, party or parties, for the sale in fee simple, or for a lease for any term of years, or for a conveyance by way of mortgage as a security for money borrowed, or to be borrowed, of such portion or portions as they may deem advisable of the said block of land on which the said Church of St. Paul is situate, which block may be described as bounded, on the east by the western limit of Clarence Street ; on the west, by the eastern extremity of Mark Lane ; on the north by the southern limit of Duke Street ; and on the south, by the northern limit of North Street, for such price or rent as they may deem most advantageous, and on such terms of payment as may be agreed on.

Incumbent and Church-wardens may sell or lease part of the said lot.

2. Any conveyance, lease or mortgage to be made in pursuance of such contract, as hereinafter mentioned, may be made and executed by the Incumbent, for the time being, of the said Church.

Execution of deed.

3. All moneys raised by such sale, lease, or mortgage shall be applied : Firstly, towards payment of the indebtedness of the said Church, and Secondly, any surplus of such moneys remaining, after the payment of the said indebtedness, in such manner as the said Incumbent, for the time being, and a special meeting of the Vestry of the said Church, to be called in due form, for the purpose of considering the same, shall decide ; but no purchaser shall be liable for the application of any money paid by him on any sale under the provisions of this Act.

Application of money arising therefrom.

Proviso.

4. No party paying any money to such Incumbent and Church-wardens, in pursuance of these presents, and obtaining their receipt accordingly, shall be required to see to the proper application of the money.

Purchaser, &c., not be bound to see to application.

5. This Act shall, in no respect, affect or interfere with the rights of any parties under existing leases of the said block of land, or any part thereof.

Act not to affect certain rights.

6. This Act shall be deemed a Public Act.

Public Act.

## CAP. CXXXIII.

An Act to confirm the settlement made under the Will of the late Honorable Thomas McKay, by the devisees therein named.

[Assented to 18th May, 1861.]

Preamble.

Will recited.

WHEREAS the Honorable Thomas McKay, late of the Village of New Edinburgh, in the County of Carleton, in Upper Canada, heretofore a member of the Legislative Council for this Province, died on or about the ninth day of October, in the year of our Lord one thousand eight hundred and fifty-five, having first made and executed his last Will and Testament in writing, dated on or about the eighth day of September in the year aforesaid, whereby he appointed Ann Crichton, his wife, and his sons, Alexander McKay, John McKay, Charles McKay and Thomas McKay, and the survivors and survivor of them, executrix and executors thereof, until the entire and perfect execution of the same, and gave and devised to his said executrix and executors, and the survivors and survivor of them, all and singular the moneys, debts, goods and chattels, lands and tenements whatsoever and wheresoever situate, of which he the said testator should die possessed, in trust for the purposes expressed in the said Will, and, amongst other things, in trust that, at the death or second marriage of his said wife, his said sons should have and take of the real estate of the said testator in the township of Gloucester, in the said County of Carleton, lots numbers two, three, four and five, in the front concession on the Ottawa, with all mills, buildings and houses thereon erected, also ten acres of land in the City of Ottawa, being a part of lot letter O in the said City (except the part sold to John McKinnon) with all mills, houses, and buildings thereon erected;—also, Green Island, near the mouth of the Rideau River, in the County of Carleton, with all mills, houses and buildings thereon erected, all which the said testator devised to his said sons, and their heirs and assigns, to and for their own use forever, as tenants in common, subject, nevertheless, to the payment of the legacies and annuities in and by his said Will charged and chargeable thereon, and in trust that, at the same time (death or marriage of the testator's said wife) his daughters Ann, Christina, Jessie and Elizabeth, should have and take all his houses, lands, tenements, hereditaments and real estate in the city of Montreal, which he the said testator did thereby devise to his said daughters, their heirs and assigns for ever, as tenants in common, the said devisees to take effect from and after the death or marriage of the said wife of the testator, and not sooner; and the said testator, by his said Will directed that, in the event of any of his said children dying without legal issue, before coming into possession of his or her share or shares of the property thereby devised, that then the share or shares of such child or children

children should go to and be equally divided amongst the survivors and the legal issue of such, if any, as should have died leaving issue, and that, in the event of any of his said children dying, before coming into possession as aforesaid, and leaving legal issue, such issue, in every case, to take the portion or share which would have belonged to his, her, or their father or mother if then living; And whereas all of the said Sons and Daughters of the said testator survived him, and they were his only lawful issue and descendants at the time of his death, and it was by them then ascertained that the said Will could not be carried into effect and was inoperative, as respected the intended devise therein contained of the real estate situated in Lower Canada, and that it would be for their interest and benefit to give effect to such intended devise upon the terms and as mentioned in the agreement or indenture hereinafter mentioned;— And whereas by the said agreement or indenture, which bears date on or about the thirty-first day of July, in the year of our Lord one thousand eight hundred and fifty-seven, and was made between the said Alexander McKay, John McKay, Charles McKay and Thomas McKay, of the first part, and John McKinnon and Ann, his wife, Robert McKay and Christina, his wife, Thomas C. Keefer and Elizabeth, his wife, and Thomas McLeod Clark and Jessie, his wife, thereto authorized by their said husbands, being the said daughters of the said testator, of the second part, after reciting the said Will in part and declaring that the same, by reason of its not having been attested before three subscribing witnesses, as required by the law of Lower Canada, was inoperative to pass the property in the city of Montreal by the said Will devised to the said testator's said daughters, and that the said parties of the first and second parts had agreed to confirm, ratify and make valid the said Will that it might have lawful effect according to its words, both in Upper and Lower Canada, and as if it had been made and published before three subscribing witnesses, but that they the said parties of the first part, or any of them, should not, in the event of any of the said four daughters dying before coming into possession of the property devised to them as aforesaid, without leaving legal issue, and leaving the said Alexander, John, Charles and Thomas, or any of them surviving, claim the share or any part of the share of such daughter or daughters so dying without leaving legal issue, but should and would allow that such share or shares should be distributed among the survivors or survivor of the said four daughters, and the legal issue of such, if any, as should have died leaving issue, and be confined to such survivors or survivor of the said four daughters and the legal issue of such, if any, as should have died leaving issue, free of any claim, right, title, interest or demand of them the said four sons, or any of them, respectively, or their or any of their heirs; and that they, the said parties of the second part, or any of them, should not thereafter, in the event of any of the said four sons dying before coming into possession of the property devised to them as aforesaid

aforesaid, without leaving legal issue, and leaving the said Ann, Christina, Jessie and Elizabeth, or any of them surviving, claim the share, or any part of the share, of such son or sons so dying without leaving legal issue, but should and would allow that such share or shares should be distributed to and be divisible only amongst the survivors or survivor of the said four sons and the legal issue of such, if any, as shall have died leaving issue, free of any claim, right, title, interest or demand of them or any of them, respectively; it was by the same agreement or indenture witnessed that, for the considerations therein expressed, the said parties of the first part did thereby grant, bargain, sell, assign and set over unto the said Ann McKinnon, Christina McKay, Elizabeth Keefer, and Jessie Clark, authorized by their said husbands and accepting thereof, their heirs and assigns for ever, all the estate, right, title, interest, and trust, claim, and demand whatsoever, both at law and in equity, of them the said parties of the first part, and each of them, their and each of their heirs or assigns, of, in, and to all the houses, lands, tenements, and real estate of the said late Thomas McKay, in the City of Montreal aforesaid; To hold the same to them, their heirs and assigns for ever, as tenants in common, so that neither the said parties of the first part, or any of them, their or any of their heirs or assigns, or any person or persons in trust for them or any of them, should or would, could or might, by any ways or means whatsoever, thereafter have, claim, challenge or demand any right, title, or interest of, in, to, or out of the same houses, lands, tenements, and real estate in the City of Montreal aforesaid, or any of them, or any part thereof, but that they the said parties thereto of the first part, and each and every of them, their and each of their heirs, and every of them, from all estate, right, title, interest, property, claim and demand of, in, to, or out of the same houses, lands, tenements, and real estate, in the City of Montreal aforesaid, or any of them, or any part thereof, should be forever debarred; and by the same agreement or indenture it was further witnessed that, for the consideration therein mentioned, the said parties thereto of the second part did thereby grant, bargain, sell, assign and set over unto the said parties of the first part, their heirs and assigns forever, all the estate, right, title, interest, use, trust, claim, and demand whatsoever, both at law and in equity, of them the said parties of the second part, and each of them, their and each of their heirs and assigns, of, in and to the said lots two, three, four and five, in the front Concession of the said Township of Gloucester, on the Ottawa, with all mills, buildings and houses thereon erected, and also ten acres of land in the City of Ottawa, being a part of lot letter O, (except the part sold to John McKinnon,) with the mills, houses and buildings thereon erected; also, Green Island, near the mouth of the Rideau River, in the County of Carleton; and all mills, houses and buildings thereon erected, to hold the same to them, their heirs and assigns, as tenants in common, so that neither of the said parties



