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THE
PROVINCIAL STATUTES
OF
CANADA,

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

VOL. II.



KINGSTON:

PRINTED BY STEWART DERBISHIRE & GEORGE DESBARATS,
LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

Anno Domini, 1842.

PROVINCIAL STATUTES
OF
CANADA.

ANNO REGNI SEXTO

VICTORIÆ,

DEI GRATIA, BRITANNIARUM REGINÆ.

HIS EXCELLENCY THE RIGHT HONORABLE

SIR CHARLES BAGOT, G. C. B.

GOVERNOR GENERAL.

**Being the SECOND Session of the FIRST Provincial
Parliament of CANADA.**





ANNO SEXTO

VICTORIÆ REGINÆ.

CAP. I.

An Act to provide for the Freedom of Elections throughout this Province, and for other purposes therein mentioned.

[12th October, 1852.]

WHEREAS the practice of having but one polling place at Elections of Preamble. Members of Parliament, which prevailed both in Upper and Lower Canada, previous to the passing of the Act of the Imperial Parliament for the Union of those Provinces, and which by the provisions of that Act is continued as the Law of the land of this Province at this day, has proved to be of danger to the public peace, and is moreover in large Counties and Ridings attended with much inconvenience to the Electors generally; and whereas it is expedient to provide against such evils, and to afford every reasonable facility and convenience to the Electors for giving their votes; and whereas it is expedient to limit the time for holding Elections, and generally to provide more effectually for the freedom of Elections, and the holding and conducting the same; Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled

"An

Certain Acts
repealed.

“*An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada,*” and it is hereby enacted by the authority of the same, that so much of a certain Act of the Provincial Parliament of the late Province of Lower Canada, made and passed in the fifth year of the Reign of His late Majesty King George the Fourth, intituled, *An Act to repeal certain Acts therein mentioned, and to consolidate the Laws relating to the Election of Members to serve in the Assembly of this Province, and to the duty of Returning Officers, and for other purposes*; or of another certain Act of the same Parliament, made and passed in the tenth and eleventh years of the Reign of His said Majesty King George the Fourth, intituled, *An Act to amend a certain Act passed in the fifth year of His Majesty's Reign for the purpose of consolidating the Laws relating to Elections*; or of another certain Act of the Parliament of the late Province of Upper Canada, passed in the fourth year of the Reign of His late Majesty King George the Fourth, and intituled, *An Act to repeal the several Statutes of this Province respecting the Election of Members of the House of Assembly, and the qualification of voters and candidates at such Elections, and to reduce the provisions thereof with some amendments, into one Act, and also to provide against fraud in obtaining qualifications to vote at Elections*, or of any other Act or Law in force in any part of this Province, as may be inconsistent with or repugnant to this Act, or as makes any provision in any matter provided for by this Act, other than such as is hereby made in such matter, shall be, and so much of the said Act or of any other Act, is hereby repealed.

Separate Polls

II. And be it enacted, that hereafter at every Election of a Member or Members to represent any County, Riding, City, Town or Borough, in the Provincial Parliament of this Province, at which a Poll shall have been duly demanded and granted according to law, a separate Poll shall be opened and held for every Parish, Township and Ward, as the case may be, into which such County, Riding, City, Town or Borough, may be divided.

Duty of Re-
turning Offi-
cer therein.

III. And be it enacted, that until any City, Town or Borough shall be divided into Wards for general municipal purposes, it shall and may be lawful for the Returning Officer for such City, Town or Borough, when and as often as he shall receive any Writ for the Election of one or more Members to represent such City, Town or Borough in the Provincial Parliament, by an Instrument in writing under his hand and seal, to divide such City, Town or Borough for the purpose of such Election, into two or more Wards, having respect in such division as much as may be to the number and convenience of the voters for such City, Town or Borough.

Union of Par-

IV. And be it enacted, that in all cases where one or more Parishes or Townships

ships from their not containing the requisite number of Inhabitants, shall not have become entitled by law to hold Parish or Township Meetings, for the Election of Township and Parish Officers, and shall not as yet have held any separate meeting for such purposes, but shall for such purposes have been united to any adjoining Parish or Township, such Parish or Township shall for the purposes of this Act be also united to the same Parish or Township, and instead of a Poll being opened for each of such Parishes or Townships separately, one Poll only shall be opened and held for such united Parishes or Townships.

ishes, &c. in certain cases.

V. And be it enacted, that the terms 'Parish' and 'Township' wherever they occur in this Act, shall be understood to include all Towns for which by reason of their having Police Regulations established therein, no meetings are held for the Election of Parish or Town Officers under the authority of the general laws of the late Provinces of Upper or Lower Canada, which are now applicable to Parishes and Townships in general; and also to include respectively all such other places as are appointed under and by virtue of the said laws of Upper Canada or of Lower Canada respectively, for the holding of meetings for the Election of such Officers, whether the terms Parish or Township be or be not technically applicable to such place or places.

Terms 'Parish' and 'Township'—meaning thereof.

VI. And be it enacted, that the Poll for every such Election for every Parish and Township in such County or Riding, shall be held at the place where the then last Town Meeting for the Election of Parish and Township Officers for such Parish or Township shall have been held; and the Poll for every Ward in every such City, Town and Borough, at the place which the Returning Officer for the time being shall appoint: Provided always, that in every Parish or Township in which no such Town Meeting shall have been held, such Poll shall be held as nearly as may be at the most central and public place in such Parish or Township.

Poll—where to be held.

VII. And be it enacted, that at every such Election, the Electors of such County, Riding, City, Town or Borough voting at such Election, shall poll their votes for such Election at the Poll which shall be opened for the Parish or Township, or Ward, within which the property in right of which they shall respectively vote at such Election shall lie, and at no other, under a penalty of ten pounds currency, to be recovered before any Court of competent jurisdiction.

Regulations as to voters.

VIII. And be it enacted, that every Elector before he shall be received or allowed to poll his vote at any such Election, shall, if required by the Deputy Returning Officer to whom he shall tender such vote, or by any Elector or Candidate at such Election, or by the Counsel or Agent of any such Candidate, in addition to the oaths or affirmations which may now by Law be required of him, make oath

Elector's oath.

or

or affirmation before such Returning Officer (who is hereby authorized to administer the same,) that he hath not before voted at such Election, either at the polling place where he shall tender such vote, or at any other polling place within such County, Riding, City, Town or Borough, as the case may be.

Proclamation
of Election by
Returning Of-
ficer.

IX. And be it enacted, that every Returning Officer to whom any writ for the Election of a Member or Members to represent any County, Riding, City, Town or Borough in this Province, shall be directed, shall by Proclamation under his hand issued and published at least eight days before the holding such Election, appoint the day for proceeding to such Election, at the most convenient place for such purpose in such County, Riding, City, Town or Borough, at which day and place he shall attend between the hours of twelve o'clock at noon, and two o'clock in the afternoon, and proceed by Proclamation to such Election, in obedience to such writ.

Poll to be
granted by Re-
turning Officer
upon demand.

X. And be it enacted, that in the event of a Poll being demanded according to law at any Election for a Member or Members to represent any County, Riding, City, Town or Borough in this Province, the Returning Officer shall, and he is hereby required to grant the same, and forthwith to appoint some day, not less than four nor more than eight days thereafter, for taking such Poll, and he shall forthwith by public proclamation give notice of the time and place at which the Polls of such Election shall be taken in the several Parishes, Townships or Wards of such County, Riding, City, Town or Borough, as hereinbefore provided, and shall thereupon adjourn the further proceedings in such Election to some day within four days after the day fixed for the taking such Polls in the several Parishes, Townships or Wards, as aforesaid.

Hours of poll-
ing.

XI. And be it enacted, that at every such Election, when a Poll shall be granted, the polling shall commence in all the Parishes, Townships and Wards, in such County, Riding, City, Town or Borough, respectively, at nine o'clock in the forenoon of the day fixed for taking the polls for such Election, and such polling shall continue for two days only in all such Counties, Ridings, Cities, Towns and Boroughs, as shall not have any Register of Voters for Members of the Provincial Parliament, and for one day only in all such Counties, Ridings, Cities, Towns and Boroughs, as shall have such Register; and such two days shall be consecutive days, except where Sunday, Christmas-day, or Good-Friday, (or other Holyday, being a *fête d'obligation*) or any two of them shall intervene, in which case the second day of polling shall be the day following any such Sunday, Christmas-day, Good-Friday, (or other Holyday, being a *fête d'obligation*) as the case may be; and the Polls shall be kept open for each day of polling, and no poll shall be kept open later than five o'clock in the afternoon of the second day of polling.

Number of
days.

XII.

XII. And be it enacted, that for the purposes of taking the Polls for such Elections as hereinbefore directed, the Returning Officer to whom any Writ for the Election of a Member or Members to represent any County, Riding, City, Town or Borough, in this Province, shall be directed, shall by warrant under his hand and seal appoint a Deputy, and also a Poll-Clerk for each and every of the Parishes, or Townships, or Wards, as the case may be, within such County, Riding, City, Town or Borough, and shall by precept under his hand and seal require each of such Deputies to take the Poll of such Election for his Parish, Township or Ward, as the case may be, according to Law, and to return the same to him under his hand and seal, by the day to which such Returning Officer shall have adjourned such Election, as hereinbefore directed: on which day such Returning Officer shall proceed to sum up and ascertain the state of the general Poll of such Election, and to declare the same, and to declare elected and return the person or persons who shall have the majority of votes polled at such Election in the different Parishes, or Townships, or Wards, in such County, Riding, City, Town or Borough, as the case may be.

Deputy Re-
turning Officer
and Poll
Clerks.

XIII. And be it enacted, that no person except a Freeholder shall be appointed nor act as a Returning Officer nor Deputy Returning Officer, nor unless he shall have been a Freeholder during at least a twelve month next before the appointment, in the County, Riding, City, Town or Borough, for which he is appointed, and shall during that time have resided therein.

Must be a
Freeholder.

XIV. And be it enacted, that in all cases where from any one or more of the precepts for taking the Polls in the several Parishes, Townships or Wards, in such County, Riding, City, Town or Borough, not having been returned to the said Returning Officer by the return day therein named, the said Returning Officer shall not be prepared on the day to which he had adjourned the further proceedings in such Election, to proceed to sum up, ascertain and declare the state of the general Poll of such Election, such Returning Officer instead of proceeding to examine such of the Returns as shall have been already made, shall further adjourn the proceedings in such Election to the following day, and so from day to day until the said precepts shall have been all returned; Provided always, that in proclaiming every such adjournment he shall publicly declare the reason thereof; and provided also, that he shall in no case continue such adjournment to so late a day as shall interfere with his being able to return the Writ of Election by the Return day therein named; and provided also, that he shall in no case adjourn such proceedings to any Sunday, Christmas-day, Good Friday or other Holy-day being a *fête d'obligation*, but shall in all cases where such adjournment shall be necessary, adjourn over every such Sunday, Christmas-day, Good Friday or other Holy-day being a *fête d'obligation*.

The General
Poll—when to
be declared.

Adjournment.

Fête days.

XV.

B

Powers of
Deputy Re-
turning Offi-
cer.

XV. And be it enacted, that all powers and authorities now by law vested in Returning Officers, and necessary for the orderly and proper taking of the Polls at Elections for Members to represent the people of this Province in Provincial Parliament, shall be and the same are hereby vested in every such Deputy Returning Officer within his respective jurisdiction, as fully and absolutely as in his Principal.

Oath of De-
puty Return-
ing Officer
and Poll Clerk
before the
Poll.

XVI. And be it enacted, that no Deputy Returning Officer or Poll Clerk, shall proceed to the receiving and recording of votes or to the discharge of any other of their respective duties at any such Election, until in a public manner they shall have severally taken and subscribed in the Poll Book, the following Oath or Affirmation, which Oath or Affirmation any Justice of the Peace of the District in which such Parish, or Township or Ward shall lie, is hereby authorized, and on request required to administer: Form of Oath--“I, A. B., do solemnly swear (or affirm, as the case may be,) that I have not directly or indirectly, received any sum or sums of money, office, place or emolument, gratuity, profit, or reward, or any bond, bill, note, or other written instrument or verbal agreement, whereby such is promised or secured, either by myself or any other person, for or to my use, benefit, or advantage, for making any false or incorrect statement or entry in the Poll Book to the taken at this Election or Return of the same, or for shewing any favor or partiality at this Election, and that I will faithfully and impartially perform my duty at this Election, to the best of my ability.—So help me God.”

Scrutiny of
Votes.

XVII. And be it enacted, that hereafter no Returning Officer or Deputy Returning Officer, in this Province, shall have any power to grant or enter upon any scrutiny of the votes polled at any Election for a Member or Members to represent the people of this Province in the Provincial Parliament, other than such as shall or may be had or made into, or in respect of each vote prior to the recording thereof.

Oath of Voter.

XVIII. And be it enacted, that before any Voter shall be received to poll at any Election for a Member or Members to represent the people of this Province in Provincial Parliament, such Voter if so required either by the Deputy Returning Officer to whom he shall tender such vote, or by any Candidate at such Election or by any two Electors of the County, Riding, City, Town or Borough, for which such vote shall be tendered, shall take the following Oath or Affirmation, as the case may be, before such Deputy Returning Officer, (which Oath or Affirmation each Deputy Returning Officer is hereby authorized to administer:) “I, A. B., do swear (or solemnly affirm, as the case may be,) that I have not received or had, by myself or any person, for my use or benefit, any sum or sums of money, office, place, or employment, gift or reward, or any promise
“ or

“ or expectation of any money, office, gift, place, employment or reward, in order
 “ to give my vote at this Election.”

