

No. 187.

1st Session, 8th Parliament, 27 Victoria, 1863.

BILL.

An Act to amend chapter 88 of the Consolidated Statutes for Lower Canada, intitled An Act concerning the protection and enforcement of Corporate Rights.

Received and read, first time, Wednesday
23rd September, 1863.

Second Reading, Thursday, 24th September,
1863.

Mr. HARWOOD

QUEBEC:

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An Act to amend Chapter 88 of the Consolidated Statutes for Lower Canada, intituled, An Act concerning the protection and enforcement of corporate rights.

WHEREAS it hath happened or may happen, that Letters' Patent Preamble. have been or may be issued by the Crown, granting lands or property to persons holding certain offices, ecclesiastical or otherwise, or to persons named in such Letters Patent as Trustees for the purposes thereof, to the end that such lands may be held as the site of a Church, Chapel, or Burial Ground, or of some other institution, building, or place for religious or other purposes of a public or quasi-public nature, by the persons so named and their successors in office or by their successors to be appointed as Trustees in some manner prescribed by such Letters Patent; And whereas, it has happened or may happen that such persons or some of them have died or may die or be removed without having any successors in office, or without Trustees having been appointed in the manner prescribed in such Letters Patent to succeed them, and doubts have arisen or may arise, as to the legal consequence of any such case, which doubts it is expedient to obviate or remove; Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, declares and enacts as follows:—

1. In the cases mentioned in the Preamble of this Act or any of them, the Officers, Functionaries, Trustees or persons to whom any such land or property shall be or has been granted to be held as aforesaid, shall be held to have been and to be a corporation, body politic and corporate, for the purposes mentioned in such Letters Patent, and to have, and to have had perpetual succession as such; and no failure of successors in office of any member of such corporation and no failure to elect or appoint any such Trustee in the manner prescribed by the Letters Patent, shall operate a dissolution of such Corporation, which shall be held to be continued in the remaining member or members thereof; nor if such corporation be, at the time of such failure, a party to any suit, action, or proceeding, shall such failure suspend the *instance* or render it necessary to call in the heirs or representatives of any deceased or former member of such corporation, but such said action or proceeding shall be continued to judgment and execution by or against the corporation as if no such failure had occurred; except always that if there be reason to apprehend any failure of justice by reason of such failure of members of the corporation as aforesaid, the Superior Court may, by writ of mandamus to be issued at the instance of any party interested, and directed to such Functionaries or persons as the Court may see fit, order the election or appointment of such member or members of the said corporation as may be necessary, in the manner prescribed by such Letters Patent, or in case no such manner of election or appointment is in such Letters Patent prescribed, or the same cannot from circum-

Letters Patent granting lands to persons and their successors for public purposes, to be held to have been granted to them as a corporation.

stances be complied with, then in such manner as the Court may see fit to direct; and to such proceedings the provisions of the fourteenth section of the Act concerning the protection and enforcement of corporate rights, chapter 88 of the Consolidated Statutes for Lower Canada, and the other provisions of the said Act, shall apply so far 5
sa they can be made applicable.

2. This Act shall extend only to Lower Canada.