parties thereto of the second part, or any of them, or any of their heirs or assigns, or any person or persons in trust for them or any of them, should or would, could or might, by any ways or means whatsoever, under the provisions of the said will, or otherwise, thereafter have, claim, challenge or demand any right, title or interest, of, in, to, or out of the said last mentioned lands, mills, buildings, tenements, hereditaments and premises, or any of them, or any part thereof, but that they, the said parties thereto of the second part, and each and every of them, their and each of their heirs, and every of them, from all estate, right, title, interest, property, claim and demand of, in, to or out of the same lands, mills, buildings, tenements, hereditaments and premises, or any of them, or any part thereof, should be for ever debarred; which said agreement or indenture was duly executed, signed, sealed and delivered by all the parties thereto, and by the said four daughters, in the presence of two Justices of the Peace, and has endorsed thereon the necessary certificates of examination of the said four daughters, as required by law; And whereas, since the execution of the said agreement or indenture, the said Alexander McKay and Charles McKay have departed this life, and never were married; And whereas the said John McKay, Thomas McKay, the said John McKinnon, and Ann, his wife, the said Robert McKay and Christina, his wife, the said Thomas C. Keefer and Elizabeth, his wife, and the said Thomas McLeod Clark and Jessie, his wife, have, by their petition, represented that the said agreement or indenture still is satisfactory to them, and that the said Ann Crichton, the widow of the said testator, has consented to the prayer thereof, such consent being indorsed upon the said petition, and further, that by reason of the contingency of the death of any of the said sons and daughters of the said late Thomas McKay, who now survive him, before coming into possession of his or her share of the said property and leaving legal issue, the said agreement or indenture cannot be carried into effect so as to bind such issue without the authority of Parliament; And whereas the said petitioners have prayed for the enactments hereinafter contained, which it is expedient to grant: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The said agreement or indenture, dated the thirty-first day of July in the year of our Lord one thousand eight hundred and fifty-seven, shall have effect, according to the true intent and meaning thereof, as and from the said day of the date thereof; and the same was, is, and shall be good and effectual to all intents and purposes, both at law and in equity, to bind, not only the parties thereto and their lawful issue, but all persons claiming or to claim by, from, or under them, or any of them, or either of them, so that such issue and all persons claiming or to claim by, from or under them, or any of them, shall

Agreement of  
31st July,  
1857, con-  
firmed.

Proviso.

shall be debarred from setting up any claim, right, title or interest of, in, or to the same property mentioned in the said agreement or indenture.

In whom certain property shall be vested.

2. All the legal and equitable estate, right, title, and interest of the said late Thomas McKay, of, in, and to the said landed property, in and by the said indenture granted and confirmed by the said four daughters and their said husbands to the said four sons, is in the said John McKay and Thomas McKay and their heirs, as tenants in common, subject, however, to the estate for life, or during widowhood, of their said mother, and with the right of survivorship between them in case one dies before the other, without legal issue, before the death or marriage of their said mother.

In whom the property in Montreal shall be vested.

3. All the legal and equitable estate, right, title and interest of the said late Thomas McKay, of, in, and to the said landed property in the City of Montreal, is in the said Ann McKinnon, Christina McKay, Elizabeth Keefer and Jessie Clark, and their heirs, as tenants in common, subject, however, to the estate for life or widowhood of their said mother, and with the right of survivorship between them in case any of them dies before the other or others of them without legal issue, before the death or marriage of their said mother; and without prejudice to the rights of parties who have already purchased from the said four daughters.

Power of John and Thomas McKay to sell, &c.

4. The said John McKay and Thomas McKay, by and with the consent and approbation of their said mother, testified by some writing under her hand and seal are, by this Act, empowered to sell, mortgage, and dispose of the whole or such portions of the said lands by the said agreement or indenture conveyed and confirmed to them as to them shall seem advisable, and execute all necessary conveyances thereof; and the proceeds arising from such sale or sales, mortgage or mortgages may, from time to time, be invested in the permanent improvement of any part of the said landed property remaining unsold, or in such other manner as they may deem advisable.

Investment of proceeds.

Power of daughters to sell, &c.

5. The said four daughters, with the consent and authority of their husbands, and also with the approbation and consent of their said mother, testified by some writing under her hand are, by this Act, also empowered to sell, mortgage and hypothecate the whole or any part of the said landed property of the said testator, situated in the City of Montreal, which was, by the said agreement or indenture, conveyed and confirmed to the said four daughters of the said late Thomas McKay; and sales already effected, and deeds passed with such authority and consent are hereby ratified and confirmed.

Public Act.

6. This Act shall be deemed a Public Act.

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

An Act to remove doubts as to the validity of certain bequests contained in the last will of Nathan Gage, deceased, and to enable the Trustees under the said Will, to carry into effect the said bequests.

[Assented to 18th May, 1861.]

**W**HEREAS Nathan Gage, heretofore of the town of Brantford, in the county of Brant, in this province, did, in and by his last Will and Testament, bearing date the seventeenth day of December, in the year one thousand eight hundred and forty-nine, amongst other things, give and devise unto his good and esteemed friends, Arunah Huntingdon, of the town of Brantford, aforesaid, cordwainer, William Mathews, of the same place, cordwainer, and John Miliken Tupper, of the same place, carriage-maker, executors of that his last will and testament, their heirs, executors, administrators or assigns, or the survivor or survivors of them, his or their heirs, executors, administrators or assigns, all the estate real and personal, and of what kind or nature soever, and wheresoever situate and being, whether in this Province or thereout, both at law or in equity, whether in possession or expectancy, that might belong or in any wise or manner of right appertain to him at the time he, the said testator, should depart this life, to have and to hold the same and every part thereof unto them, the said Arunah Huntingdon, William Mathews, John Miliken Tupper, or to the survivor or survivors of them, his or their heirs, executors, administrators or assigns for ever, to, upon and under, and for the use, trusts, intents and purposes, and subject to the powers, conditions, and limitations thereafter mentioned and expressed of and concerning the same; and the said testator did further will and direct that his said executors, or the survivor or survivors of them, his or their heirs, executors or administrators, after the payment of all debts and legacies in the said will mentioned and specified, and after the payment of further legacies as therein also mentioned, should, with the remaining proceeds of his said estate, after such final sale thereof, as in the said will directed, invest and apply the same in such manner as to them should seem most likely to promote the cause and interests of suffering humanity in that community, either in the establishment of some charitable institution or the encouragement thereof; And the said testator did thereby nominate and appoint the said Arunah Huntingdon, William Mathews, and John Miliken Tupper, his esteemed friends, executors of that his last will and testament, under the assurance and conviction that they would well, truly and faithfully execute and fulfil all and singular the trusts and duties thereby reposed in and confided to them; And whereas the said Nathan Gage died without issue and without any known relations, and his executors have petitioned to have the residuary

Preamble.

Will cited.

residuary devise or bequest in the said will contained, declared valid : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Residuary  
devise in the  
said Will, con-  
firmed.

1. For and notwithstanding any statute, law, custom or usage to the contrary, the residuary devise or bequest in the said will of Nathan Gage, deceased, contained, for the promotion of the cause and interests of suffering humanity as in the said will mentioned, either in the establishment of some charitable institution or the encouragement thereof, shall be deemed and taken as legal and valid, but shall be carried out and executed by the said William Mathews, Arunah Huntingdon, and John Miliken Tupper, jointly with Thomas Botham and Allan Cleghorn, of the town of Brantford, Esquires.

Public Act.

2. This Act shall be deemed a Public Act.

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

An Act to vest certain Real Estate of the late John Knatchbull Roche, in the hands of Trustees.

[Assented to 18th May, 1861.]

Preamble.

WHEREAS the Widow of the late John Knatchbull Roche, in his lifetime of the Town of Port Hope, in the County of Durham, in this Province, Esquire, Provincial Land Surveyor, deceased, hath, by her Petition, represented that the said John Knatchbull Roche died on the thirteenth day of September, in the year of Our Lord one thousand eight hundred and fifty-nine ; that the said John Knatchbull Roche died intestate, leaving Annie Mary Elizabeth, William Hardy and Frederick George, his lawful children, the said Annie Mary Elizabeth being an infant of the age of seven years, the said William Hardy being an infant of the age of four years, and the said Frederick George being an infant of the age of two years, and that the said Annie Mary Elizabeth, William Hardy, and Frederick George, reside in Port Hope aforesaid with the Petitioner ; that during the lifetime of the said John Knatchbull Roche, he entered into a contract with the University College for the purchase of lot number one, east of Hope street and south of Ward street, and lot number one, west of Elgin street, south of Ward street, in the said Town of Port Hope, upon which there is now due to the University the sum of two hundred and seventy-one pounds ; That the said John Knatchbull Roche also purchased Town Lot number sixty-two, in the said Town of Port Hope, upon which he granted a mortgage, on which mortgage there is now due the sum of two hundred and seventy-one pounds ; That the said John Knatchbull Roche died, seized in fee of Park Lot number seven, part of Lot number fourteen, in the twelfth concession of the Township of  
North

North Monaghan, containing nine acres; And whereas the said petitioner has represented that the whole of the said property is unproductive, and that the said petitioner derives no revenue for the support of her family from any part of the said estate; And whereas, in consequence of the death of the said John Knatchbull Roche and the minority of his three children, and their consequent legal incapacity to execute conveyances, the contracts made by the said John Knatchbull Roche in his lifetime, for a sale of a portion of the said real estate cannot at the present be legally or advantageously made, nor can any revenue be derived for the support of his said children; And whereas the said petitioner hath prayed that an Act may be passed to vest the said above-mentioned real estate of the said John Knatchbull Roche in the hands of Trustees, with power to sell and dispose of the same for the purposes and objects above mentioned, namely, to enable them, in the first place, to pay off all incumbrances thereon, and to invest the balance of the proceeds arising from such sale for the benefit of the children of the said John Knatchbull Roche, according to their several and respective shares in his inheritance, and it is expedient to grant the prayer of the said petitioner as hereinafter mentioned: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. All the estate, right, title, interest, property, claim and demand whatsoever of the children of the said late John Knatchbull Roche, in or to the lands following, that is to say: Lot number one, east of Hope street and south of Ward street; Lot number one, on the west side of Elgin street, south of Ward street, in the Town of Port Hope, in the County of Durham; Town Lot Number sixty-two, in the said Town of Port Hope; also Town Lot number eighteen, on the north side of Burton street, in the said Town of Port Hope; and Park Lot number seven, being part of Lot number fourteen, in the twelfth concession of the Township of North Monaghan, in the County of Peterborough, held by the said John Knatchbull Roche in his lifetime, is hereby transferred to and vested in Annie Elizabeth Roche, of the said Town of Port Hope, widow, James McFeeters, of the Town of Bowmanville, Esquire, and George Molyneux Roche, of the Town of Lindsay, Esquire, and the survivor or survivors of them, and their successors to be appointed as hereinafter mentioned, as Trustees, for the benefit of the children of the said John Knatchbull Roche, with power to sell and dispose of the same and make conveyances of the same, and to invest the proceeds of such sales, after paying off the present incumbrances on the said lands, for the benefit of the children of the said John Knatchbull Roche, according to their several and respective shares, and also with the like power from time to time of selling and disposing of the securities wherein such investments may be made, and re-investing the proceeds; Provided, always, that no such investment or sale of

Certain property of the late J. K. Roche vested in Trustees for the benefit of his children.

an investment and re-investment shall be made without the consent and approbation of the Judge of the County Court of the United Counties of Northumberland and Durham, previously given in writing.