XIX. And be it enacted, that the Poll Clerk for every Parish, Township or Ward, shall after the close of the Poll for his Parish, Township or Ward, and before the Deputy Returning Officer for such Parish, Township or Ward shall have made his return to the precept for taking such Poll, take and subscribe in the Poll Book the following Oath or Affirmation, which Oath or Affirmation, any Justice of the Peace of the District in which such Parish, Township or Ward shall lie, is hereby authorized, and on request required, to administer:—“ I, A. B., Poll Clerk for the Parish, (Township or Ward, *as the case may be,*) of
 “ in the County, (Riding, City, Town or Borough, *as the case may be,*) of
 “ do hereby solemnly swear, (*or affirm, as the case may be,*) that this Poll Book was under the direction of the Deputy Returning Officer for the said Parish, (Township or Ward, *as the case may be,*) truly and correctly taken by me, to the best of my skill and judgment, and that to the best of my knowledge and belief the same contains a true and correct statement of the votes taken at the Poll for the said Parish, (Township or Ward, *as the case may be,*) as such votes were received and allowed by the said Deputy Returning Officer at the Poll for the said Parish, (Township or Ward, *as the case may be,*) held in pursuance of the precept of the Returning Officer for the said County, (Riding, City, Town or Borough, *as the case may be,*) to the said Deputy Returning Officer directed, and tested the day of
 “ in the year of Our Lord one thousand eight hundred and .”

Oath of Poll Clerk after the Poll.

XX. And be it enacted, that every Deputy Returning Officer shall after the close of the Poll for his Parish, Township or Ward, and before making his return to the precept for taking such Poll, take and subscribe in the Poll Book the following Oath or Affirmation, which Oath or Affirmation, any Justice of the Peace of the District in which such Parish, Township or Ward shall lie, is hereby authorized, and on request required, to administer: “ I, A. B., Deputy Returning Officer for the Parish, (Township or Ward, *as the case may be,*) of
 “ in the County, (City, Riding, Town or Borough, *as the case may be,*) of
 “ do solemnly swear, (*or affirm, as the case may be,*) that to the best of my knowledge and belief, this Poll Book was truly and correctly taken under my direction, and contains a true and correct statement of the votes taken at the Poll for the said Parish, (Township or Ward, *as the case may be,*) held in pursuance of the precept of the Returning Officer for the said County, (Riding, City, Town or Borough, *as the case may be,*) to me directed, and tested the day of
 “ in the year of Our Lord one thousand eight hundred and .”

Oath of Deputy Returning Officer after the Poll.

XXI.

Power to Ad-
minister Oath
of Allegiance.

XXI. And be it enacted, that every Deputy Returning Officer at any Election for a Member or Members to represent the people of this Province in Provincial Parliament, shall be and he is hereby authorized and empowered, during the period that his authority as Deputy Returning Officer shall continue, to administer the Oath or Affirmation of Allegiance to any person or persons who may be willing or desirous of taking the same, which Oath or Affirmation so taken, shall to all intents and purposes whatsoever have a like effect upon the civil and political rights of the party taking the same, as if the same had been administered by a Commissioner or Commissioners for that purpose specially appointed by the Crown.

Custody of
Poll Books.

XXII. And be it enacted, that it shall be the duty of the Returning Officer in all cases where a Poll shall have been taken, to keep copies of all the Poll Books returned to him by his several Deputies, and to transmit the original Poll Books with the Writ of Election and Return, to the Clerk of the Crown in Chancery, within at the least ten days after the closing of the Election for which the same shall have been taken; and that such original Poll Books, with the affidavits of the due taking of the same hereinbefore required to be made, in case the said Election shall be controverted, shall upon the trial thereof, without further proof thereof than the production of such original Poll Books from the files of the proper office, be taken and received as *prima facie* evidence of all that they contain.

Controverted
Elections.

Death of Re-
turning Officer
during Elec-
tion.

XXIII. And be it enacted, that in case any Returning Officer appointed to hold an Election, or take a Poll, after commencing the same, shall before the final termination of the same, die or become incapacitated by accident or sickness, it shall and may be lawful for his Election or Poll Clerk to act in his stead, who shall be authorized to appoint his Poll Clerk and finish the Election and make the Return, in the same way and manner as though he, the said Poll Clerk had been originally appointed the Returning Officer, or Deputy Returning Officer; Provided always, that such Election or Poll Clerk, before entering upon his duties as Returning Officer, or Deputy Officer, shall appoint his Poll Clerk, who with the said new or acting Returning Officer, or Deputy Returning Officer, previous to entering upon their duties respectively, shall take and subscribe the oaths prescribed by Law for Returning Officers, Deputy Returning Officers and Poll Clerks.

Fees and al-
lowances.

XXIV. And be it enacted, that every Returning Officer for the respective Counties, Ridings, Cities, Towns or Boroughs in this Province, shall be entitled to the following fees and allowances for the services and disbursements hereinafter specified respectively, that is to say: For attendance on the day of opening the Election, twenty-five shillings: For attendance on the day of closing the Election where Polls have been taken, twenty-five shillings: For an Election Clerk

Clerk on the former day, twenty shillings : For an Election Clerk on the latter day, twenty shillings : For two Constables on the day of opening the Election, and the same on the day of closing it, where a Poll has been taken, ten shillings : For two Constables at each Poll per diem, each ten shillings : For Messenger to each Returning Officer, per mile, for each mile travelled, six pence : For each Deputy per diem, while taking the Poll, one pound : For each Poll Clerk while taking the Poll, one pound : And that such fees and allowances shall in all cases be paid to every Returning Officer respectively, by the like persons, out of the like funds, and in the like manner, as the fees and allowances heretofore payable to Returning Officers in that part of Canada heretofore forming the Province of Lower Canada, except only such part thereof, as in that part of this Province heretofore the Province of Lower Canada hath been chargeable against, and payable by the Candidates at such Election, or the representatives of such Candidates, all which last mentioned expenses shall henceforth be allowed and paid to such Returning Officer in like manner, and out of the like funds, as the other fees and expenses of such Election.

XXV. And be it enacted, that from the time any Returning Officer, or Deputy Returning Officer, or Poll Clerk, shall take and subscribe the Oath required to be taken by Returning Officers or Deputy Returning Officers by Law, until the final close of such Elections or Polls respectively, they shall be and are hereby declared to be Conservators of the Peace, and severally vested with the same powers for the preservation of the Peace, and apprehension and committal for trial, or holding to bail, or trying and convicting violators of the Law and good order, as are vested in the Justices of the Peace of the Province ; and that for the purpose of keeping the peace and preserving good order at any Election, it shall and may be lawful for the Returning Officer or Deputy Returning Officer to command the assistance of all Justices of the Peace, Constables and other Persons present at such Elections, to aid and assist him in doing so, also to swear in as many special Constables as he may deem necessary and expedient : and it shall and may be lawful for any Returning Officer or Deputy Returning Officer aforesaid, to commit any person for a breach of the Peace or violation of good order to the custody and charge of any Constable or Constables, person or persons on view, for such time as he in his discretion shall deem expedient, or by a writing under his hand to commit to prison for the like offence for any period not exceeding the final close of the Election or Poll respectively.

Preservation
of the Peace
during Elec-
tion.

XXVI. And be it enacted, that upon the written application of any Candidate or of the Counsel or Agent of any Candidate, or of any two or more Electors, any Returning Officer or Deputy Returning Officer shall, and he is hereby required to swear in such special Constables.

Special Con-
stables.

XXVII.

Offensive
weapons to be
delivered up
during the
Election.

XXVII. And be it enacted, that it shall and may be lawful for any Returning Officer or Deputy Returning Officer, during any part of the days whereon any such Election shall be to be begun, holden, or proceeded with, or on which any Poll for such Election shall be to be begun, holden, or proceeded with, to demand and receive from any person whomsoever, any offensive weapon, such as fire-arms, swords, staves, bludgeons, or the like, with which any such person shall be armed, or which any such person shall have in his hands or personal possession, and every such person, who, upon such demand, shall decline or refuse to deliver up to such Returning Officer or Deputy Returning Officer, any such offensive weapon as aforesaid, shall be deemed guilty of a misdemeanor, punishable by fine not exceeding twenty five pounds, and imprisonment not exceeding three calendar months, or by both, in the discretion of the Court whose duty it shall be to pass the sentence of the Law upon such person upon his conviction : Provided always, that upon reasonable request made to such Returning Officer or Deputy Returning Officer, after the close of such Election, any such weapon that shall have been delivered up to such Returning Officer or Deputy Returning Officer, shall be restored by such Returning Officer or Deputy Returning Officer, to the person from whom the same may have been taken as aforesaid.

Penalty.

To be restored
after Election.

Conviction for
battery within
two miles of
the place of
Election.

XXVIII. And be it enacted, that every person who shall be convicted of a battery committed during any part of the days whereon any such Election shall be to be begun, holden or proceeded with, or on which any Poll for such Election shall be to be begun, holden and proceeded with, within the distance of two miles of the place where such Election or such Poll shall be to be begun, holden, or proceeded with, shall be punishable by a fine of not more than twenty five pounds and imprisoned for not more than three calendar months, or either, in the discretion of the Court whose duty it shall be to pass the sentence of the Law upon such person upon his conviction.

Punishment.

Against Bri-
bery and Cor-
ruption.

XXIX. And be it enacted, that it shall not be lawful for any Candidate at any Election, directly or indirectly to employ any means of corruption by giving any sum of money, office, place, employment, gratuity, reward, or any bond, bill, or note of conveyance of land, or any promise of the same, or to threaten any Elector of losing any office, salary, income, or advantage, either by himself or his authorised Agent for that purpose, with the intent to corrupt or bribe any Elector to vote for such Candidate, or to keep back any Elector from voting for any other Candidate, nor to open and support, or cause to be opened and supported at his costs and charges, any house of public entertainment for the accommodation of the Electors within the County, Riding, City, Town or Borough, for which he is a Candidate; and in case any Representative returned to Parliament shall be proved guilty of using any of the above means to procure his Election before the proper tribunal

tribunal, his Election shall thereby be declared void, and he be incapable of being a Candidate, or being elected or returned during that Parliament.

XXX. And be it enacted, that any person who shall give, or cause to be given, or loan any sum of money, or give any office, place, or employment, gratuity or reward, or any bond, bill or note, or conveyance of land or other property, or promise of the same to any Elector, in consideration of or for the purpose of corrupting him to give his vote for any Candidate, or to forbear to give his vote to any Candidate, or as a compensation to any Elector for his loss of time or expenses in going to, or returning from voting, or by any other pretence whatsoever, or any voter who shall accept the same for the aforesaid purpose, shall forfeit and pay a sum not less than five pounds, nor more than one hundred pounds, in the discretion of the Court and Jury having jurisdiction of the same, with costs of suit, and which may be sued for and recovered by action or plaint in any Court of Record in this Province having competent jurisdiction.

Fine upon conviction of Bribery.

XXXI. And be it enacted, that upon it being proved before the proper tribunal of the Legislative Assembly at the trial of any contested Election, that any Elector voting at the said Election had been bribed to give his vote, the name of such Voter shall be struck from such Poll Book.

Bribed vote disallowed.

XXXII. And be it enacted, that from and after the passing of this Act, if any person shall either during any Election of a Member or Members of the Legislative Assembly for any County, Riding, City, Town or Borough, or within three calendar months previous to such Election, or within fourteen days after it shall have been completed, be employed at or for the purposes of such Election, as Counsel, Agent, Attorney, Poll or Check Clerk, or in any other capacity, and shall at any time, either before, during or after such Election, accept or take from any such Candidate or Candidates, or from any person whatsoever, for or in consideration of, or with reference to such employment, any sum or sums of money, retaining fee, office, place or employment, or any promise or security for any sum or sums of money, retaining fee, office, place or employment, such person shall be deemed incapable of voting at such Election, and his vote if given, shall be utterly void, and of non-effect.

Paid Agents at Election not to vote.

XXXIII. And be it enacted, that it shall not be lawful for any Candidate for the representation of any County, Riding, City, Town or Borough, in this Province, with intent to promote his Election, or for any other person, with intent to promote the Election of any such Candidate, either to provide or furnish entertainment at his expense to any meeting of Electors, assembled for the purpose of promoting such Election, previous to or during the Election at which he shall be

Treating.

a Candidate, or to pay for, procure or engage to pay for any such entertainment, or to furnish any money or other property to any person or persons whomsoever, for the purpose of being expended in procuring the attendance of Voters at the Polls, or to engage to pay any money, or deliver any property, or otherwise compensate any person or persons whomsoever for procuring the attendance of Voters at the Polls, or to contribute money for any other purpose intended to promote the Election of any particular person or persons for any such County, Riding, City, Town or Borough, except only for defraying the expenses of printing, and the circulation of votes, hand-bills, and other papers previous to or during any such Election: Provided always, that nothing herein contained shall be construed to extend to any entertainment furnished to any such meeting of Electors, by or at the expense of any person or persons at his, her, or their usual place of residence.

Persons armed
not to come
within two
miles of an
Election.