Sales by Trustees;— purchaser discharged on paying the price.

2. Any sale or conveyance of the said lands, or of any part thereof, duly made and executed by the said Trustees, shall be as good, valid and effectual, to all intents and purposes whatsoever, as if the said late John Knatchbull Roche were living and had made the same, or as if the heirs of the said John Knatchbull Roche had made or joined in any sale or conveyance of the same, and the *bonâ fide* payment to the said Trustees, either alone or in conjunction with the others as aforesaid, of the price or purchase money, or of any part or portion thereof, and the receipt of the said Trustees for any sum or sums of money so paid, shall effectually discharge the person paying the same from seeing to the application or being answerable for the misapplication thereof.

Provision for appointment of new Trustees in case of death, resignation, &c.

3. In case of the death or removal from the Province, resignation, incapacity, or unwillingness to act of either or all of the said Trustees, before the complete fulfilment of the Trust hereby created, it shall be lawful for the Judge of the County Court of the United Counties of Northumberland and Durham, on the written application of any one of the heirs of the said late John Knatchbull Roche, if of age, or of the guardian or guardians of those under age duly appointed, to nominate and appoint some fit and proper person to be Trustee or Trustees in the stead of the said Trustee or Trustees so dying or removing from the Province, resigning or becoming unwilling to act as aforesaid, and so from time to time to replace any such Trustee or Trustees so nominated and appointed as aforesaid; and such Trustee or Trustees so from time to time nominated and appointed, as aforesaid, shall have the same power to all intents and purposes as if expressly named and appointed in and by this Act.

If Northumberland and Durham are separated.

4. In case of a separation taking place between the United Counties of Northumberland and Durham, then any application to be made under this Act shall be made to the Judge of the County of Northumberland.

Public Act.

5. This Act shall be deemed a Public Act.

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

An Act for the Relief of the Representatives of the late Thomas Ewart.

[Assented to 18th May, 1861.]

Preamble.

Will of John Ewart recited.

WHEREAS Catharine Seaton Ewart, of the City of Toronto, widow of the late Thomas Ewart, of the same place, Esquire, hath presented her Petition to the Legislature of

of this Province, setting forth, amongst other things—that by the will of the late John Ewart, of the City of Toronto, Esquire, he devised one-fifth of his residuary estate to the family of his deceased son, the said Thomas Ewart, and directed that the said Catharine Ewart should have the benefit of the annual produce of the said fifth for her life, or so long as she remained the widow of the said Thomas, for her own use, subject only to the maintenance and education of their children, who are minors of tender years; that the said residuary estate comprises, amongst other property, some very valuable vacant lots in the City of Toronto and elsewhere; that a partition of a portion of the said residuary estate having been made amongst the devisees, that part of the said estate which, on such partition, fell to the lot of the said family, comprises, amongst other property, certain portions of the said unoccupied land in the City of Toronto, of great value, but yielding little or no income, and which cannot be made to do so to any extent commensurate with the value of the property, without expending a large amount of money thereon, or giving building leases or other long leases thereof; that the said will gives ample powers to the Trustees, with the concurrence of the said Catharine, during her life, and of the legal guardian of the said children after her death, to lease for any period or periods, or to make sale of any part of the said estate before partition, and to re-sell and lease Real Estate which, after partition, might be purchased by way of investments of any part of the share of the said family, but it is considered that such powers do not extend to leases or sales of the devised property after partition; that the omission of such powers was (as the said Petitioner submitted) manifestly an oversight and error, and that it would be for the interest of the family to allow leases and sales to be made in such cases as well as others; and the said Catharine Seaton Ewart having prayed for relief in the premises, it is just and expedient to grant the same: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The said Trustees, for the time being, with the concurrence of the said widow, or, after her death, of the legal guardian or guardians of the minor children, shall have the same power to make sale of and to lease any property which, on the said partition, has fallen to, or which on any future partitions may fall to the said family of the said Thomas Ewart, in the same manner and to the same extent, and subject to the same powers and conditions as like sales and leases might have been made before partition under the said will; and the moneys payable on such sales and leases shall be disposed of in the same manner, and subject to the same powers, trusts and conditions, as the share of the said family, in and of moneys which would have been produced by like sales and leases before partition, under the said will; and further sales of any of the said Real Estate, whenever partitioned or purchased, may be made

The Trustees, with the consent of the widow, invested with certain powers of sale.

Investment of purchase moneys, &c.

Building  
leases.

while so leased or otherwise ; and if any building leases are made of any property partitioned or purchased, the same may contain all or any of the provisions usual in such leases, and may also contain such provisions in regard to renewals, removing the buildings, compensation therefor by such persons as may be owners of the estate when the same is payable, or otherwise, as may be deemed fit.

Public Act.

2. This Act shall be deemed a Public Act.

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

An Act for the relief of David Rintoul and Walter Armstrong.

[Assented to 18th May, 1861.]

Preamble.

**W**HEREAS the Corporation of the Township of Beverly recovered judgment against one David Rintoul and one Walter Armstrong, for the sum of eight hundred pounds, as sureties of one Heman Gates Barlow, the late Treasurer of the said Township, and whereas the ratepayers and inhabitants of that Township have petitioned that power may be granted to the Corporation of the said Township of Beverly, to enable them to release and discharge the said sureties from the said judgment, and it is expedient that their prayer be granted : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Corporation  
of Beverly  
may acquit  
the said Rin-  
toul and  
Armstrong.  
But this shall  
not discharge  
H. G. Barlow.

1. From and after the passing of this Act the Corporation of the said Township of Beverly may acquit, release and discharge the said David Rintoul and Walter Armstrong from the said judgment so recovered against them as sureties for the said Heman Gates Barlow, the late Treasurer of the said Township, and relieve their lands and personal estates from all lien and incumbrance thereby created ; Provided, nevertheless, that neither such discharge nor any thing herein contained shall be construed in any manner to release, discharge or satisfy any judgment, claim or demand, which the said Corporation hold, or are entitled to have, against the said Heman Gates Barlow, as such late Treasurer of the said Township, his heirs, executors or administrators ; but the same shall remain in as full effect and force as if the said discharge had not been granted, or this Act had not been passed.

Public Act.

2. This Act shall be deemed a Public Act.



## CAP. CXXXVIII.

An Act to vest a certain Road allowance and other property in Sarah Davidson Russel.

[Assented to 18th May, 1861.]

**W**HEREAS Sarah Davidson Russel, by her petition to the Legislature, has set forth, that she is the proprietor of the west half of lot number two, in the sixth concession of the township of Madoc, in the county of Hastings, and also of that part of the West half of Lot number one in the same Concession, which is adjacent to the said Lot number two, and bounded by the road to Marmorá, and that that part of the original allowance for road between the fifth and sixth Concessions of the said Townships, which adjoins the property of the said Sarah Davidson Russel, is impracticable and unfit for use as a public highway, and in consequence a road has been opened and run through the said property without the consent of or compensation being made to the owner thereof, which said last road is used and travelled as a public highway, and is now established by user, and that the said road being run in an oblique direction cuts up and destroys the land and greatly diminishes the value of the property, and that the said Sarah Davidson Russel is willing, and prays that she be allowed to provide a sufficient public highway in lieu of the intended Concession road, upon condition that the land now used as a road through her property, and the said allowance for road, be vested in her as a compensation therefor; And whereas it is expedient to grant the prayer of her petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The original allowance for road between the fifth and sixth Concessions of the Township of Madoc, in the County of Hastings, so far as it adjoins those parts of Lots numbers one and two in the sixth Concession of the said Township which are the property of Sarah Davidson Russel, and also the land now used and travelled as a public highway through the said property shall be vested in her, her heirs and assigns for ever, upon condition, however, that the said Sarah Davidson Russel shall, within six months after the passing of this Act, lay out a new highway road through her said property at the distance of thirteen chains seventy-four links from the original allowance for road, and running parallel therewith a distance of seventeen chains, thence west at right angles seven chains ten links, thence again parallel to the original road allowance to within two chains and one-half chain of Lot number three in the said sixth Concession, and thence at right angles so as to intersect the original Concession road or road allowance; Provided, further,

Preamble.

Original allowance vested in S. D. Russell on conditions of her furnishing another road.

Proviso.

Further condition in favor of E. Franklin.

further, that the road now used and travelled as a public highway shall continue so to be used until the new road hereinbefore provided for shall have been laid out; and made upon the further condition that the said Sarah Davidson Russel shall discharge to Edward Franklin, of the village of Hastings, in the said Township of Madoc, in the said County of Hastings, a mortgage now held by the said Sarah Davidson Russel, against the said Edward Franklin, and give him a full acquittance and discharge for all sums due on said mortgage, and the said Sarah Davidson Russel shall convey to the said Edward Franklin, so much of the Concession road between the fifth and sixth Concessions of the said Township of Madoc as abuts on the lands of the said Edward Franklin, and the said Sarah Davidson Russel shall abandon all further claim to the drowned lands on the west side of the creek joining the land of the said Edward Franklin.

Public Act.

2. This Act shall be deemed a Public Act.

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

An Act to enable John Ericsson to obtain Letters Patent for an improved Caloric Engine.

[Assented to 18th May, 1861.]

Preamble.

**W**HEREAS John Ericsson, a native of Sweden, a member of the Royal Academy of Science at Stockholm, and a Knight of the Order of Vasa, but presently residing at the City of New-York, in the United States of America, has, by his petition, represented, that he was the inventor of the Caloric Engine now in use, for which no patent has been granted in the Province of Canada, and that he has lately made important improvements in the Caloric Engine, and by great perseverance and at a very considerable expenditure of time and money, has succeeded, by such new improvements, in rendering the caloric engine the cheapest and safest known motive power, and has prayed that he may be protected in his invention, and Letters Patent for an improved caloric engine granted to him; And whereas it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Notwithstanding any thing in cap. 34 of Con. Stat. Can., Ericsson may obtain a Patent as if he were a British subject resi-

1. For and notwithstanding any matter or thing contained in the thirty-fourth Chapter of the Consolidated Statutes of Canada, intituled: *An Act respecting Patents for Inventions*, the said John Ericsson may apply, in the manner provided by the said Act, to the Governor of this Province, for a patent of invention for an Improved Caloric Engine, and the Governor, on due proceedings being had, as by the said Act directed, shall grant such Patent, for the period and in manner and under

under the terms prescribed by the said Act, as if the said John Ericsson had been a subject of Her Majesty, and resident of this Province; and such portion of the said Act, as requires that an applicant for Patent of invention shall be a subject of Her Majesty, and resident of this Province, shall not be held or taken as applicable to the said John Ericsson in respect to his said invention, discovery or improvement, or the application or grant of Letters Patent therefor.

2. Any such Patent to be granted as aforesaid shall nevertheless be granted on the following conditions:

1. That the Patentee shall, within twelve months from the date of the Letters Patent, establish or cause to be established, within the limits of the Province of Canada, a Factory for the manufacture of the said Improved Caloric Engine;

2. That the privileges granted by such Letters Patent, shall be available to the Patentee so long only as such factory shall continue in operation.

3. This Act shall be deemed a Public Act.

## C A P. C X L.

An Act to authorize any Board of Notaries to admit, after examination, Jules Huguenin and Joseph Lefebvre to practise as Notaries.

[Assented to 18th May, 1861.]

**W**HEREAS Jules Huguenin, a native of France, born at Nantes, Arrondissement of Nantes, Departement de la Loire Inferieure, has, by his petition to the Legislature, represented, that he has followed a regular course of study, and has studied law with the view of being admitted to the practice of the Notarial Profession; that with that object he served the number of years required in France, under Messieurs Auguste Gaudin, Notary, at Anetz, and Prasille Poulet, Notary, at Ancenis, the said places being both in the Arrondissement of Ancenis, in the Departement de la Loire Inferieure; and that on being admitted to the practice of his profession, circumstances over which he had no control compelled him to emigrate to Canada, where he has resided since the tenth of October, one thousand eight hundred and fifty-eight; that on the twenty-first of January, one thousand eight hundred and sixty, in conformity with the law which governs these matters in Lower Canada, he obtained, after examination, a certificate from the Board of Notaries, for the District of Richelieu, authorizing him to prepare himself by study for the practice of the Notarial Profession, and that thereupon he commenced to served a clerkship under

under Jean Octave Chalu, Esquire, Notary, at Berthier en haut; that he has since regularly served, and still continues to serve under the same patron; And whereas the period of study required for that profession requires him to wait four or five years before he can be admitted to practise, and he is qualified to practise as a Notary, considering the legal studies he has already pursued in France, and which he has continued in Canada, and it is expedient to grant the prayer of his petition, to be at once admitted: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Jules Huguenin may be admitted after examination and naturalization.

**1.** Any authorized Board of Notaries in Lower Canada may admit the said Jules Huguenin to the examination required of candidates for admission to the Notarial Profession, may submit him to such examination, and admit him to the said profession and the practice thereof, at any time after the passing of this Act, any law or usage to the contrary notwithstanding; but before being admitted to the said profession, in the manner above indicated, the said Jules Huguenin must have become, by naturalization, a subject of Her Majesty in Canada.

Joseph Lefebvre may be admitted after examination and on proving certain Clerkship.

**2.** And whereas Joseph Lefebvre, of Knowlton, in this Province, has not complied with all the requirements of section sixteen of the seventy-third chapter of the Consolidated Statutes for Lower Canada, previous to commencing his clerkship, and hath prayed to be admitted to an examination and admission as a Notary notwithstanding the said provisions, and it is expedient to grant the same: Therefore, it is enacted that any authorized Board of Notaries in Lower Canada, upon due proof to their satisfaction that the said Joseph Lefebvre has studied as a Notarial student for a period equivalent to four years of clerkship, and after he has passed the examination required of candidates for admission to the said profession, shall admit the said Joseph Lefebvre to practise as a Notary, any law or usage to the contrary notwithstanding.

Public Act.

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

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QUEBEC:—Printed by S. DERBISHIRE & G. DESBARATS,  
Law Printer to the Queen's Most Excellent Majesty.

# STATUTES

OF THE

# PROVINCE OF CANADA

PASSED IN THE

TWENTY-FOURTH YEAR OF THE REIGN OF HER MAJESTY

## QUEEN VICTORIA

AND IN THE FOURTH SESSION OF THE SIXTH PARLIAMENT OF CANADA.

Begun and holden at Quebec on the Sixteenth day of March, in the year of  
Our Lord One Thousand Eight Hundred and Sixty-one.

RESERVED ACT.



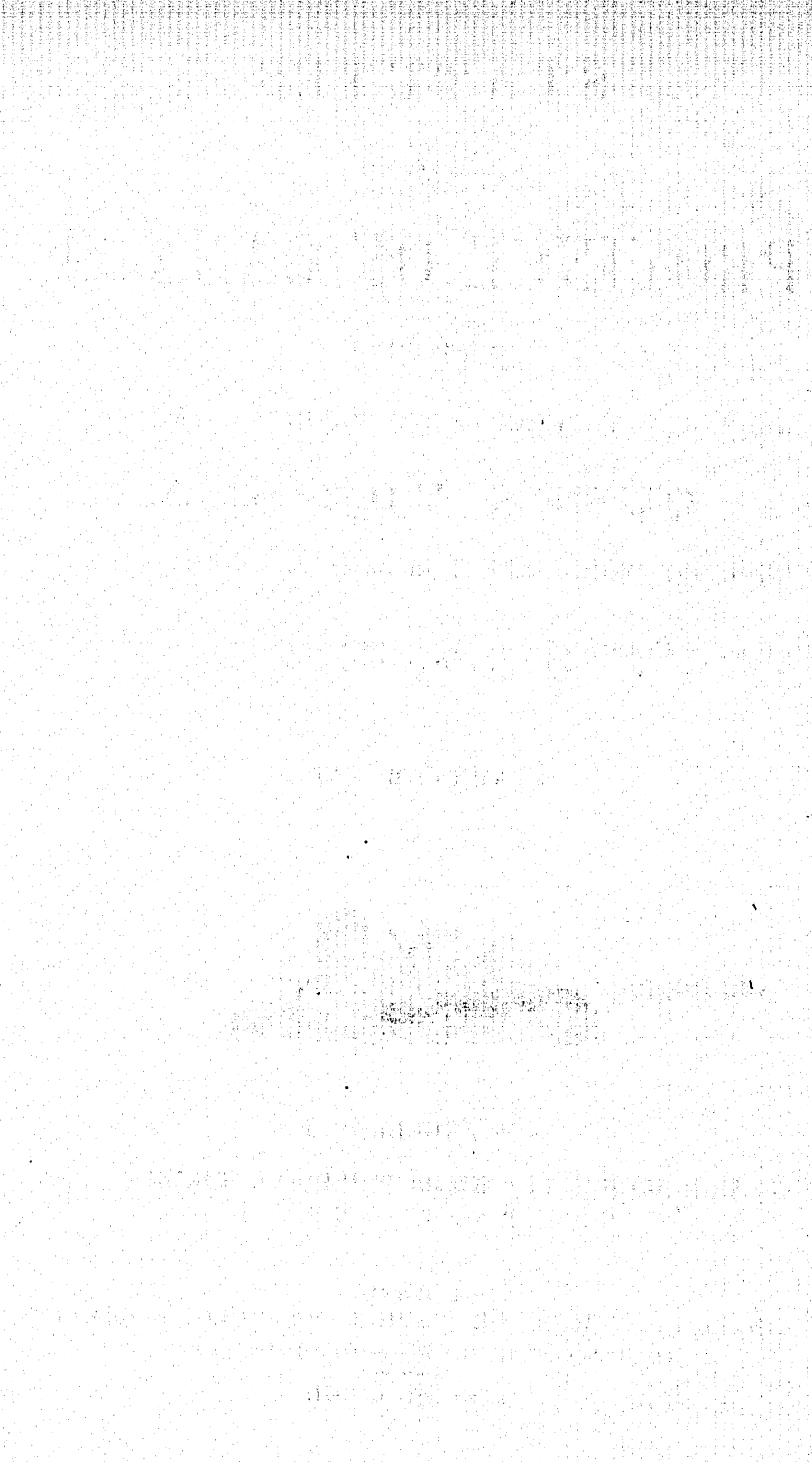
HIS EXCELLENCY

THE RIGHT HONORABLE SIR EDMUND WALKER HEAD, BARONET, K. C. B.  
GOVERNOR GENERAL.