XXXIV. And be it enacted, that except for the Returning Officer for such Election, or his Deputy for such Parish, Township or Ward, or the Poll Clerk for such Parish, Township or Ward, or one of the Constables or Special Constables, appointed by such Returning Officer or his Deputy, for the orderly conduct of such Election or Poll, and the preservation of the public peace thereat, it shall not be lawful for any person who hath not had a stated residence in such Parish, Township or Ward, for at least six calendar months next before the day of such Election, to come during any part of the days upon which such Poll shall be to remain open, into such Parish, Township or Ward, armed with offensive weapons of any kind, as fire-arms, swords, staves, bludgeons, or the like, or for any such person being in such Parish, Township or Ward, to arm himself during any part of either of such days with any such offensive weapons, and thus armed to approach within the distance of two miles of the place where the Poll for such Parish, Township or Ward shall be held.

Party Flags
and Colours.

XXXV. And be it enacted, that it shall not be lawful for any Candidate for the representation of any County, Riding, City, Town, or Borough, in this Province, or for any other person, to furnish or supply any Ensign, Standard or set of Colours, or any other Flag, to or for any person or persons whomsoever, with intent that the same should be carried or used in such County, Riding, City, Town or Borough on the day of Election, or within one fortnight before or after such day, by such person, or any other as a Party Flag, to distinguish the bearer thereof and those who might follow the same, as the supporters of such Candidate, or of the political or other opinions entertained or supposed to be entertained by such Candidate, or for any reason to carry or use any such Ensign, Standard, set of Colours, or other Flag as a Party Flag, within such County, Riding, City, Town or Borough, on the day of any such Election, or within one fortnight before or after such day.

XXXVI.

XXXVI. And be it enacted, that it shall not be lawful for any Candidate for the Representation of any County, Riding, City, Town or Borough in this Province, or for any other person, to furnish or supply any Ribbon, Label, or the like Favor, to or for any person whomsoever, with intent that the same should be worn or used within such County, Riding, City, Town or Borough, on the day of Election, or within one fortnight before or after such day, by such person or any other, as a Party Badge, to distinguish the Wearer as the supporter of such Candidate, or of the political or other opinions entertained or supposed to be entertained by such Candidate, or for any person to use or wear any such Ribbon, Label, or other Favor, as such Badge, within such County, Riding, City, Town or Borough, on the day of any such Election, or within one fortnight before or after such day.

Party Ribbons
and Favors.

XXXVII. And be it enacted, that every person offending against any of the provisions of the next four preceding sections of this Act, shall be deemed guilty of a misdemeanor, punishable by fine not exceeding fifty pounds, and imprisonment not exceeding six calendar months, or by both, in the discretion of the Court whose duty it shall be to pass the sentence of the Law upon such person upon his conviction.

Offenders
against this
Act how pun-
ished.

XXXVIII. And be it enacted, that one copy of this Act for himself, and one for each of his Deputies, shall be transmitted with the Writ of Election to each and every Returning Officer throughout the Province.

Copies of Act.

XXXIX. And be it enacted, that this Act may be amended or repealed by any Act to be passed in the present Session of the Provincial Parliament.

Repeal of Act.

CAP. II.

An Act to make the Law for vacating the Seats of Members of the Legislative Assembly accepting Office, uniform throughout this Province.

[12th October, 1842.]

WHEREAS it is expedient to make the Law for vacating the Seats of Members of the Legislative Assembly accepting Office, uniform throughout the Province, and for that purpose to extend to Members elected for places in Canada West the enactments in that behalf applicable to Members elected for places in Canada East: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the

Preamble.

the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government for Canada*, and it is hereby enacted by the authority of the same, that if any person chosen and returned as a Representative or Member of the Legislative Assembly of this Province for any place within that part of this Province, which formerly constituted the Province of Upper Canada, shall accept of any office of profit from the Crown, or accept, as a Commissioner or otherwise, any appointment from the Crown whereby he shall become accountable for any public money, his election shall be void, and the Seat of such Member shall thereafter become and be vacant, and a writ shall forthwith issue for a new Election as if such person so accepting such Office, Commission or Appointment as aforesaid, were naturally dead; any Law, usage or custom to the contrary notwithstanding: Provided always, that such person shall nevertheless be as capable of being re-elected to serve as a Representative or Member of the Legislative Assembly during the same or any ensuing Parliament, as if his Election had not been made void and his Seat become vacant as aforesaid.

A Member for any place in Canada West accepting an office of profit or becoming accountable for the public monies, shall thereby vacate his seat.

Proviso;— such Member may be re-elected.

This Act not to extend to Officers in the Navy or Army or in the Militia except on the Staff.

II. Provided always, and be it enacted, that nothing herein contained shall extend or be construed to extend to any Member of the Legislative Assembly, being an Officer in Her Majesty's Navy or Army, or in the Militia of this Province, who shall be appointed or receive any new Commission in the Navy or Army, or in the Militia of this Province respectively, excepting only Officers on the Staff of the Militia receiving permanent salaries.

CAP. III.

An Act for the qualification of Justices of the Peace.

[12th October, 1842.]

Preamble.

From and after the first of January, 1843, Justices of the

WHEREAS as well by the Criminal Laws of England, in force in this Province, as by divers Provincial Acts, Justices of the Peace are invested with great powers and authority, wherefore it is become of the utmost consequence to all classes of Her Majesty's Subjects, that none but persons well qualified should be permitted to act as Justices of the Peace: and whereas the Laws now in force in this Province, are insufficient for that purpose; Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council, and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in

in the Parliament of Great Britain and Ireland, intituled, *An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, that from and after the first day of January, in the year of Our Lord one thousand eight hundred and forty three, all Justices of the Peace to be appointed in the several Districts of this Province, shall be of the most sufficient persons, dwelling in the said Districts, respectively.

II. And be it enacted, that no Attorney, Solicitor, or Proctor in any Court whatsoever, shall, from and after the said first day of January, one thousand eight hundred and forty three, be capable of being or continue to be a Justice of the Peace in and for any District of this Province, during such time as he shall continue to practice as an Attorney, Solicitor or Proctor.

III. And be it enacted, that from and after the said first day of January, one thousand eight hundred and forty three, no person shall be a Justice of the Peace, or act as such within any District of this Province, who shall not have in his actual possession, to and for his own proper use and benefit, a real Estate either in free and common soccage, or *en fief*, or *en rôtture*, or *en franc alleu*, in absolute property, or for life, or by *emphytéose*, or lease for one or more lives, or originally created for a term not less than twenty-one years, or by usufructuary possession for his life in lands, tenements or other immoveable property, lying and being in this Province, of or above the value of three hundred pounds, currency, over and above what will satisfy and discharge all incumbrances affecting the same, and over and above all rents and charges payable out of or affecting the same, or who shall not before the said first day of January, one thousand eight hundred and forty three, or before he takes upon himself to act as a Justice of the Peace after the said first day of January, one thousand eight hundred and forty-three, take and subscribe the Oath following, before some Justice of the Peace for the District for which he intends to act, that is to say:—"I, A. B. do swear, that I truly and *bonâ fide*, have to and for my own proper use and benefit, such an Estate (*specifying the nature of such Estate, whether land, and if land, designating the same by its local description, rents, or any thing else*) as doth qualify me to act as Justice of the Peace for the District of _____ according to the true intent and meaning of an Act of the Provincial Parliament, made in the sixth year of the Reign of Her Majesty, Queen Victoria, and intituled, *An Act for the qualification of Justices of the Peace*; and that the same is lying and being (or issuing out of lands, tenements or hereditaments, situate) within the Township, Parish, or Seigniority of _____, (or in the several Townships, Parishes, or Seigniorities of _____) (or as the case may be.)—So help me God."—A certificate of which oath having been so taken and subscribed as aforesaid, shall be forthwith deposited by the said Justice of the Peace, who shall have taken the same at the

Peace, to be appointed in the several Districts of this Province, to be of the most sufficient persons dwelling in the said Districts respectively.

No Attorney, Solicitor or Proctor, to be a Justice of the Peace, during the time he shall continue to practice as such.

Qualification required of all persons that shall be appointed Justices of the Peace.

To take an Oath.

The Oath.

The certificate of such Oath to be deposited at

Office

See 12 Vic. c. 78. sec 37

the Office of
the Peace.

Office of the Clerk of the Peace for the District, and be by the said Clerk filed among the records of the Sessions of the said District.

Clerks of the
Peace to deli-
ver on de-
mand an at-
tested Copy of
such Oath.

IV. And be it enacted, that every such Clerk of the Peace, shall upon demand for that purpose made, forthwith deliver a true and attested copy of the said Oath in writing to any person paying the sum of one shilling, and no more for the same; which copy being produced as evidence on trial of any issue in any action or suit brought upon this Act, shall have the same force and effect as the record of the said Oath would have, if so produced.

Penalty on
Justices of the
Peace acting
without hav-
ing taken the
Oath and not
being quali-
fied.

V. And be it enacted, that from and after the said first day of January, one thousand eight hundred and forty three, any person, who shall act as Justice of the Peace in and for any District in this Province, without having taken and subscribed the said Oath as aforesaid, or without being qualified according to the true intent and meaning of this Act, shall for every such offence forfeit the sum of twenty five pounds currency, one moiety to Her Majesty, and the other moiety to such person or persons as shall sue for the same, to be recovered, together with full costs of suit, by civil action, or by plaint or information, in any Court having competent jurisdiction in the District wherein the offence shall have been committed, and in every such action, suit or information, the proof of his qualification shall be upon the person against whom the suit shall be brought.

Manner of
proceeding in
actions where-
in the defend-
ant shall pre-
tend to found
his right upon
any lands not
specified in
the Oath, as
constituting
his qualifica-
tion to act as a
Justice of the
Peace.

VI. Provided always, and be it enacted, that if the Defendant in any such action, suit or information, shall intend to insist upon any lands, tenements or real estate, not mentioned in the oath aforesaid, as constituting the whole or any part of his qualification to act as a Justice of the Peace, at the time of the offence alleged against him, he shall at or before the time of his pleading, deliver to the plaintiff or informer, or to his Attorney, notice in writing, specifying such lands, tenements or real estate (other than those mentioned in the said oath) and the Township, Parish, Seignior, or place, and the County or Counties in which the same may be respectively situate, and if the plaintiff or informer in any such action, suit or information, shall think fit thereupon not to proceed any further, he may, with leave of the Court, discontinue such action, suit or information, on payment of such costs to the defendant, as such defendant may be entitled to, according to the course and practice of the Court.

The issue
joined, no lands
&c. not men-
tioned in such
Oath or notice,
to be insisted
upon by the
defendant.

VII. Provided always, and be it enacted, that upon the trial of any issue in any such action as aforesaid, no lands, tenements, or real estate which are not mentioned in such oath or notice as aforesaid, shall be insisted upon by the defendant as part of his said qualification.

VIII.

VIII. And be it enacted, that when the lands, tenements, or real property, mentioned in the said Oath or notice, are, together with other lands, tenements or real property, belonging to the person taking such Oath or delivering such notice, liable to any charges, rents, or incumbrances, then and in that case, within the true intent and meaning, and for the purposes of this Act, the lands, tenements and real property mentioned in the said oath or notice, shall be deemed and taken to be liable and chargeable only so far as the other lands, tenements and real property so jointly charged, are not sufficient to pay, satisfy or discharge the same.

If the lands belonging to the persons taking such oath and those mentioned in the same, be liable to any charge, the latter to be chargeable only so far as the lands so jointly charged may be insufficient to discharge the charges.

IX. Provided always, and be it enacted, that when the qualification hereby required on any part thereof, consists of rent, it shall be sufficient to specify in such oath or notice as aforesaid, so much of the lands, tenements, or real property, out of which such rent is issuing, as shall be of sufficient value to secure such rent.

If such qualification consists of a rent, then so much of the lands as may suffice to secure the same to be specified in such oath.

X. Provided always, and be it enacted, that in case the plaintiff or informer in any such action, suit or information, shall discontinue the same, otherwise than as aforesaid, or judgment be given against him, then and in every such case, the defendant shall recover treble costs.

Defendant if successful to recover treble costs.

XI. Provided always, and be it enacted, that when an action, suit or information shall be brought, and due notice thereof shall be given to the person against whom such action, suit or information shall be brought, no proceedings shall be had upon any subsequent action; suit, or information against the same person, for any offence committed before the time of giving such notice; but the Court where- in such subsequent action, suit or information shall be brought, may upon the defendant's motion, stay proceedings upon every such subsequent action, suit or information; Provided such first action, suit or information, be prosecuted without fraud and with effect, it being hereby declared, that no action, suit or information, shall be deemed or construed to be an action, suit or information within the intent and meaning of this Act, unless it shall be so prosecuted.

When an action is brought and due notice is given, proceedings to be stayed in any subsequent action for any offence committed before the time of giving such notice provided the first action be prosecuted without fraud.

XII. And be it enacted, that the Court in which any action, suit or information shall be brought for the recovery of any penalty imposed by this Act, shall require from the plaintiff or informer, his declaration upon oath that such action, suit or information has been brought without fraud, and not for the purpose of protecting the defendant from any action, suit or information, which might be brought by any other person, by reason of the same offence: and that if such declaration be not made to the satisfaction of the Court, the action, suit or information, shall be immediately dismissed with costs.

Manner of proceeding in actions instituted for the recovery of penalties under this Act.

XIII.

Persons making false statements in Oath, guilty of wilful perjury.

XIII. And be it enacted, that if the statement in any oath, or in any declaration under oath, taken or made in pursuance of the requirements of this Act, to the knowledge of the person making the same, be false, such person shall be guilty of wilful and corrupt perjury, and subject to all the pains and penalties attendant on that offence.

Limitation of action.

XIV. Provided always, and be it enacted, that every action, suit or information given by this Act, shall be commenced within the space of six calendar months next after the fact, upon which the same is grounded, shall have been committed and not afterwards.

Provisions contained in this Act not to extend to persons holding certain situations therein named.

XV. Provided always, and be it enacted, that nothing in this Act contained shall extend to the Members of Her Majesty's Legislative Council, or to the Members of Her Majesty's Executive Council, or to the Judges of any Court of King's Bench or of Queen's Bench, or to the Vice Chancellor of Canada West, or to the Provincial Judges of the Inferior District of St. Francis and the Inferior District of Gaspé, or to any District Judge, or to Her Majesty's Attorney General, Solicitor General, Advocate General, or any of Her Majesty's Counsel in the Law.

Sheriffs and Coroners acting as such, disqualified from acting as Justices of the Peace.

XVI. And be it enacted, that no person or persons having, using or exercising the Office of Sheriff or Coroner in and for any District in this Province, shall be competent or qualified to be a Justice of the Peace or to act as such for any District wherein he or they shall be Sheriff or Coroner, during the time that he or they shall have used or exercised such Office, under the penalties aforesaid; and that all and every act and acts to be done by any such Sheriff or Sheriffs, Coroner or Coroners, by the authority of any Commission of the Peace during the time aforesaid, shall be absolutely void and of none effect.

Fines and penalties to be payable to Her Majesty and be at the disposal of the Provincial Parliament, and to be accounted for to Her Majesty.

XVII. And be it enacted, that the fines and penalties which shall be incurred and payable to Her Majesty, Her Heirs and Successors, by virtue of this Act, shall be paid into the hands of the Receiver General, and shall remain at the disposal of the Provincial Parliament for the public uses of the Province, and shall be accounted for to Her Majesty, Her Heirs and Successors, through the Lords Commissioners of Her Majesty's Treasury for the time being, in such manner and form as Her Majesty, Her Heirs and Successors shall direct.

CAP. IV.

An Act to amend the Act therein mentioned, relative to the desertion of Seamen and others in the Sea-Service.

[12th October, 1842.]

WHEREAS it is expedient to amend in the manner hereinafter mentioned, the Act of the Legislature of Lower Canada, passed in the forty-seventh year of the Reign of His late Majesty George the Third, and intituled "An Act to prevent the desertion of Seamen and others in the Sea-Service; " to punish persons encouraging such Seamen and others to desert, or harbouring " or concealing them thereafter; and to repeal certain Acts therein mentioned;"—Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled *An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, that the allowance to be paid in lieu of provisions by the Master or Commander of any Ship or Vessel to any Seaman, Landsman, Apprentice or person legally engaged in the manner mentioned in the Act cited in the Preamble to this Act, who, having deserted from such Ship or Vessel shall have been in consequence of such desertion imprisoned in any Gaol or House of Correction, shall, from and after the passing of this Act, be seven-pence-half penny current money of this Province, and no more for each day, such Seaman, Landsman, Apprentice or person as aforesaid, shall remain in such Gaol or House of Correction; and so much of the fifth section or of any other part of the said Act, as directs that any greater sum be paid as such allowance, is hereby repealed: Provided always, that all other provisions of the said Act shall apply to the allowance hereby directed to be paid, as if the said allowance had been directed to be paid by the fifth section of the said Act, instead of the allowance of one shilling and six pence current money of this Province therein mentioned.

Preamble.

Act 47 Geo. 3, c. 9.

The allowance to be paid to Seamen detained under the said Act, reduced.

Proviso.

CAP.

CAP. V.

An Act for better proportioning the punishment to the offence, in certain cases, and for other purposes therein mentioned.

[12th October, 1842.]

Preamble.

WHEREAS it is expedient to enable the Courts, before whom offenders may be convicted in certain cases, better to proportion the punishment of such offenders to the guilt of the offence; Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled *An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, that so much of a certain Act passed in the Session held in the fourth and fifth years of Her Majesty's Reign, and intituled *An Act for improving the administration of Criminal Justice in this Province*, or of a certain other Act passed in the same Session, and intituled *An Act for consolidating and amending the Laws in this Province, relative to Larceny and other offences connected therewith*, or of a certain other Act passed in the same Session, and intituled *An Act for consolidating and amending the Laws in this Province, relative to malicious injuries to property*, or of a certain other Act passed in the same Session, and intituled *An Act for consolidating and amending the Statutes in this Province, relative to offences against the person*, or of any other Act or Law, as shall be repugnant to or inconsistent with the enactments of this Act, shall be and is hereby repealed.

4 & 5 Vic.
c. 24, cited.

4 & 5 Vic.
c. 25.

4 & 5 Vic.
c. 26, cited.

4 & 5 Vic.
c. 27, cited.

Provisions in-
consistent with
this Act re-
pealed.

Cases in
which offen-
ders may be
committed to
the Provincial
Penitentiary
for any term
not less than
three years.

II. And be it enacted, that for each and every offence for which by any of the Acts hereinabove cited, the offender is liable on conviction to be punished by imprisonment in the Provincial Penitentiary, but may instead thereof and in the discretion of the Court, be punished by imprisonment in any other Prison or place of confinement for any term not exceeding two years, the offender may, if convicted after the passing of this Act, be punished in the discretion of the Court, by imprisonment in the Provincial Penitentiary for any term not less than three years and not exceeding the longest term for which such offender might have been so imprisoned if this Act had not been passed; or by imprisonment in any other Prison or place of confinement for any term not exceeding two years, in the manner prescribed by such Act; Provided always, that nothing in this Act shall prevent such offender from being punished by imprisonment in the Provincial Penitentiary for life, if he might have been so punished if this Act had not been passed.

III.

III. And be it enacted, that for each and every offence, for which by any of the said Acts, the offender may on conviction be punished by imprisonment for such term as the Court shall award, or for any term exceeding two years, such imprisonment, if awarded for a longer term than two years, shall be in the Provincial Penitentiary. Other cases in which offenders may be so committed.

IV. And be it enacted, that for each and every offence for which by any of the said Acts or by any other Act or Law, the offender might, if this Act had not been passed, have been punished by transportation beyond Seas, such offender may, if convicted after the passing of this Act, be punished by imprisonment in the Provincial Penitentiary for any term for which he might have been transported beyond Seas if this Act had not been passed, or by imprisonment for life, if without this Act he might have been punished by transportation for life. Instead of being punished by transportation, offenders may be imprisoned for a like term in the Penitentiary.

V. And whereas it is necessary to determine the punishment to be inflicted upon certain offenders, not provided for by the said before recited Act, intituled *An Act for consolidating and amending the Statutes in this province relating to offences against the person*, be it enacted that where any person shall be charged with and convicted of any assault, with intent to commit rape, or of any assault with intent to commit the abominable crime of buggery, either with mankind or with any animal, the Court in any such case may sentence the offender to be imprisoned at hard labour in the Provincial Penitentiary for any term not exceeding three years, or to be imprisoned in any other Prison or place of confinement for any term not exceeding two years. Assault with intent to commit rape or abominable crimes, how punished.

C A P. V I.

An Act to regulate the Inspection of Pot and Pearl Ashes.

[12th October, 1842.]

WHEREAS by the Laws now in force in this Province, the Inspection of Pot and Pearl Ashes intended for Exportation is compulsory, and it is expedient that it should cease to be so and become optional with the parties interested, and that the Laws relative to such inspection should be consolidated and made common to the whole Province; Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled *An Act* Preamble.

D

Certain Acts
repealed.

Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada, and it is hereby enacted by the authority of the same, that upon, from and after the day on which this Act shall come into force, the Act made and passed by the Legislature of the late Province of Lower Canada, in the ninth year of the Reign of His late Majesty King George the Fourth, intituled *An Act to suspend for a limited time, certain Acts therein mentioned, and to regulate in a better manner the Inspection of Pot and Pearl Ashes*, and the Ordinance of the Legislature of the late Province of Lower Canada, made and passed in the second year of Her Majesty's Reign, and intituled *An Ordinance to revive a certain Act therein mentioned, and to make better provision with regard to the Inspection of Pot and Pearl Ashes*, by which the said Act was revived, amended and continued, shall be and are hereby repealed; but nothing herein contained shall revive any Act or Law repealed or suspended by the said Act or Ordinance, but such Acts and Laws, and all other Acts or Ordinances or Laws, in force in either section of the Province when this Act shall come into operation, relating to the Inspection, storing and branding of Pot or Pearl Ashes, and the appointment and compensation of Inspectors, shall be, and are hereby repealed.

Description
of Barrels.

II. And be it enacted, that from and after the coming into force of this Act, no Pot or Pearl Ashes shall be inspected in barrels of any other size or description than the following, that is to say: in water-tight barrels of not more than thirty-two inches in length, by twenty-two inches in diameter on either head, nor less than thirty inches in length by twenty inches in diameter on either head, and the chime whereof shall not exceed one inch—which barrels shall be made of the best seasoned white oak or ash timber, and well and completely hooped, with at least fourteen good white ash, hickory or oak hoops; the staves to be of such thickness as to tare as nearly as possible fourteen pounds to every one hundred, and twelve pounds of the gross weight of such barrel when filled, for which tare a corresponding allowance, in no instance less than fourteen pounds for every one hundred and twelve pounds, shall in all cases be made by the seller of Pot and Pearl Ashes, to the purchaser thereof.

Tare.

Former Com-
missions re-
voked.

III. And be it enacted, that from and after the coming into force of this Act, all Licences or Commissions heretofore issued for the appointment of any Inspector or Inspectors of Pot or Pearl Ashes, in this Province, shall be and the same are hereby revoked and rendered null and void.

Board of Ex-
aminers. how
appointed, &c.

IV. And be it enacted, that from and after the coming into force of this Act, it shall be lawful for the Board of Trade in the Cities of Quebec, Montreal and Toronto, and in the Town of Kingston, respectively, and for the Municipal Authorities in other places where Inspectors may be required for the purposes of this Act,

Act to appoint a Board of Examiners of applicants for the office of Inspector of Pot and Pearl Ashes, and from time to time to remove such Examiners and appoint others in their stead ; and such Board of Examiners shall in the Cities of Quebec and Montreal, respectively, consist of five, and in other places of three, fit, proper and skilful persons, resident in the place or in the immediate vicinity of the place for which they are respectively to act ; and such Examiners shall, before acting as such, severally take and subscribe the following oath, before any one of Her Majesty's Justices assigned to keep the peace within the District in which such Examiners shall respectively reside, and such Justice is hereby required and authorized to administer the same : " I, A. B. do swear that I will not, directly or indirectly, personally or by means of any person or persons on my behalf, receive any fee, reward or gratuity whatever, by reason of any function of my office of Examiner, and that I will therein well and truly, in all things, act without partiality, favour or affection, and to the best of my knowledge and understanding :—So help me God ! "

Oath of Office.

V. And be it enacted, that the Mayor of the said City of Quebec, Montreal or Toronto, or of the Town of Kingston, respectively, for the time being, and the Warden or Chief Municipal Officer of any other place as aforesaid, for the time being, shall and may, from time to time, by an instrument under his hand and the seal of the Corporation, nominate and appoint an Inspector of Pot and Pearl Ashes for each of the said Cities, Towns and other places as aforesaid, and may, from time to time, remove any such Inspector, and appoint another in his stead : and no person shall be appointed as such Inspector, who shall not previously to his appointment as such undergo an examination before the Board of Examiners for the same place, as to fitness, character and capacity, in the manner hereinafter provided ; nor shall any person be so appointed as Inspector of Pot and Pearl Ashes unless approved of and recommended as such by the Board of Examiners or a majority of them, pursuant to such examination ; nor in any place in which there shall be a Board of Trade, except on the requisition of such Board, with which the Mayor or Chief Municipal Officer shall be bound to comply ; and before any Inspector shall act as such, he shall furnish two good and sufficient sureties, jointly and severally with himself, for the due performance of the duties of his office, in the sum of three thousand pounds currency, if such Inspector be appointed for Montreal, and in the sum of two hundred and fifty pounds currency, if such Inspector be appointed for the City of Quebec or Toronto, or for any other place for which an Inspector may be appointed ; and such sureties shall be approved by the Mayor or Warden, or other Chief Municipal Authority by whom such Inspector shall have been appointed, and a Bond shall be executed to Her Majesty, Her Heirs and Successors in the form used with regard to the sureties of persons appointed to offices of trust in this Province ; and such Board shall avail

Inspectors how appointed.

Inspectors to give security.

to

to the Crown and to all persons whomsoever who shall or may be aggrieved by any breach of the conditions thereof, and no such Inspector shall allow any person whomsoever to act for him about the duties of his office, excepting only his sworn assistant or assistants to be appointed in the manner hereinafter provided.

Bond where kept.

VI. And be it enacted, that the Bond or Suretyship which shall be made or executed by such Inspector and his Sureties, by virtue of this Act, shall be made and shall be kept at the office of the Clerk of the Corporation of the City or Town, or place for which such Inspector shall be appointed ; and every person shall be entitled to have communication and copy of any such Bond or Suretyship at such Clerk's office upon payment of one shilling currency, for each communication, and of two shillings and six pence currency, for each copy.