QUEBEC:

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

Anno Domini, 1861.





ANNO VICESIMO-QUARTO

VICTORIÆ REGINÆ.

CAP. CXLI.

An Act to enable Frederic Chase Capreol, Esquire, to dispose of certain lands by allotment, notwithstanding Chapter ninety-five of the Consolidated Statutes of Canada.

Reserved for the signification of Her Majesty's pleasure, 18th May, 1861.  
The Royal assent given by Her Majesty in Council, on the 26th June, 1861, and the Proclamation thereof made by His Excellency the Right Honorable Sir EDMUND WALKER HEAD, K. C. B., Governor General, in the Canada Gazette of the 10th August, 1861.

**W**HEREAS Frederic Chase Capreol hath, by his petition, Preamble.  
shewn that he is desirous to dispose of certain lands, being the lots of land hereinafter mentioned, by allotment as hereinafter set forth, and for avoidance of doubt as to the effect of chapter ninety-five of the Consolidated Statutes of Canada, in the premises, to be authorized thereto by Statute; and whereas it is expedient that the prayer of the said petition should be granted upon the terms and conditions hereby enacted: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. It shall be lawful for the said Frederic Chase Capreol to sell and dispose in shares by allotment, of all those tracts or parcels of land being lots numbers nine, ten, eleven, twelve, thirteen and fourteen in the first range, and lots nine, ten, eleven and twelve, broken front of the Indian Reserve, west side of Port Credit, in the Township of Toronto, in the County of Peel, and to convey and assure the same when sold to the respective purchasers thereof; the ninety-fifth chapter of the Consolidated Statutes of Canada, or any other Statute now in force in this Province notwithstanding; Provided, always, that the proportion of land to be allotted to the holder of each share, shall be of equal value, as nearly as may be, and a deposition, to this effect, by the surveyor who shall lay out the said land in shares, under this Act, shall be made before and to the satisfaction of the Judge of the County Court, and shall be filed in the Registry Office of the County of Peel, before the said allotment takes place.

F. C. Capreol may dispose of certain property in shares by allotment.  
Proviso: shares to be as nearly as may be of equal value, &c.

Proviso: part  
of proceeds to  
be invested in a  
Factory.

**2.** Provided also, and it is hereby enacted, that the said Frederic Chase Capreol shall vest in three trustees to be appointed, twenty-five per cent. of the aggregate proceeds of such sale or sales, to be invested in a Flax, Hemp or such other Factory as the parties interested may deem most desirable for their benefit; the said trustees to act as receivers of this portion of the proceeds; Provided, always, that unless seven-eighths of the lots be sold, it shall be optional with the said Frederic Chase Capreol to refund to the purchasers the amount so obtained, the trustees being first required to return to him the twenty-five per cent. received by them.

Proviso: if less  
than seven-  
eighths be sold.

Public Act.

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

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Law Printer to the Queen's Most Excellent Majesty.



## FOURTH SESSION, SIXTH PARLIAMENT:

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 TABLE OF CONTENTS.

	PAGES.
1. An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Civil Government for the year one thousand eight hundred and sixty-one, and for certain other expenses connected with the public service, and also for raising a Loan on the credit of the Consolidated Revenue Fund, - - - - -	3
2. An Act to amend and explain the Act respecting duties of Customs, as regards packages in which goods are imported, - - - - -	12
3. An Act for better preventing the fraudulent use of false Invoices for Customs purposes, - - - - -	13
4. An Act to amend the twenty-eighth chapter of the Consolidated Statutes of Canada, intituled: <i>An Act respecting the Public Works</i> , in so far as respects the powers of Official Arbitrators, - - - - -	14
5. An Act to continue for a limited time the several Acts therein mentioned, and for other purposes, - - - - -	16
6. An Act to amend chapter eighty-nine of the Consolidated Statutes of Canada, respecting the Extradition of Fugitive Felons from the United States of America, - - - - -	19
7. An Act to amend the Law relating to the unlawful administering of Poison, - - - - -	20
8. An Act to amend and extend the law in respect to persons injured in this Province and dying abroad, - - - - -	21
9. An Act to abolish the mode of procedure in criminal cases called Recording Sentence of death, - - - - -	22
10. An Act to prevent vexatious Indictments for certain Misdemeanors, - - - - -	22
11. An Act to amend <i>The Prison and Asylum Inspection Act</i> , - - - - -	23
12. An Act to amend the one hundred and eleventh chapter of the Consolidated Statutes of Canada, intituled: <i>An Act respecting the Provincial Penitentiary of Canada</i> , - - - - -	25
13. An Act to amend the one hundred and eighth chapter of the Consolidated Statutes of Canada, intituled: <i>An Act respecting a Lunatic Asylum for Criminal Convicts</i> , - - - - -	25
14. An Act to abolish the right of Courts of Quarter Sessions and Recorders' Courts to try Treasons and Capital Felonies, - - - - -	26
15. An Act to amend the one hundred and second chapter of the Consolidated Statutes of Canada, intituled: <i>An Act respecting the duties of Justices of the Peace, out of Sessions, in relation to persons charged with indictable offences</i> , - - - - -	26

	PAGES.
<b>16.</b> An Act to give jurisdiction to Canadian Magistrates in respect of certain offences committed in New Brunswick by persons afterwards escaping to Canada, - - - - -	27
<b>17.</b> An Act to explain and amend the Railway Act, - - - - -	28
<b>18.</b> The Joint Stock Companies General Clauses Consolidation Act,	30
<b>19.</b> An Act to amend the Act chapter sixty-three of the Consolidated Statutes of Canada respecting Joint Stock Companies,	39
<b>20.</b> An Act to amend the Joint Stock Companies Judicial Incorporation Act, - - - - -	40
<b>21.</b> An Act to amend the Act respecting Trade Marks, and to provide for the Registration of Designs, - - - - -	42
<b>22.</b> An Act to amend the Act respecting the Inspection of Sole Leather, - - - - -	50
<b>23.</b> An Act to amend chapter fifty-four of the Consolidated Statutes of Canada, intituled: <i>An Act respecting Incorporated Banks</i> , - - - - -	51
<b>24.</b> An Act to provide for the more general adoption of the practice of Vaccination, - - - - -	52
<b>25.</b> An Act to amend chapter six of the Consolidated Statutes of Canada, respecting Elections of Members of the Legislature, for the removal of all doubts as to the right of appeal in the case hereinafter mentioned, - - - - -	56
<b>26.</b> An Act to amend and consolidate the laws respecting the Recorder's Court of the City of Quebec, - - - - -	57
<b>27.</b> An Act to amend the Act twenty-third Victoria, chapter twenty-five, and chapter eighty-five of the Consolidated Statutes for Lower Canada, as respects the exemption of certain articles from seizure in satisfaction of debts, - - - - -	66
<b>28.</b> An Act to amend chapters eighteen and twenty of the Consolidated Statutes for Lower Canada; respecting the erection of Parishes, and the registration of Marriages, Baptisms and Burials, - - - - -	67
<b>29.</b> An Act to amend the Lower Canada Consolidated Municipal Act, - - - - -	68
<b>30.</b> An Act to amend the Agricultural Act, - - - - -	80
<b>31.</b> An Act respecting Mining Rights, - - - - -	85
<b>32.</b> An Act to amend chapter sixty-eight of the Consolidated Statutes for Lower Canada, respecting Mutual Insurance Companies, - - - - -	85
<b>33.</b> An Act to amend the Act respecting the investigation into Accidents by Fire, - - - - -	87
<b>34.</b> An Act to explain certain parts of chapter seventy-two of the Consolidated Statutes for Lower Canada relating to the admission of Students to the profession of Advocate, - - - - -	87
<b>35.</b> An Act to amend chapter seventy-three of the Consolidated Statutes for Lower Canada, intituled: <i>An Act respecting the Notarial Profession</i> , - - - - -	88
<b>36.</b> An Act to amend the thirteenth chapter of the Consolidated Statutes for Upper Canada respecting the Court of Error and Appeal, - - - - -	89