Board of Examiners may authorise competent persons to sit with them.

VII. Provided always, and be it enacted, that the Board of Examiners to be constituted as aforesaid shall be, and they are hereby authorised and required before proceeding to the examination of any person or persons who may hereafter be desirous of being appointed an Inspector of Pot and Pearl Ashes as aforesaid, to require the attendance of two or more persons of the greatest experience and practice in the manufacture or inspection of Pot and Pearl Ashes ; and the said Board in their discretion are also hereby further authorised to permit any other person or persons to be also present at the said examination ; and each and every of the said persons so required or permitted to attend may in the presence of the said Board, propose questions to the person or persons then under examination, touching and respecting his or their knowledge as to the properties and qualities of Pot and Pearl Ashes.

Inspectors to take an Oath of Office.

VIII. And be it enacted, that each person examined, approved and recommended as aforesaid, shall, if appointed an Inspector of Pot and Pearl Ashes, before he shall act as such, take and subscribe an oath before the Mayor, Warden or Chief Municipal Officer of the place for which he shall be appointed (which Mayor, Warden or Chief Municipal Officer is hereby required and authorised to administer the same,) in the words following, to wit : " I, A. B. do solemnly swear, that I will
 " faithfully, truly and impartially, to the best of my judgment, skill and understand-
 " ing, do and perform the office of an Inspector of Pot and Pearl Ashes, according
 " to the true intent and meaning of an Act of the Legislature of this Province, inti-
 " tuled *An Act to regulate the Inspection of Pot and Pearl Ashes* ; and that I will not
 " directly or indirectly, by myself or by any other person or persons whomsoever,
 " manufacture, buy or sell any Pot or Pearl Ashes, on my account, or upon the ac-
 " count of any other person or persons whomsoever, during the time I shall continue
 " such Inspector :—So help me God." Which oath shall be recorded in the Office
 of the Clerk of the Corporation of the City, Town, or place where the same shall
 be

The Oath.

Oath how re-
 corded.

be taken : and for recording such oath, and for a certificate thereof the Clerk shall be entitled to demand and have the sum of two shillings and six pence currency, and no more, and shall give communication of the original to any person who shall apply for the same, on payment of one shilling currency, for each such communication, and two shillings and six pence currency for each copy.

IX. Provided always, and be it enacted, that any person who at the time this Act shall come into force shall hold the office of Inspector of Pot and Pearl Ashes for any place within this Province, shall on his application to that effect immediately after the said time, be re-appointed as Inspector under this Act by the Mayor or Chief Municipal Officer of the place in which he shall have acted as Inspector, without any new examination or any intervention of the Board of Trade ; and any person who at the said time shall hold the office of Assistant Inspector in the City of Montreal, shall on his application to the Inspector, immediately after the said time, be re-appointed Assistant Inspector for the said City without any new examination or any intervention of the said Board : any thing in this Act to the contrary notwithstanding ; but such Inspectors and Assistant Inspectors shall after such re-appointment be removeable, and shall give security, and shall be bound by all the other provisions of this Act, in the same manner as other Inspectors or Assistant Inspectors appointed under the authority thereof.

Present Inspectors to be re-appointed on their application.

Present Assistant Inspectors to be re-appointed on their application.

X. And be it enacted, that it shall be the duty of every such Inspector, on proceeding to inspect any Pot or Pearl Ashes, to empty the whole of the Pot and Pearl Ashes out of the barrels, and if necessary to scrape the barrels and the cakes of ashes, and carefully to examine, try and inspect and sort the same into three different sorts or qualities, to be denominated *First Sort*, *Second Sort*, and *Third Sort* ; and he shall repack the same, putting the ashes of each quality into a separate water-tight barrel of the size and description already specified, to be properly coopered and nailed, and shall weigh each barrel and mark with a marking iron on the branded head, the weight thereof, including tare, and the weight of the tare under the same ; and he shall brand in plain letters and figures on each and every barrel by him inspected containing Ashes of the first quality, the words *First Sort* ; of the second quality the words *Second Sort*, and of the third quality the words *Third Sort*, together with the words *Potash* or *Pearl ash*, as the case may be, with his own name and that of the place where the Ashes are inspected, and the year when such inspection is made : he shall collect the crustings or scrapings of the barrels and cakes of Pot and Pearl Ashes of each separate mark, and weigh and put the same into suitable barrels and deliver the same to the order of the proprietor or his agent : he shall brand the word *Condemned* on every barrel which he shall discover to contain Ashes fraudulent-

Mode of Inspecting, sorting and packing Pot and Pearl Ashes.

ly

ly adulterated with stone, sand, lime, or any other improper substance ; he shall make and deliver to the owner or his agent an Invoice or Weigh-note under his hand, of the Ashes by him so inspected, containing the original mark and number of each barrel, the weight thereof, and tare, and distinguishing each separate quality thereof as aforesaid, which invoice or weigh-note shall be dated on the day when such Ashes are ready for delivery or shipment ;—the weight of the crustings or scrapings obtained from each separate mark to be given at the foot or on the back of such invoice or weigh-note ; and he shall enter all these particulars in a book to be by him kept for that purpose ; and further he shall put all barrels of Pot and Pearl Ashes by him inspected into proper shipping order and condition when called upon to deliver the same.

Storage of Pot
and Pearl
Ashes by the
Inspector.

XI. And be it enacted, that it shall be further the duty of each of the said Inspectors, to provide himself with suitable and convenient premises for the storage and inspection of Ashes, and to keep all barrels of Ashes delivered to him for inspection, whilst they remain in his or their possession, in some dry place, safe from the injuries of the weather or of floods, and under a tight roof, and if in sheds the same shall be good and sufficient and inclosed on every side ;—and any Inspector violating this provision, shall forfeit and pay to the owner the sum of ten shillings currency for every barrel not stored as aforesaid, besides the actual damages that may be sustained by such owner.

Fees to be
paid to the In-
spector.

XII. And be it enacted, that for all the services to be performed as aforesaid, each Inspector shall be entitled to receive five pence, currency, of this Province, for every hundred weight of Pot or Pearl Ashes by him inspected as aforesaid, together with the actual cost or charge of any barrel by him furnished, or for coo- perage or repairs done to barrels containing Pot or Pearl Ashes by him or them inspected, and no more ; the charge for which said cooperage and repairs shall not in any case exceed nine pence per barrel, and in consideration of which all barrels shall be delivered in good shipping order ; and such charges shall be paid by the person or persons offering such Pot or Pearl Ashes for inspection, or his or their agents ; and each Inspector shall further be entitled to receive five pence, currency, per barrel, for the storage of each barrel of Ashes, which shall remain stored with him as aforesaid more than ten days after the date of the Invoice, Weigh-Note or Inspection Bill, and three pence, currency, per barrel, for each subsequent month they shall remain so stored, (reckoning the second month to commence forty days from the date of the Invoice, Weigh-Note or Inspection Bill,) and such storage shall be paid by the person or persons receiving or shipping the said Ashes, his or their agent, but in no case shall any storage be paid or required when the Ashes shall not have remained stored as aforesaid during ten days from the date of the Invoice or Weigh-Note.

Storage Fees.

XIII.

XIII. And be it enacted, that the Inspector of Pot and Pearl Ashes, for the Cities of Montreal and Quebec, respectively, may appoint such number of Assistants as he shall, from time to time be required to appoint by the Board of Trade of the City for which he is appointed, for the acts of which Assistants he shall be and is hereby declared to be responsible, and shall be bound to increase the number of such Assistants from time to time, on a requisition in writing to that effect, from the Board of Trade, and may diminish the same with the permission of the said Board; and each such Assistant shall be subject to the approval of the said Board of Examiners, and skilful persons sitting with them, in the manner hereinbefore provided for the examination of Inspectors, and before entering upon the duties of his office, shall furnish two good and sufficient sureties to Her Majesty, in the sum of five hundred pounds, currency, if for the City of Montreal, and in the sum of one hundred pounds, currency, if for the City of Quebec, for the due performance of his duties, by a Bond to be taken, made, recorded, kept and delivered in the manner provided with regard to the Bonds given by Inspectors; and shall take and subscribe the following Oath, before the Mayor of the City, for which he shall be appointed, who is hereby required and authorised to administer the same: "I, A. B. do swear, that I will diligently, faithfully and impartially execute the office of Assistant to the Inspector of Pot and Pearl Ashes for according to the true intent and meaning of an Act of the Legislature of this Province, intituled *An Act to regulate the Inspection of Pot and Pearl Ashes*, and that I will not, directly or indirectly, personally or by means of any person or persons in my behalf, receive any fee, reward or gratuity whatever, by reason of my office of Assistant to the said Inspector (except my salary from the said Inspector,) and that I will not, directly or indirectly, trade in the articles of Pot and Pearl Ashes, or be in any manner concerned in the purchase or sale of Pot and Pearl Ashes: So help me God:" and such Bond shall be in duplicate, and one part thereof shall be delivered to the Inspector, and the other part thereof, as also the Oath, shall remain in the office of the Corporation of the City in which the same shall be taken, for the same purposes and in all cases subject to the same regulations as to communication and copy, as are provided with regard to the Bond and Oath of the Inspector.

Assistant Inspectors to be appointed in Quebec and Montreal.

To be examined and give security.

Oath of an Assistant Inspector.

Bond and Oath where kept.

XIV. And be it enacted, that the said Assistants shall respectively be paid by, and shall hold their offices at the pleasure of the Inspector, and may be removed or re-instated, or others may be appointed in their stead by such Inspector.

Assistants to hold office at the pleasure of the Inspectors.

XV. And be it enacted, that whensoever a vacancy shall occur in the office of Inspector of Pot and Pearl Ashes for the City of Montreal, by the death, resignation or removal of such Inspector, an Inspector of Pot and Pearl Ashes shall by the Mayor of the said City be appointed in his room, from among the Assistant Inspectors:

Vacancy in the office of Inspector how to be filled.

Inspectors: Provided that no such Assistant Inspector shall be so appointed Inspector, until he shall have undergone an examination before the Board of Examiners, and by them have been deemed competent to the duties required of such Inspector, and shall not enter upon the duties of his office until he shall have given the security and taken the Oath of office required by this Act, and complied with the other requirements thereof.

Penalty on Inspectors contravening this Act.

XVI. And be it enacted, that any Inspector or his Assistant who during his continuance in office, shall directly or indirectly be concerned in the buying or selling of any Pot or Pearl Ashes, or the scrapings or crustings thereof, or participate in any transaction or profit arising therefrom (further than the fees or emoluments granted by this Act for Inspection and Storage) or who shall permit any Cooper or other person by such Inspector employed, to retain or keep any Pot or Pearl Ashes, or the scrapings or crustings thereof, or who shall brand any barrel or barrels of Ashes of any description or size other than is prescribed by this Act; or who shall date any Weigh-note or bill of Inspection differently from the time when the Ashes were actually inspected,—or shall deliver out of his possession any such Weigh-note or bill of Inspection without any date, or who shall not conform to the provisions of this Act,—shall, upon being legally convicted thereof, for every such offence, incur a forfeiture and penalty not exceeding one hundred pounds, currency, and be for ever thereafter disqualified and disabled from holding and exercising the duty or office of Inspector of Pot and Pearl Ashes in this Province, or of Assistant to such Inspector.

Penalty on inspectors refusing to act.

XVII. And be it enacted, that if any Inspector of Pot and Pearl Ashes, or his Assistant, not then employed in the Inspection of any Pot or Pearl Ashes (according to the duties prescribed by this Act) shall, on application on lawful days between sunrise and sunset to him made, refuse, neglect or delay to proceed to such examination and inspection for the space of two hours after such application so made to him, the Inspector or his Assistant so refusing, neglecting or delaying to make such examination and inspection, shall for each such offence forfeit the sum of five pounds, current money, to the use of the person or persons so delayed.

Penalty on persons forging Brandmarks or offending in any like manner.

XVIII. And be it enacted, that if any person or persons shall counterfeit any of the aforesaid Brandmarks of the Inspector, or shall impress or brand the same knowing the same to be counterfeit, on any barrel or barrels of Pot or Pearl Ashes, or any other mark or marks purporting to be the mark or marks of the Inspector or of any manufacturer of Pot and Pearl Ashes, either with the proper marking tools of such Inspector or Manufacturer, or with counterfeit representations thereof, or who shall empty any barrel or barrels of Pot or Pearl Ashes
branded

branded as aforesaid, by an Inspector or Manufacturer, in order to put therein other Pot or Pearl Ashes for sale or exportation, without first cutting out the said Brandmarks, or shall fraudulently pack therein any other substance than the Pot or Pearl Ashes packed in the same by the Inspector or Manufacturer; and if any person in the employ of any Inspector or Manufacturer of Pot and Pearl Ashes, shall hire or loan out the marks of his employer to any person whatsoever, or shall connive at or be privy to any fraudulent evasion of the provisions of this Act, such person or persons shall for every such offence forfeit and incur a penalty of fifty pounds current money of this Province.

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

Disputes between Inspectors and proprietors how settled.

XX. And be it enacted, that nothing herein contained shall be construed to prevent any person from exporting Pot and Pearl Ashes without inspection, provided that on one end of the barrel containing the same, there shall be neatly and legibly branded or marked, the name and address of the Manufacturer, the weight and tare of the cask, and the quality of the ashes contained in it; but any person who shall export any Pot or Pearl Ashes, not so marked as aforesaid, or shall wilfully mark any such barrel falsely, shall thereby incur a penalty of five pounds currency.