## TABLE OF CONTENTS.

iii

	PAGES.
<b>37.</b> An Act further to amend the Act respecting the Municipal Institutions of Upper Canada, - - - -	90
<b>38.</b> An Act to amend the Assessment Act, - - - -	90
<b>39.</b> An Act to extend the application of certain sections of the Act respecting the Municipal Institutions of Upper Canada, - - - -	92
<b>40.</b> An Act for the better Assignment of Dower in Upper Canada, - - - -	92
<b>41.</b> An Act to repeal the Laws relating to the Registration of Judgments in Upper Canada, - - - -	96
<b>42.</b> An Act to amend chapter eighty-nine of the Consolidated Statutes for Upper Canada respecting the Registration of Deeds and other Instruments, - - - -	99
<b>43.</b> An Act further to extend the time for the registration of conveyances to Religious Institutions in Upper Canada, - - - -	99
<b>44.</b> An Act respecting Forfeited Estates in Upper Canada, - - - -	100
<b>45.</b> An Act to remove all doubts as to the validity of certain Certificates issued by Judges of the County Courts to Insolvents, under the Act of 1856, - - - -	101
<b>46.</b> An Act to amend chapter seventy-two of the Consolidated Statutes for Upper Canada, intituled: <i>An Act respecting Marriages in Upper Canada</i> , - - - -	102
<b>47.</b> An Act to amend the Act respecting Mutual Insurance Companies in Upper Canada, - - - -	102
<b>48.</b> An Act to amend the Act relating to Constables, - - - -	103
<b>49.</b> An Act respecting Maps or Plans of Towns or Villages in Upper Canada, - - - -	103
<b>50.</b> An Act to amend the Act to provide for the separation of the County of Victoria from the County of Peterborough, and to fix the County Town at Lindsay, - - - -	104
<b>51.</b> An Act to provide for the separation of the County of Renfrew from the County of Lanark, - - - -	106
<b>52.</b> An Act to remove doubts as to the validity of By-law numbered fifty-seven of the Corporation of the County of Grey, and of certain Debentures thereunder, - - - -	107
<b>53.</b> An Act to provide for the separation of the City of Toronto from the United Counties of York and Peel, for certain judicial purposes, - - - -	108
<b>54.</b> An Act to enable the City of Toronto to issue Debentures for two hundred thousand dollars, and to consolidate the Public Debt of the City, - - - -	111
<b>55.</b> An Act for the consolidation of the Debt of the City of Hamilton, and for other purposes, - - - -	112
<b>56.</b> An Act to vest in the Corporation of the City of Hamilton, the Water Works of that City, - - - -	115
<b>57.</b> An Act to authorize the Corporation of the City of Ottawa to continue William Street to the Market Square, - - - -	117
<b>58.</b> An Act to confirm the Survey of certain parts of the City of Ottawa, - - - -	118
<b>59.</b> An Act to authorize the Corporation of the City of Ottawa to collect certain Taxes in arrear for the year one thousand eight hundred and fifty-nine, - - - -	121

	PAGES.
60. An Act to confirm a re-survey of part of the Township of Goderich, - - - - -	122
61. An Act to consolidate the Debt of the Town of Peterborough, and to authorize the issue of Debentures on the security of Town property, and for other purposes, - - - - -	123
62. An Act to consolidate the Debt of the Town of Port Hope, - - - - -	127
63. An Act to authorize the Corporation of the Town of Owen Sound to impose and collect certain Tolls, and for other purposes, - - - - -	129
64. An Act to confirm certain Side Roads in the Township of Scarborough, and to provide for the defining of other Road allowances and Lines in the said Township, - - - - -	133
65. An Act to enable the Municipalities of Dereham and Ingersoll to pass By-laws to ratify their agreement with the Dereham, Ingersoll and Dorchester Plank and Gravel Road Company, and to legalize the said agreement, - - - - -	135
66. An Act to establish and define certain Road allowances and boundaries in the Township of Burford, - - - - -	136
67. An Act to authorize the Mayor, Aldermen and Citizens of the City of Montreal, to borrow an additional sum for the purpose of completing the new Water Works in the said City, and to restrict the annual expenditure of the Council of the said City within certain limits, - - - - -	138
68. An Act further to amend the Act to provide for the management and improvement of the Harbour of Montreal, and the deepening of the Ship Channel between Montreal and Quebec, - - - - -	140
69. An Act to remove certain obstructions to the Navigation of the Rivière des Prairies, and to repeal certain clauses of the Acts tenth and eleventh Victoria, chapters ninety-seven and ninety-eight, - - - - -	143
70. An Act to incorporate the Town of Lévis, - - - - -	144
71. An Act to incorporate the Village of Victoriaville, in the County of Arthabaska, and for other purposes, - - - - -	176
72. An Act to alter the limits of the Village of Acton Vale in the County of Bagot, - - - - -	178
73. An Act to divide the Municipality of St. Gabriel de Valcartier into two separate Municipalities, - - - - -	180
74. An Act to legalize certain proceedings of the Agricultural Society of the County of Arthabaska, - - - - -	181
75. An Act to allow the establishment of a Commissioners' Court in the Municipality of Hébertville, in the County of Chicoutimi, notwithstanding any deficiency in the number of Electors, - - - - -	181
76. An Act to establish the Local and School Municipalities of St. Louis de Blandford and St. Valère de Bulstrode, in the County of Arthabaska, and for other purposes, - - - - -	182
77. An Act to amend the Acts regulating the Common of the Seigniorship of Yamaska, and to authorize the partition of the said Common, - - - - -	184
78. An Act to confirm certain Surveys in the Townships of Lingwick, Bury and Orford, - - - - -	186

# TABLE OF CONTENTS.

V

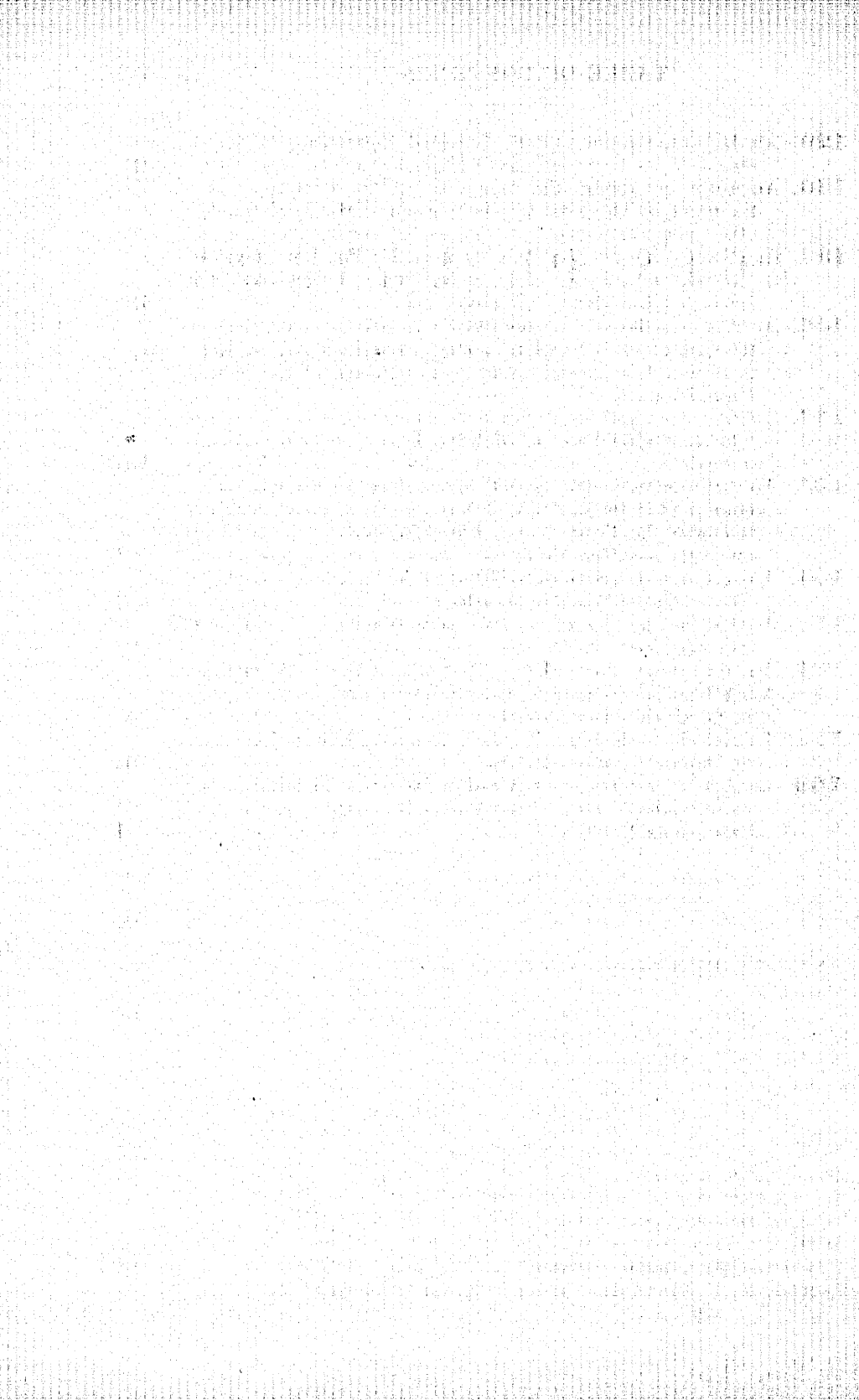
	PAGES.
<b>79.</b> An Act to enable the Municipal Council of the Parish of Ste. Anne de la Pérade to establish certain tolls on the Bridge over the river Ste. Anne, - - - - -	190
<b>80.</b> An Act to incorporate the Canada Central Railway Company, and to amend the Act, intituled: <i>An Act to provide for and encourage the construction of a Railway from Lake Huron to Quebec</i> , - - - - -	193
<b>81.</b> An Act to incorporate the Montreal and Vermont Junction Railway Company, (1861.) - - - - -	202
<b>82.</b> An Act to incorporate the "Montreal Railway Terminus Company," - - - - -	210
<b>83.</b> An Act to incorporate the Toronto Street Railway Company, - - - - -	215
<b>84.</b> An Act to incorporate the Montreal City Passenger Railway Company, - - - - -	218
<b>85.</b> An Act to extend the period fixed for the completion of the works of the North Shore Railway and St. Maurice Navigation and Land Company, - - - - -	222
<b>86.</b> An Act to amend the Charter of the Drummond and Arthabaska Counties Railway Company, - - - - -	223
<b>87.</b> An Act to amend the Acts incorporating the Carillon and Grenville Railway Company, - - - - -	225
<b>88.</b> An Act to incorporate "The Petroleum Springs Road Company," - - - - -	225
<b>89.</b> An Act to incorporate The Merchants' Bank, - - - - -	229
<b>90.</b> An Act to incorporate <i>La Banque Jacques Cartier</i> , - - - - -	243
<b>91.</b> An Act to amend the Charter of the Bank of Montreal, - - - - -	259
<b>92.</b> An Act to amend the Charter of the Annuity and Guarantee Funds Society of the Bank of Montreal, - - - - -	260
<b>93.</b> An Act further to increase the Capital Stock of <i>La Banque du Peuple</i> , - - - - -	261
<b>94.</b> An Act further to amend the Acts relating to the Niagara District Bank, - - - - -	263
<b>95.</b> An Act to amend the Charter of the Ontario Bank, - - - - -	264
<b>96.</b> An Act to incorporate the Montreal Hydraulic and Dock Company, - - - - -	267
<b>97.</b> An Act to amend the Acts incorporating the St. Lawrence Warehouse, Dock and Wharfage Company, - - - - -	290
<b>98.</b> An Act for the the incorporation of the "Lake St. Peter Navigation Company," - - - - -	293
<b>99.</b> An Act to incorporate the St. Lawrence Navigation Company, - - - - -	299
<b>100.</b> An Act to incorporate the St. Lawrence Grain Elevating and Floating Storage Company, - - - - -	305
<b>101.</b> An Act further to amend the Act incorporating the Metropolitan Gas and Water Company of the City of Toronto, - - - - -	307
<b>102.</b> An Act to incorporate the Toronto Cotton Mills Company, - - - - -	315
<b>103.</b> An Act to amend the Act incorporating the "British American Manufacturing Company," - - - - -	318
<b>104.</b> An Act to amend the Act incorporating the Windsor Improvement Company, - - - - -	319
<b>105.</b> An Act to amend the Charter of the South-Eastern Mining Company of Canada, - - - - -	322