How Pot and Pearl Ashes for exportation shall be marked.

XXI. And be it enacted, that all fines, penalties and forfeitures imposed by this Act, not exceeding ten pounds currency, shall be recoverable by the Inspectors

Fines, &c. how recovered and applied.

tors, their Assistants or any other person suing for the same, in a summary way before any two of Her Majesty's Justices of the Peace of the District, and shall on failure of payment be levied by warrant of distress to be issued by such Justices against the goods and chattels of the offender; and when the same shall exceed the sum of ten pounds currency, they shall be sued for and recovered by bill, plaint or information, or action before any Court of competent jurisdiction, and levied by execution as in the case of debt; and one moiety of all such fines and forfeitures when recovered, shall (except when herein otherwise provided) be immediately paid into the hands of the Treasurer of the City, Town or place wherein the said action or prosecution shall have been instituted, and shall remain at the disposal of the Corporation thereof for the public use of the said City, Town or place respectively, and the other moiety shall belong to the person who shall sue for the same, unless the action be brought by an Officer of such Corporation, in which case the whole shall belong to the Corporation for the use aforesaid.

Limitation
of actions.

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

Treble costs.

When this
Act shall have
force.

XXIII. And be it enacted that the foregoing provision of this Act shall have force and effect upon, from and after the first day of January, in the year of our Lord one thousand eight hundred and forty-three, and not before.

CAP. VII.

An Act to regulate the inspection and measurement of Timber, Masts, Spars, Deals, Staves, and other articles of a like nature, intended for Shipment and Exportation from this Province, and for other purposes relative to the same.

[12th October, 1842.]

WHEREAS the several Acts of the Legislature of the late Province of Lower Canada, by which the Lumber Trade of that part of the Province was regulated, have expired ; and whereas it is expedient and necessary to make Legislative provision for the regulation of the measurement and culling of Timber, Masts, Spars, Deals, Staves, and other articles of a like nature, intended for shipment and exportation from this Province, and for other matters relative to the same ; Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled "*An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada,*" and it is hereby enacted by the authority of the same, that from and after the passing of this Act, it shall be lawful for the Mayor of the City of Quebec for the time being, by a Commission under his hand and seal, to constitute and appoint a fit and proper person, well skilled and practically acquainted with the Timber Trade of this Province, as Supervisor of Cullers, who shall have been previously examined as to his qualification by the Board of Examiners hereinafter appointed whose duty it shall be to manage, supervise and control the culling, measuring, and examination of every description of Lumber as hereinafter prescribed ; and who shall himself, with two responsible sureties, enter into bonds to Her Majesty, Her Heirs, and Successors in the penal sum of Three Thousand Pounds Currency, for the faithful discharge of his duty, and shall, before entering on the duties of his Office, take and subscribe the following oath, before any of Her Majesty's Justices of any Court of King's Bench, or other Court of Superior Civil Jurisdiction, that is to say :--" I, A. B., do solemnly swear, that I will faithfully, truly and impartially, to the best of my skill and understanding, execute, do and perform, the Office and duty of Supervisor of Cullers, according to the true intent and meaning of the Act, intituled *An Act to regulate the inspection and measurement of Timber, Masts, Spars, Deals, Staves, and other articles of a like nature, intended for shipment and exportation from this*

Preamble.

Supervisor of Cullers to be appointed.

Supervisor to give security.

And to take an oath.

The oath.

this

“ this Province, and for other purposes relative to the same, that I will not either directly or indirectly, personally or by means of any other person or persons on my behalf, receive any fee, reward or gratuity whatever, by reason of any function of my Office as Supervisor, except such as are allowed to me by the said Act; and that I will not directly or indirectly, be a dealer in, or interested in the buying or selling of any article of lumber, either on my own account, or on account of any other person or persons whatsoever; and that I will act without partiality, favor or affection, and to the best of my knowledge :—So help me God.” Which oath and bond shall be filed and kept among the records of the Office of the Registrar of this Province.

Oath to be filed of record.

The Quebec Board of Trade to appoint a Board of Examiners of Cullers.

Duties of such Board.

Members to be sworn.

The oath.

Who may be appointed Cullers.

Culling to be divided into four departments.

II. And be it enacted, that it shall be the duty of the Board of Trade in Quebec, to constitute and appoint in that City, at least seven, and not more than eleven persons, one of whom shall be the Supervisor, to be a Board of Examiners to examine and test the skill and qualifications of all applicants to be admitted and commissioned as Cullers; and such Board or a majority of them shall meet from time to time, as circumstances may require, when notified by the Supervisor so to do, at the Office of the Board of Trade, or of the Supervisor, to test the skill, capacity and qualifications of such applicants; and such Board of Examiners shall also meet at the Office of the Supervisor or Board of Trade Room, on the first Monday of January and May, in each year, to examine and test the skill, capacity and qualifications of all such applicants for licences as Cullers, and each member of the said Board, before acting as such, shall take the following Oath, (to be administered by a Justice of the Peace resident in the said City of Quebec,) that is to say :—I, A. B., do solemnly swear that I will not directly or indirectly, personally or by means of any other person or persons on my behalf, receive any fees, reward, or gratuity whatever, by reason of any function of my Office as Examiner of Cullers; and that I will act without partiality, favor or affection, and to the best of my knowledge :—So help me God.”

III. And be it enacted, that no person shall be recommended to be commissioned as a Culler, by such Board of Examiners, except he is in every way capable as to his knowledge, education, age and character, and practically acquainted with one or more of the departments of culling and measuring for which he applies to be licenced.

IV. And be it enacted, that the duties of inspection and measurement shall be divided into four different departments, that is to say: one department for the measurement and inspection of square Timber; one department for the inspection and measurement of Masts, Spars, Bowsprits, Oars, and Handspikes; one department for the inspection and measurement of Staves; and one department for the inspection and measurement of Deals, Boards, Planks and Lathwood.

V.

V. And be it enacted, that it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government, to licence all duly qualified applicants as Cullers and Measurers, for one or more of the departments aforesaid ; Provided always, that each such applicant shall produce a certificate of his fitness and qualification from the Board of Examiners, and such certificate shall be filed in the Supervisor's Office : And provided also, that such applicant shall himself, with two sufficient sureties, enter into bond to Her Majesty, Her Heirs and Successors, in the penal sum of Three Hundred Pounds Currency, for the faithful discharge of his duties, which bond shall be taken before the Supervisor, and shall also, before any of the Justices of any Court of King's Bench, or other Superior Court of Civil Jurisdiction, take and subscribe the following Oath, that is to say :—“I, A. B., do solemnly swear, that I will “ faithfully, truly and impartially, to the best of my knowledge and understanding, execute, do and perform, the duty of a Culler and Measurer of
 “ *(here insert the description of the lumber of which he is to be a Culler and Measurer)*
 “ according to the true intent and meaning of an Act, intituled *An Act to regulate the inspection and measurement of Timber, Masts, Spars, Deals, Staves, and other articles of a like nature, intended for shipment and Exportation from this Province, and for other purposes relative to the same,* and that I will give a true and faithful account and certificate of the number, quality and dimensions or measurement of the lumber of which I am to be commissioned a Culler, which may be submitted to my judgment and inspection, according to the best of my knowledge ; and that I will not directly or indirectly be a dealer in or interested in the buying or selling of any article of lumber, either on my own account, or on account of any other person or persons whatsoever ; and that I will not at any time purloin, or wilfully change or omit, any article of lumber submitted to me for the purpose of being measured, counted or culled :—So help me God.” Which Oath every such person shall file or cause to be filed in the Office of the Supervisor ; and it shall be the duty of the Supervisor, when applicants to be Cullers shall have complied with the requirements of this Act, to report and certify the same to the Governor or his Secretary, and procure for such applicant or Culler his or their licence or licences without any fee on the part of the Supervisor, and subject only to the payment of such fees of Office as are usual and reasonable for such documents.

Cullers may be licensed by the Governor.

Proviso, as to their qualification.

Proviso, they shall give security.

And be sworn.

Their oath.

Oath to be filed in the Office of the Supervisor.

VI. And be it enacted, that it shall be the duty of the said Supervisor of Cullers, to open an Office in a central and convenient place at the Port of Quebec, for the transaction of his duties, which Office shall be kept open by him or his deputy, on all lawful days, from six o'clock in the forenoon to six o'clock in the afternoon, during the open season of navigation, and at other times, during ordinary Office hours ; and the said Supervisor shall employ such number of Cullers as may be necessary to do the work required in the different departments of culling

Supervisor's Office how to be kept.

Authority of the Supervisor. ling and measuring; and the duty of such Cullers in each department shall be performed by them in rotation; and the Supervisor shall have authority to dictate the number of men required to be employed under the direction of the Cullers, for the expeditious culling of Timber, Deals, Staves, and every other description of lumber to avoid unnecessary delay.

Lumber to be reported at the port or place of arrival within a limited period. VII. And be it enacted, that it shall be the duty of every owner, or person in charge of any Raft of lumber, or of any Vessel, Boat, Scow, or Craft of any kind having Lumber on board, to report the arrival of the same to the Supervisor or Deputy Supervisor at the port or place at which such lumber is intended to be shipped sold or offered for sale, within twenty four hours after its arrival there, under a penalty of five Pounds Currency for each day during which he shall neglect to report the same, and the Supervisor or Deputy shall cause such lumber to be measured and marked within twenty four hours after receiving such report, with the exception of Staves and Deals which shall not be required to be measured or culled, until the owner thereof desire to land or unload the same.

To be culled, &c. in a limited period.

Persons employed in assisting to measure and mark Timber to be sworn. VIII. And be it enacted, that all holders of measuring tapes, and scribes of timber shall, before entering on their duties as such, take and subscribe before some one of Her Majesty's Justices of the Peace, the following Oath, that is to say:—I, A. B., do solemnly swear, that I will in all cases, give and mark the true measurement of every description of lumber on which I may be employed as holder of tape or scribe of timber; and that I will act without favor or affection:—So help me God." Which Oath shall be filed in the Office of the Supervisor; Provided always, that persons so employed, shall in all cases, when practicable, be apprentices or candidates for becoming Cullers and Measurers.

The oath.

Proviso.

How specifications of Lumber culled and measured shall be made. IX. And be it enacted, that it shall be the duty of every Culler to check and examine the entry of his measurement, and counting, on the books of the Supervisor, and to sign a copied specification thereof; such specification having been checked and examined in the Office of the Supervisor, and to be countersigned by him or his deputy; which specification shall be furnished to the owner of the property or person entitled to the same, as soon as practicable after the measuring or culling of any Lumber is completed, if called for.

Cullers to be employed in rotation. X. And be it enacted, that it shall be the duty of the Supervisor to record the several applications for measuring or culling every description of Lumber, when applied so to do; and that the culling or measurement of the same shall be performed in rotation of registration; and that the Supervisor shall within twelve business hours after such registry, send a Culler to do the measuring, culling or counting, so required, in any place within the Harbour of Quebec, provided the said Supervisor of Cullers has at the time required Cullers unemployed or obtainable.

Proviso.

XI. And be it enacted, that it shall be the duty of the Supervisor of Cullers, on application of any party interested in the Lumber Trade carried on at any place from which Lumber is exported from this Province by sea, to appoint as many licenced Cullers as may be requisite to act at such place, one of whom shall be his deputy, for whose official acts, the Supervisor shall be responsible, and from whom he may require such security as he may deem requisite, and who shall, with regard to the place for which he may be appointed and by virtue of his appointment as such deputy, have all the powers hereby vested in the Supervisor, and to whom, as well as to the licensed Cullers at such place under his controul, all the enactments and provisions of this Act, with regard to the Supervisor and Cullers shall respectively apply.

Supervisor to appoint Deputy and Cullers at place of shipment, for whom he shall be responsible.

Their powers defined.

XII. And be it enacted, that it shall be the duty of each Deputy Supervisor to keep Books and Accounts relative to the business of his Office for the place at which he acts in like manner and form as the Supervisor is bound to do at the place at which he acts in person, and each such deputy shall make monthly returns to the Supervisor at Quebec of the business of his Office in such form as the Supervisor shall appoint and so as to enable the Supervisor to afford to the public the same information with regard to the business transacted by any Deputy as he is bound to afford with regard to the business transacted at the place at which he acts in person; and such Deputy shall pay over all monies by him collected as fees either by paying the same to the credit of the Supervisor into some chartered Bank named by that Officer, or by transmitting the same to the Supervisor at Quebec in such manner as he shall appoint.

Deputy Supervisor to keep Books, &c. and make returns and pay over monies.

XIII. And be it enacted, that it shall be the duty of every Culler to provide himself with a measuring rod and tape, which shall in all cases be legal English measure, and tested and compared by a standard kept in the office of the Supervisor, and also with a scribing knife, to mark in legible characters, the length breadth, and thickness of all Lumber measured and inspected by him, together with the mark, initials or number of the party if required; and it shall also be the duty of every Culler to provide himself with a proper stamp, with the initials of his name in legible characters, and with the additional capital letters M. U. and R. wherewith to indent or stamp on the end of each piece of timber, mast, spar, deal, stave, oar and handspike, the quality thereof, when made merchantable, and requested by the seller and buyer so to do; the letter M. shall indicate and denote what is merchantable; the letter U. shall indicate and denote what is sound and of good quality, but of under merchantable size; and the letter R. shall indicate and denote what is rejected and unmerchantable.

How Lumber shall be measured and marked.

The marks.

XIV. And be it enacted, that in all cases the Supervisor and Cullers respectively

Description and classes of Lumber.

tively, shall be governed by the following descriptions, rules, standards and limitations, in ascertaining and certifying the merchantable quality of Lumber submitted to their inspection, that is to say:—

Square oak. Square White Oak timber shall not be less than twenty feet in length, and not less than ten inches in the middle, and the taper shall not be more than two inches in any length under thirty feet, nor more than three inches for any greater length, and shall be free from rot, rings, shakes and other defects, and properly hewn, squared and butted, and shall not have more than one bend or twist in a log, which bend or twist shall not be more than three inches hollow for every twenty feet in length; Square Rock Elm shall not be less than thirty feet in length, nor less than ten inches in the middle, and the taper shall not be more than two inches in any length under thirty-two feet, nor more than three inches for any greater length, free from rot, rings, shakes and other defects, and shall be properly hewn, squared and butted, and shall not have more than one bend or twist in a log, which bend or twist shall not be more than three inches hollow for every thirty feet in length, nor more than four inches hollow for every forty feet in length; Square White or Yellow Pine timber shall not be less than twenty feet in length, and not less than twelve inches square in the middle, and the taper shall not be more than two inches under thirty feet, nor more than four inches for any greater length, and shall be free from rot, bad knots, rings, shakes and other defects, and properly hewn, squared and butted, and shall not have more than one bend or twist in a log, which bend or twist shall not be more than three inches hollow for every twenty feet in length, including any, not less than fifteen feet in length, and not less than sixteen inches square; Red Pine square timber shall not be less than twenty-five feet in length, nor less than ten inches square in the middle, and the taper shall not be more than two inches in any length under twenty-five feet, nor more than four inches in any greater length, and shall be free from rot, bad knots, shakes and other defects, and properly hewn, squared and butted, and shall not have more than one bend or twist in a log, which bend or twist shall not be more than three inches hollow for every twenty feet in length; Ash, Basswood and Butternut shall be of the same standard, quality and dimensions, as White Pine; Pine or Fir Boards shall not be less than ten feet in length, and not less than one inch in thickness, and not less than eight inches in breadth, equally broad from end to end, edged by a saw, or neatly trimmed by a straight line, free from rot, sap, stains, bad knots, rents and shakes, and of equal thickness on both edges from end to end, but the colour alone of any plank or board shall not be a sufficient cause for their rejection, if they be in other respects sound and merchantable, and of the dimensions required by this Act; Pine or Fir Deals shall not be less than twelve feet in length, and not less than two and a half inches in thickness, and seven, nine or eleven inches in breadth, (the proportion of seven inch deals not to exceed one sixteenth part of the whole,) and shall be free from rot, rotten knots, black knots, and case knots, shakes and splits

splits, and shall be well sawn, but the colour alone of such deals, planks and boards shall be no objection to their being considered of merchantable quality ;

Pipe Staves, shall not be less than five feet six inches in length, and five inches in breadth at the narrowest part, free from sap, and not less than one and a half inch thick ; and the Staves commonly called Standard Staves, (by which the price of all other kinds of Staves, except West India and Heading, are commonly regulated) shall be of the length and breadth aforesaid, and one and a half inch thick at the thinnest part, and on all thicker Pipe Staves, one fifth of the price of the Standard Staves, shall be allowed for each additional half inch in thickness ; and Pipe Staves of five feet six inches in length, and five inches in breadth at the narrowest part, and one inch thick, shall be reckoned at two-thirds of the price of Standard Staves ; and all Staves of four feet six inches in length, and five inches in breadth at the narrowest part (if they be one inch thick,) shall be reckoned at one half the price of Standard Staves ; if they be one inch and a half thick, at seven tenths of such price ; if they be two inches thick, at eight tenths of such price ; if they be two inches and a half thick, at nine tenths of such price ; and if they be three inches thick, at the same price as Standard Staves ;

Hogshead Staves shall be four feet six inches long and four and a half inches broad, exclusive of sap, and not less than one inch thick at the thinnest part, and shall be reckoned at two-thirds of the price of Pipe Staves of corresponding thickness ;

Puncheon Staves shall be three and a half feet long, and four inches broad, exclusive of sap, and not less than one inch in thickness at the thinnest part, and shall be reckoned at one half the price of Pipe Staves of corresponding thickness ;

Heading shall be two and a half feet long, five inches and a half broad, or upwards, exclusive of sap, not less than one inch thick at the thinnest part, and shall be reckoned at one half the price of Pipe Staves of corresponding thickness ;

Tierce Staves shall be two feet eight inches long, three and a half inches broad, and not less than three quarters of an inch thick, and shall be reckoned at one-third the price of Pipe Staves of corresponding thickness ;

West India Staves shall be three and a half feet in length, four inches broad, and three-fourths of an inch thick ;

Heading shall be two and a half feet long, five and a half inches broad, and three-fourths of an inch thick, and shall be reckoned at the same price as Puncheon Staves ;

West India dressed Hogshead Staves shall be three and a half feet long, three inches broad, and three-fourths of an inch thick, and shall be reckoned at two-thirds of the price of West India dressed Puncheon Staves ; and whenever there shall be no specific agreement to the contrary, between the buyer and seller, four fifths at least of the whole number of Staves sold or contracted for, shall be staves of five and a half feet long, and not more than one third of the remaining fifth of such number shall be heading ;

Staves respectively shall be of clear white oak, straight timber, properly split, with straight edges, free from worm-holes, knots, veins, rents, shakes and splinters ; and the Culler shall always measure

Pipe Staves.

Standard Staves.

Other Staves.

Hogshead Staves.

Puncheon Staves.

Heading.

Tierce Staves.

West India Staves.

Heading.

West India Hogshead Staves.

All Staves to be of oak.

Masts and Spars. sure their length, breadth and thickness, at the shortest, narrowest and thinnest parts ; Masts and Spars shall be three feet in length for every inch in diameter at the partners, and shall be sound, and six feet of extreme length for all masts of twenty-two inches and under that size, and not more than four inches hollow, free from bad knots, rents and shakes ; Bowsprits shall be two feet in length for every inch in diameter at the partners, adding two feet for extreme length, sound and free from defects, with two inches hollow on the inside ; Hickory Hand-spikes shall be six feet long, and three and a half inches square at the smaller end ; Ash Oars shall be three inches square on the loin, and five inches broad on the blade, the blade shall be one-third of the length of the oar, which shall be cleft straight on all sides, and free from rot, large knots, splits and shakes ; Lathwood shall be cut in lengths of four to six feet, and measured by the cord of eight feet in length, by four feet in height.

Lumber im-
properly squa-
red &c. to be
redressed.

XV. And be it enacted, that in all cases where it shall appear, that Timber, Masts, Spars, Boards, Planks, Deals, Staves, Oars and any other description of lumber are not properly squared, butted or edged the same being merchantable in other respects, and sold as such, it shall be the duty of the Supervisor and Culler respectively, and they are hereby severally authorized and required to order or cause such lumber to be properly dressed and chopped, at the expense of the seller, previously to their being respectively received and certified to be merchantable ; and in measuring off squared timber in the raft or otherwise, it shall be the duty of the Culler and measurer, to take the square at such part of the piece, and in such manner, as in his opinion shall give the truest medium and full cubic contents thereof, without reference to what it may contain or measure when redressed and made merchantable : Provided always, such piece of timber or part thereof so measured off, be visibly sound and of use : it shall also be lawful for Cullers to mark and make merchantable qualities and second qualities, and culls, of the articles of deals, planks and boards ; and the letter S. stamped and indented thereon shall indicate and denote second quality.

Mode of mea-
suring in cer-
tain cases.

Proviso.

Second qua-
lities and culls.

Where there
is no agree-
ment, Timber
shall be mea-
sured without
deduction.

XVI. And be it enacted, that unless there be a specific agreement to the contrary, timber shall be measured off without any allowance or deduction, and afterwards that a certain portion of the said Timber, that is to say : so much thereof as shall be agreed upon, be broken up and made sound, and that a reduction on the residue of the said Timber shall be made in proportion to the loss ascertained in that portion broken up and made sound, and the expense of making it sound shall be paid by the seller ; a copy of every agreement of the mode of measurement, upon the sale of any description of lumber mentioned in this Act, signed by the seller and buyer, shall be lodged in the office of the Supervisor of Cullers, at the same time that an application is made to the said Supervisor for a Culler to measure

sure or cull any of the said lumber, for the guidance of the said Culler, in the performance of his duty : Provided there be nothing therein contrary to the true intent and clear meaning of this Act. Proviso.

XVII. And be it enacted, that the following rates shall be charged and collected by the Supervisor, as the tariff of Fees and charges for culling and measuring each description of lumber, which tariff shall include all charges and expenses against such lumber, except in cases where extra labour for dressing, butting, chopping and piling is necessary and required. that is to say: for culling Pine or Fir Boards, not more than one and a half inch thick, and not more than eleven feet long, one shilling currency, for every hundred pieces thereof ; for Pine or Fir Plank, one and a half and two inches thick, and not more than eleven feet long, one shilling and three pence currency, for every hundred pieces thereof ; for Pine or Fir Board of any greater length than eleven feet, and not exceeding one and a half inch thick, one shilling and six pence currency, for every hundred pieces thereof; for Pine or Fir Plank of any greater length than eleven feet and not exceeding two inches in thickness, two shillings currency, for every hundred pieces thereof ; Fees for culling.
Culling boards.

Timber measured off ;

	S.	D.	
White Pine, Bass or Butternut, per ton of forty feet,.....	0	3	Table of Fees for measuring.
Red Pine,.....	0	4	
Hardwood,.....	0	4	

For Culling and Measuring,

White Pine Timber,.....	0	6
Red Pine do.	0	7
Hardwood do.	0	8
Deals per standard hundred,.....	4	0
Standard Staves per Mill,.....	12	6
West India do.	6	6
Barrel do.	4	0
Oars and Handspikes per hundred pieces,.....	4	0
Spars from 15 to 20 inches,.....	2	0
Masts and Bowsprits from 19 to 24 inches,.....	2	6
Ditto. ditto. 24 inches and upwards,.....	3	6

And the proportion of one-half of the said rates shall be paid on all such articles of lumber as shall be measured and rejected as unmerchantable ; and such rates Fees on un-
merchantable
or rejected ar-
ticles.

rates for culling and measuring shall in all cases be paid to the Supervisor on the delivery of the specification, or upon the presentation of an account thereof; and one-half of such rates shall be paid by the buyer, and the other half by the seller.

Fees by whom paid.

Expenses of Supervisor's Office how paid.

Proviso.

Accounts to be affixed on oath, yearly; and certain statements transmitted to the Governor.

XVIII. And be it enacted, that it shall and may be lawful for the Supervisor of Cullers to procure an Office, the necessary Office Furniture, Books, Stationery, and other indispensable requisites, all of which, and every record and voucher appertaining to his office shall be public property; and also to employ such number of Clerks as may be required to perform the public duties of his office; all which charges and expenses together with Culler's Fees shall be paid out of the amount of Fees collected by him, at the rates aforesaid: Provided always, that such charges, expenses and services, are made, done, performed and procured by him at their lowest current value; and it shall also be the duty of the Supervisor of Cullers, on or before the first day of January, in each and every year, under oath, (to be administered by any of Her Majesty's Justices of the Peace) to render in detail in triplicate to the Governor and for the use of the Legislature, a correct statement of his receipts and disbursements during the year then last past, together with an inventory of such articles of Public property as he shall then have in his possession, and an abstract of the number of pieces, and number of cubic feet, of each description of lumber, and the section of the Province wherefrom it came.

What Books to be kept by Supervisor and his Deputies.

XIX. And be it enacted, that the Supervisor (and each of his Deputies for the place for which such Deputy shall act) shall keep a Day Book or Journal in which he shall cause to be entered a full account of each day's business, with abstracts of the specification of the measurement and culling of all lumber culled or measured, and the name of the owner, buyer and seller of the same, the date of the commencement and of the completion of the measurement and culling, and of the delivery of the specification, the gross amounts of the fees received and the rates charged, and shall also keep a Ledger containing the account of each party with the office, and a Cash Book shewing the sums received and expended under the provisions of this Act, and all such Books shall be furnished by the Provincial Government at the expense of the Province, and shall belong to the Province for the public uses thereof.

Supervisor's Book to be open to inspections.

XX. And be it enacted, that the measurement Books, and other public records of the Office of the Supervisor, shall be open to the perusal of the seller and buyer of lumber, in reference to any transaction between them, and of any other party interested therein.

Supervisor's Salary.

XXI. And be it enacted, that it shall and may be lawful for the Supervisor of Cullers

Cullers to receive and take out of the funds coming into his hands the sum of three hundred pounds as an annual salary for his services, exclusive of all the expenses of his office; it shall also be the duty of the Supervisor of Cullers, to report to the Chairman of the Board of Trade, on or before the first day of January in each and every year, the surplus or deficiency of funds which shall be, after the payment and discharge of his said Salary, and the expenses of his office; which extra fund (if any) shall be disposed of and applied as may hereafter be found necessary and expedient, exclusively for this Act, under the controul and as directed by the Board of Trade and the Supervisor.