	PAGES.
<b>106.</b> An Act to revive and amend <i>An Act to incorporate the Kingston Fire and Marine Insurance Company,</i> -	322
<b>107.</b> An Act to amend and extend an Act intituled: <i>An Act for the incorporating and granting certain powers to the Agricultural Loan Association of Canada,</i> -	324
<b>108.</b> An Act to change the name of the College of Bytown, and to amend the Act incorporating the same, -	326
<b>109.</b> An Act to incorporate <i>Morrin College,</i> at Quebec, -	327
<b>110.</b> An Act respecting the Eclectic System of Medicine, -	331
<b>111.</b> An Act to incorporate the Guelph General Hospital, -	333
<b>112.</b> An Act to incorporate the Wesleyan Female College of Hamilton, -	336
<b>113.</b> An Act to incorporate the "Church of England Female Orphan Asylum," at Quebec, -	344
<b>114.</b> An Act to incorporate "The Boys' Home" of the City of Toronto, -	346
<b>115.</b> An Act to amend the Act incorporating the Montreal Asylum for Aged and Infirm Women, -	349
<b>116.</b> An Act to amend the Act passed in the twelfth year of Her Majesty's Reign, intituled: <i>An Act to incorporate La Communauté des Révérendes Sœurs de la Charité, at Bytown,</i> -	350
<b>117.</b> An Act to Incorporate the Society called the <i>Union St. Joseph de L'Industrie,</i> -	350
<b>118.</b> An Act to incorporate <i>Les Dames Religieuses de Jésus-Marie,</i> -	352
<b>119.</b> An Act to incorporate the St. Antoine Association of Montreal, -	354
<b>120.</b> An Act to incorporate <i>La Société de Colonisation du Bas Canada,</i> -	355
<b>121.</b> An Act to incorporate the <i>Stadacona Club</i> of Quebec, -	358
<b>122.</b> An Act to incorporate the St. George's Society of Ottawa, -	359
<b>123.</b> An Act to incorporate the Montreal Skating Club, -	361
<b>124.</b> An Act respecting the Union of certain Presbyterian Churches therein named, -	363
<b>125.</b> An Act to confirm and legalize a certain agreement entered into between the Church Societies of the Dioceses of Toronto and Huron, relative to certain Church Lands in the Diocese of Huron, -	366
<b>126.</b> An Act to place the Wesleyan Methodist Church and Parsonage Property, in the town of Stratford, county of Perth, under the directions and provisions of the "Model Deed" of the Wesleyan Methodist Church in Canada, in connexion with the English Conference, for the better management thereof, -	368
<b>127.</b> An Act to authorize the Trustees of the Congregation of the Presbyterian Church in Canada in connection with the Church of Scotland, at Beauharnois, to sell a certain lot held by them in trust for such Congregation, -	369
<b>128.</b> An Act to change the name of the Roman Catholic Episcopal Corporation of Bytown, -	370

## TABLE OF CONTENTS.

vii

	PAGES.
<b>129.</b> An Act to incorporate the St. Michel Congregation of Montreal, - - - - -	371
<b>130.</b> An Act to incorporate the Montreal Baptist Church, under the name of The First Baptist Church of Montreal, and for other purposes, - - - - -	373
<b>131.</b> An Act to authorize the Incumbent and Church-wardens of the Protestant Parish of Drummondville, in the County of Drummond, to dispose of certain real estate, - - - - -	375
<b>132.</b> An Act to authorize the Incumbent and Church-wardens of the Church of St. Paul, at London, to sell, lease, or mortgage a portion of that block of land on which the said Church stands, - - - - -	376
<b>133.</b> An Act to confirm the settlement made under the Will of the late Honorable Thomas McKay, by the devisees therein named, - - - - -	378
<b>134.</b> An Act to remove doubts as to the validity of certain bequests contained in the last will of Nathan Gage, deceased, and to enable the Trustees under the said Will, to carry into effect the said bequests, - - - - -	383
<b>135.</b> An Act to vest certain Real Estate of the late John Knatchbull Roche, in the hands of Trustees, - - - - -	384
<b>136.</b> An Act for the Relief of the Representatives of the late Thomas Ewart, - - - - -	386
<b>137.</b> An Act for the relief of David Rintoul and Walter Armstrong, - - - - -	388
<b>138.</b> An Act to vest a certain Road allowance and other property in Sarah Davidson Russel, - - - - -	389
<b>139.</b> An Act to enable John Ericsson to obtain Letters Patent for an improved Caloric Engine, - - - - -	390
<b>140.</b> An Act to authorize any Board of Notaries to admit, after examination, Jules Huguenin and Joseph Lefebvre to practise as Notaries, - - - - -	391





# INDEX

TO

# ACTS OF CANADA.

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FOURTH SESSION, SIXTH PARLIAMENT, 24 VICT, 1861.  
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	PAGES.
ACTON VALE, Village limits extended, .....	178
Acts continued, viz:-- .....	16, &c.
Trinity House, Montreal, (Public Health,) 10, 11 V. c. 1.	
Sons of Temperance, in Canada West, 14, 15 V. c. 159.	
Common of Laprairie, L. C., 2 G. 4, c. 8.	
of La Baie du Febvre, L. C., 2 G. 4, c. 10, and L.	
C., 4 G. 4, c. 26.	
of Grosbois, L. C., 9 G. 4, c. 32.	
Bankrupts, relief of, (in certain cases only,) 7 V. c. 10,—9 V.	
c. 30,—12 V. c. 18,—13, 14 V. c. 20.	
Hastings, registration of titles, (period allowed for extended,)	
9 V. c. 12,—10, 11 V. c. 35,—12 V. c. 97.	
Savings Banks, (as to Banks already established under it,)	
4, 5 V. c. 32.	
Agricultural Act, L. C., amended as to Appeals, &c., .....	80
Agricultural Loan Association of Canada, charter amended, .....	324
Appeal and Error, Court of, U. C., Act amended, .....	89
Appropriations, Supplies for 1861, and Loan, .....	1
Arbitrations, Public Works, Act amended, .....	14
Armstrong and Rintoul, relief of, .....	388
Arthabaska, proceedings of County Agricultural Society legalized, ..	181
Assessment Act, U. C., amended, .....	90
 BANK OF MONTREAL, charter amended, .....	 259
Annuity and Guarantee Society, .....	260
Banks incorporated, Act Con. Stat. Can., c. 54 amended, .....	51
<i>Banque Jacques Cartier</i> , incorporated, .....	243
<i>Banque du Peuple</i> , charter amended, .....	261
Bankrupts, Acts continued for certain purposes only, .....	17
, certain certificates in U. C. confirmed, .....	101
Bar of L. C., Act amended as to admission of Students, .....	87
Beauharnois, Presbyterian Church property at, .....	369
Boys' Home, Toronto, incorporated, .....	346
British American Manufacturing Company, Act amended, .....	318
Burford, township, road allowances and lines, .....	136
Bury, township, Survey of, .....	186
Bytown College, name changed, .....	326
Bytown, R. C. Episcopal Corporation, name changed, .....	370

	PAGES.
CANADA Central Railway Company, incorporated.....	193
Carillon and Grenville Railway, Act amended,.....	225
Church of England Female Orphan Asylum, Quebec, incorporated, ..	344
Colonization, (Société de,) du Bas Canada, incorporated,.....	355
Common of Laprairie, Act continued,.....	16
La Baie du Febvre, Act continued,.....	16
Grosbois, Act continued,.....	17
Of Yamaska, partition authorized, .....	184
Communauté des Sœurs de la charité, Bytown, Act amended,.....	350
Constables, Act respecting, in U. C., amended,.....	103
Copyright of designs for manufactures, &c.,.....	44
Criminal Law amended, viz :—	
Extradition of fugitive felons,.....	19
Unlawful administering of poison,.....	20
Persons injured in Canada and dying abroad,.....	21
Recording sentence of death, abolished,.....	22
Vexatious indictments for misdemeanor, to prevent,.....	22
Prison and Asylum inspection Act amended,.....	23
Provincial Penitentiary, Act amended,.....	25
Lunatic Asylum for convicts, Act amended,.....	25
Quarter Sessions, &c., not to try Treasons, &c.,.....	26
Justices of the Peace, duties out of Sessions,.....	26
Recorder's Court, Quebec,.....	57-65
Customs, duty on packages,.....	12
, fraudulent use of false invoices,.....	13
DAMES Religieuses de Jésus-Marie, incorporated,.....	352
Dereham and Ingersoll, agreement with road Company,.....	135
Designs and Trade marks, registration of, and copy-right for, &c.,...	42
Dower, Act for better assignment of, in U. C.,.....	92
Drummond and Arthabaska Railway, Act amended,.....	223
Drummondville, disposal of Church property at,.....	375
Duties. See Customs,.....	12-13
ECLECTIC system of medicine, Act respecting,.....	331
Election law amended as to registration of voters in L. C.....	56
Ericsson, John, patent for caloric engine,.....	390
Error and Appeal, in U. C., Act amended,.....	89
Ewart, Thomas, for relief of his representatives,.....	386
Execution, exemptions from seizure under, in L. C., Acts amended,	66
Extradition of fugitive felons to U. S., Act amended,.....	19
FIRE, investigation of accidents by, in L. C., Act amended,.....	87
First Baptist Church of Montreal, incorporated, .....	373
Fishery Act, amended as to offences committed in New Brunswick, .	27
Forfeited Estates, U. C., Act respecting, .....	100
Fugitive Felons from U. S., Extradition Act amended, .....	19
GAGE, NATHAN, bequest under his Will confirmed,.....	383
Gaspé and Saguenay, 22 V. c. 62, extended to Rivers,.....	28
Goderich, township, survey of, confirmed, .....	122

	PAGES.
Grey, County, By-law and Debentures confirmed, .....	107
Guelph General Hospital, incorporated, .....	333
<b>HAMILTON CITY</b> , consolidation of debt, .....	112
, Water Works vested in Corporation, .....	115
Hastings, registration of titles, provisions continued, .....	18
Hébertville, Commissioners' Court allowed in, .....	181
Huguenin and Lefebvre, admission as Notaries, .....	391
Huron and Toronto, Church lands in Dioceses of, .....	366
<b>INSOLVENTS</b> , certain certificates to, confirmed, .....	101
Invoices, false, to prevent fraudulent use of, .....	13
<b>JOINT Stock Companies</b> Clauses Consolidation Act, .....	30
(Con. Stat. Can., c. 63.) Act amended, .....	39
, judicial incorporation, Act amended, .....	40
Judgments, registration of, in U. C., law amended, .....	96
Justices of the Peace, duties out of Sessions, Act amended, .....	26
<b>KINGSTON</b> Fire and Marine Insurance Company, charter revived, &c.,	322
<b>LAKE</b> St. Peter navigation Company incorporated, .....	293
Lanark, separation of Renfrew from, .....	106
Leather, Sole, Inspection Act amended, .....	50
Lefebvre and Huguenin, admission as Notaries, .....	391
Lévis, Town, incorporated, .....	144
Lingwick, Bury and Orford, Surveys confirmed, .....	186
London, St. Paul's Church at, disposal of land, .....	376
Lunatic Asylum for Criminal Convicts, Act amended, .....	25
<b>MANSLAUGHTER</b> , persons hurt in Canada dying abroad, .....	21
Marriage Act of U. C., amended, .....	102
Marriages, &c., registers of, at certain places in L. C., .....	67
McKay, Thos., settlement under his Will confirmed, .....	378
Merchant Shipping Act, Recorders declared Stipendiary Magistrates under, .....	66
Merchants' Bank, incorporated, .....	229
Metropolitan Gas Company, Toronto, incorporated, .....	307
Mining rights, Act respecting, .....	85
Misdemeanors, to prevent vexatious indictments for, .....	22, 66
Montreal, loan for Water Works, and restriction of expenditure, .....	138
, Harbour, and Ship Channel to Quebec, .....	140
and Vermont Junction Railway Co., incorporated, .....	202
Railway Terminus Company, incorporated, .....	210
City Passenger Railway Company, incorporated, .....	218
Hydraulic and Dock Company, incorporated, .....	267
, Registers to be kept in R. C. Cathedral at, .....	68
Asylum for aged and infirm women, incorporated, .....	349
Skating Club, incorporated, .....	364
First Baptist Church, incorporated, .....	373
<b>Morrin</b> College, Quebec, incorporated, .....	327

	PAGES.
Municipal Institutions, U. C., Act amended,.....	90, 92
(Consolidated) Act, of L. C., amended,.....	68
Murder, persons hurt in Canada, dying abroad, .....	21
Mutual Insurance Companies, L. C., Act amended, .....	85
, U. C., Act amended, .....	102
<b>NEW BRUNSWICK</b> , punishment of certain offences committed in,..	27
Niagara District Bank, charter amended, .....	263
North Shore Railway, period for completing, extended, .....	222
Notarial Profession, Act amended as to Students, .....	88
<b>ONTARIO BANK</b> , Charter amended,.....	264
Orford, township, Survey of, .....	186
Ottawa City, continuing William Street,.....	117
, survey confirmed, &c.....	118
, collection of arrears of taxes of 1859,.....	121
Owens Sound, Town, may impose Harbour dues,.....	129
<b>PACKAGES</b> , duties of Customs, on,.....	12
Parishes, certain, confirmed in L. C.....	68
Penitentiary Act amended,.....	25
Peterborough, separation of Victoria from,.....	104
, Town, consolidation of debt,.....	123
Petroleum Springs Road Company incorporated,.....	225
Poison, unlawful administering of, law amended,.....	20
Port-Hope, Town, consolidation of debt,.....	127
Presbyterian Churches Union,.....	363
Prison and Asylum Inspection Act amended,.....	23
Public Works, Act amended as to arbitrations,.....	14
<b>QUARTER Sessions and Recorder's Courts</b> , not to try treasons or capital felonies,.....	26
Quebec, Recorder's Court at, law amended,.....	57
<b>RAILWAY Act</b> explained and amended,.....	28
Recording sentence of death, abolished,.....	22
Recorder's Courts, not to try treason or capital felonies,.....	26
Recorder's Court, Quebec,.....	57
Registration of voters, L. C., Con. Stat., Can., c. 14 amended,.....	56
of Judgments U. C., law amended,.....	96
, of Deeds, &c., U. C., law amended,.....	99
, of Deeds to religious bodies, U. C.....	99
Religious institutions, U. C., registration of deeds to,.....	99
Renfrew County, separation of, from Lanark,.....	106
Rintoul and Armstrong, for the relief of,.....	388
River des Prairies, removal of obstructions,.....	143
Roche, J. K., estate vested in Trustees,.....	384
Roman Catholic Episcopal Corporation of Bytown, name changed,..	370
Russell, S. D., road allowance vested in,.....	389
<b>STE. ANNE DE LA PÉRADE</b> , Tolls on Bridge at, .....	190
St. Antoine Association of Montreal, incorporated, .....	354

# INDEX.

	PAGES.
St. Gabriel de Valcartier, divided, .....	180
St. George's Society of Ottawa, incorporated, .....	359
St. Hubert, Registers of marriages, &c., in, .....	67
St. Louis de Blandford, Municipality established, .....	182
St. Lawrence Warehouse, Dock and Wharfage Company, charter amended, .....	290
St. Lawrence Navigation Company, incorporated, .....	299
Grain Elevating and Storage Company, incorporated, ..	305
St. Michel Congregation at Montreal, incorporated, .....	371
St. Paul's Church, London, disposal of land, .....	376
St. Valère de Bulstrode, Municipality established, .....	182
Savings Banks, Act (4, 5 V. c. 32) continued, .....	18
Seizure in Execution, exemptions in L. C., .....	66
Scarborough, township, Side lines confirmed, .....	133
Sentence of death, recording of, abolished, .....	22
<i>Société de Colonisation du Bas Canada</i> , incorporated, .....	355
<i>Sœurs de la Charité</i> , Bytown, Act amended, .....	350
Sole Leather, inspection of, Act amended, .....	50
Sons of Temperance, C. W., Act continued, .....	16
South-eastern Mining Company, charter amended, .....	322
Stadacona Club, incorporated, .....	358
Stipendiary Magistrates, certain Recorders to be under Imp. Act, .....	66
Stratford, Wesleyan Methodist Church property at, .....	368
Students at law, admission of, .....	87, 88
Supplies and appropriations for 1861, and Loan, .....	1
<b>TORONTO CITY</b> , separation of, from York and Peel, .....	108
, consolidation of debt, .....	111
Toronto Street Railway Company, incorporated, .....	215
Toronto Cotton Mills Company, incorporated, .....	315
Toronto and Huron dioceses, Church lands in, .....	366
Towns and Villages, Maps of, in U. C., .....	103
Trade marks and designs, registration of, copy-right for, &c., .....	42
Treasons and Capital Felonies, Q. S., and Recorders not to try, .....	26
Trinity House, Montreal, Public Health Act, 10, 11 V. c. 1, continued, ..	16
<b>UNION</b> <i>St. Joseph de L'Industrie</i> , incorporated, .....	350
<b>VACCINATION</b> , for more general adoption of, .....	52
Valcartier, (St. Gabriel,) divided, .....	180
Vexatious indictments for misdemeanors, to prevent, .....	22, 66
Victoria County, separation of, from Peterborough, .....	104
Victoriaville, Village incorporated, .....	176
Villages and Towns, Maps of, in U. C., .....	103
Voters, Registration of, in L. C., .....	56
<b>WAREHOUSE</b> Receipts, Act (Con. Stat. Can., c. 54) amended, .....	51
Wesleyan Female College, Hamilton, incorporated, .....	336
Wesleyan Methodist Church property at Stratford, .....	368
Windsor Improvement Company, charter amended, .....	319
<b>YAMASKA</b> Common, partition authorized, .....	184
York and Peel, separation of Toronto from, .....	108