Supervisor to report to the Chairman of the Board of Trade.

Extra fund how disposed of.

XXII. And be it enacted, that Cullers employed by the Supervisor shall, in consideration for their labour and services, receive from the Supervisor the following proportion of the fees charged and collected by the Supervisor, that is to say:—for the culling and measuring of Timber, Deals, Staves and other Lumber, two-thirds of the amount of fees established by this Act; and for measuring off every description of timber or other descriptions of Lumber, the one half of the amount of the fees established by this Act; Provided always, that Cullers shall pay the expense of their attendants or assistants; it shall also be the duty of all Cullers to obey the lawful commands of the Supervisor, and they shall respectively hold themselves in readiness, on all lawful days, to execute the duties of their office from day-light till dark; and for every neglect, refusal, or delay when not otherwise employed about the duties of his office, the Culler so refusing, neglecting or delaying, shall respectively forfeit and pay the sum of ten pounds currency, to the use of the person or persons injured by such neglect or refusal or delay; and any Culler guilty of impropriety of conduct, or disobedience of orders, may be discharged by the Supervisor.

Portion of the Fees which shall belong to the Cullers

Proviso.

Cullers to obey the Supervisor.

Duties of Cullers.

Penalty.

XXIII. And be it enacted, that it shall and may be lawful for the Board of Trade in the City of Quebec and the Supervisor together, to increase or diminish the tariff of fees and charges for culling and measuring established by this Act, in such manner as to meet and defray, as nearly as possible, the expenses of the Supervisor's Office, and the sufficient payment of Cullers: and also to apportion, divide and regulate such fees between the Cullers in the different departments, and the expense of the Supervisor's establishment respectively, as to them shall seem equitable and just; any thing expressed in this Act to the contrary notwithstanding.

The Supervisor and the Board of Trade may increase or diminish the fees.

XXIV. And be it enacted, that Cullers licensed under this Act, and not employed by the Supervisor, may engage or hire to merchants or others, as Shipping Cullers; but such Culler or Cullers shall in no case measure, count, mark or stamp any description of Lumber before the same shall have been first measured by

Licensed Cullers not engaged by the Supervisor may be hired by Merchants.

Place out of
the Port of
Quebec.

by a licensed Culler under the direction of the Supervisor; except by the written permission of the Supervisor in places beyond or without the Port of Quebec, and in accordance and on the same terms as Cullers under the Supervisor, according to this Act, and also on condition of keeping a record of their respective operations, (returns of which to be made monthly to the Supervisor); and any Culler so hired or engaged, offending against the provisions of this Act, shall, on being duly convicted thereof, before any Court having competent jurisdiction, forfeit and pay a sum not exceeding twenty pounds currency, or be imprisoned for six calendar months, for every such offence; and any person not licensed as a Culler, who shall measure, mark or stamp any article of lumber, the same being, or intended to be shipped by such measurement, or with the intent of evading or eluding the provisions of this Act, shall, upon being duly convicted thereof before any Court, having competent jurisdiction, forfeit and pay a sum not exceeding ten pounds currency, or be imprisoned for a term not exceeding six calendar months, for every such offence; and any Culler employed by the Supervisor, who shall privily, and without the knowledge or consent of the Supervisor, or for any hire or gain, and without the same being duly entered on the Books of the Supervisor, measure, mark or stamp any article of lumber, shall, on being duly convicted of the same, before any Court of competent jurisdiction, forfeit and pay a sum not exceeding five pounds currency, or be imprisoned for a term not more than six calendar months, for every such offence.

Penalties of
contravening
this Act.

Disputes be-
tween Cullers
and parties in-
terested how
settled.

XXV. And be it enacted, that if any dispute shall arise between the buyer or seller, and the Culler and Measurer of any article of lumber, with regard to the dimensions or quality thereof, it shall be the duty of the Supervisor (upon a written complaint thereof being made, and demanding a survey and before the position or situation of the timber or raft is altered,) as soon as possible, to examine the quality and dimensions of the same, and report thereon; and his determination (with or without the assistance of licensed Cullers) shall be final and conclusive; and if the opinion and act of the Culler and Measurer be thereby confirmed, the reasonable costs and charges of re-examination shall be paid by the party complaining, but if otherwise, by the Culler and Measurer.

Inspection of
Lumber to be
optional.

Deals manu-
factured and
shipped by
owner not re-
quired to be
measured.

XXVI. And be it enacted, that nothing in this Act shall be construed to require that Lumber of any description whatsoever, shall be culled except at the option and request of the buyer and seller; or that any person being the owner of Mills at which deals are manufactured for exportation, shall be required to cause such deals to be measured, if exported by such manufacturer on his own account, but with the exception made in this section, no lumber shall be exported from this Province, without being measured in the manner required by this Act under the inspection of the Supervisor or his Deputy, under a penalty of one penny currency,

cy, for each cubic foot, or one shilling for each separate piece of lumber, (at the option of the prosecutor) knowingly shipped without being so measured, and such penalty shall be recoverable from the owner or from the shipper, or from the master of the vessel on board which such lumber is illegally shipped.

Penalty on shipping unmeasured or unculled lumber.

XXVII. And be it enacted, that it shall not be lawful for the Supervisor or for any Culler or Cullers, to buy or sell, directly or indirectly, or to be a dealer in, or interested in the buying or selling of any article of Lumber, either on his own account, or on account of any other person whomsoever, under a penalty for each and every offence, not exceeding fifty pounds currency, nor less than ten pounds currency, and the forfeiture of his or their office.

Cullers not to deal in Lumber.

Penalty.

XXVIII. And be it enacted, that if the Supervisor of Cullers, or any licensed Culler, or any Clerk or Assistant Measurer, shall at any time be found guilty of wilful neglect of duty, or of partiality in the execution of his office, or of wilfully giving a false account or certificate of the article or articles of Lumber submitted to his or their inspection, measurement or calculation, or of any other wilful neglect of, or prevarication with regard to the duty they are respectively intended to discharge, he shall for every such offence (being convicted thereof as aforesaid) forfeit and pay a sum not exceeding fifty pounds currency, and be dismissed from his office, and be for ever after incapable of holding or enjoying any such office, situation or employment.

Penalty on Supervisor or Culler guilty of partiality, &c.

XXIX. And be it enacted, that in the event of the departure from the Province, or the declared or known insufficiency, or the death of any of the sureties of the Supervisor or of any Culler respectively, it shall be the duty of each respectively, immediately to procure other sufficient sureties, and to enter into bonds as provided for in this Act, or their appointment or licences shall become null and void.

New sureties when required in certain cases.

XXX. And be it enacted, that if any person or persons shall unlawfully use, or shall counterfeit or forge, or procure to be counterfeited or forged, any stamp directed to be provided for use, in pursuance of this Act, or shall counterfeit or imitate the impression of the same on any article of lumber, or shall knowingly, wilfully and fraudulently, deface, obliterate or remove, any of the marks or letters, which may have been marked, burned or imprinted, in or upon any article of Lumber, after the same shall have been as aforesaid culled and measured, every such person or persons so offending, shall, upon being thereof lawfully convicted, before any Court of competent jurisdiction, incur a forfeiture and penalty not exceeding twenty pounds currency, or imprisonment for a term not more than three calendar months: Provided always, that timber redressed, whereby the

Penalty on persons counterfeiting or obtaining stamps &c.

Proviso.

first measurement, and dimensions shall necessarily become altered, may be re-measured according to the provisions of this Act, by a Shipping Culler.

Penalties on persons setting adrift Timber, &c.

Or concealing timber found adrift.

Or defacing marks.

XXXI. And be it enacted, that if any person or persons shall wilfully and unlawfully (with the intention to set adrift) unmoor, by cutting or otherwise, any Timber, Masts, Spars, Staves, Oars, Handspikes, Planks or Boards, Boat, Batteau or Scow; or shall wilfully and unlawfully, conceal any Lumber, Masts, Spars, Staves, Oars, Handspikes, Planks or Boards, Boat, Batteau or Scow, which having been adrift in any river or lake in this Province, shall be so found adrift, or cast on shore in any part of the rivers or lakes, or any of them and be saved; or shall wilfully and unlawfully, deface or add any mark or number on such Timber, Masts, Spars, Staves, Oars, Handspikes, Planks or Boards, Boat, Batteau or Scow, so saved, or make any false or counterfeit mark thereon, or shall unlawfully aid or assist in doing any such act as aforesaid, such person or persons, being duly convicted thereof, on the oath or complaint of one or more credible person or persons before any two Justices of the Peace for any part of this Province, shall forfeit and pay a sum not exceeding twenty pounds currency, nor less than five pounds currency, for each offence; and one moiety of such penalty shall go to Her Majesty, and the other moiety to the informer, or prosecutor, and the offender shall and may be imprisoned until such forfeiture be paid; but no such imprisonment shall for any first offence exceed one month; and if any person shall be a second time convicted of any such offence such person may be committed to the common gaol of the District wherein such conviction shall be had, there to remain for and during the space of six months.

Rafts to have bright fires at night.

XXXII. And be it enacted, that it shall be imperative on the owners or conductors of rafts, to have bright fires kept burning during the night, while drifting on any of the navigable rivers in this Province, on pain of being subject to pay a penalty not exceeding two pounds ten shillings currency, upon conviction before any two of Her Majesty's Justices of the Peace.

Penalties how recoverable.

And how disposed of.

XXXIII. And be it enacted, that all the penalties, fines and forfeitures by this Act imposed, shall be sued for (except where otherwise provided for) either in term time, before any of Her Majesty's Superior Courts of Record, or before any other competent Court for the District wherein any of the offences herein before mentioned shall have been committed, or in vacation before any of the Justices of such Court, in a summary manner, within twelve months after the fact committed, and not afterwards; and shall also be recoverable, with costs, in the same manner as other debts of the same value are recoverable in this Province by bill, suit, plaint or information; and one moiety of all such penalties, fines and forfeitures, (except such as are hereinbefore otherwise

wise

wise applied) shall be paid into the hands of the Receiver General, and remain at the disposal of the Provincial Legislature, for the Public uses of the Province, and shall be accounted for to Her Majesty, Her Heirs, and Successors, through the Lords Commissioners of Her Majesty's Treasury for the time being, in such manner as Her Majesty, Her Heirs and Successors shall direct; and the other moiety shall belong to the informer, or person who shall prosecute or sue for the same.

XXXIV. And be it enacted, that if any action or suit shall be commenced against any person or persons, for any thing done in pursuance of this Act, such suit or action shall be commenced within the space of twelve Calendar months next after the offence shall have been committed, and not afterwards; and the defendant or defendants in such action or suit may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this Act; and if it shall appear so to have been done, then judgment shall be given, or a verdict found for the defendant or defendants; and if the plaintiff shall be nonsuited, or discontinue his action after the defendant or defendants shall have appeared, or if judgment shall be given against the plaintiff, the defendant or defendants shall and may recover treble costs, and have the like remedy for the same as defendants have in other cases by law.

Actions for things done in pursuance of this Act limited.

Defendant if successful to have treble costs.

XXXV. And be it enacted, that this Act shall begin and take effect from and after the first day of January, in the year of our Lord one thousand eight hundred and forty three, and shall be published in the Official Gazette of this Province, for six Calendar months next after its passing.

Time when this Act shall take effect, &c.

XXXVI. And be it enacted, that this Act shall be and remain in force until the first day of May in the year of our Lord one thousand eight hundred and forty seven and no longer.

Limitation of Act.

CAP. VIII.

An Act to authorize the raising by way of Loan, in England, the sum of One Million Five Hundred Thousand Pounds, sterling, for the construction and completion of certain Public Works in Canada.

[12th October, 1842.]

WHEREAS by a certain Act, passed in the last Session of the Provincial Parliament of Canada, intituled *An Act to appropriate certain sums of money*

Preamble.

G

Act 4 & 5
 Vict. c. 28,
 cited.

Imperial Act
 cited.

money for Public Improvements in this Province and for other purposes therein mentioned," there was granted to Her Majesty, her Heirs and Successors, the sum of One Million Six Hundred and Fifty Nine Thousand, Six Hundred and Eighty Two Pounds sterling, to be expended and applied under the charge and superintendence of the Board of Works of this Province for the erection and completion of certain Public Works in the said Act specified, and which said sum of money was to be raised by way of Loan in manner provided by the said Act; And Whereas in and by an Act of the Imperial Parliament of Great Britain and Ireland, passed in the last Session of the said Parliament, intituled *An Act for guaranteeing the payment of the Interest on a Loan of One Million Five Hundred Thousand Pounds, to be raised by the Province of Canada*, after reciting that Her Majesty was graciously pleased to signify to the Legislative Council and Legislative Assembly of the Province of Canada, by a Message sent to the said Council and Assembly by the Governor General of the said Province, acting for and in the name of Her Majesty, that Her Majesty was ready to propose to Parliament to guarantee a Loan which might be required for Public Works in the said Province, under certain restrictions therein referred to, for the repayment of such part of the debt of the said Province as might be then redeemable or might be held by Creditors who should declare themselves willing to accept reasonable terms, it is enacted that it shall and may be lawful for Her Majesty, Her Heirs and Successors, to guarantee the payment of the dividends and interest, not exceeding the yearly rate of four pounds in the hundred, on any principal sum or sums of money, not exceeding the sum of One Million Five Hundred Thousand Pounds in the whole, which shall be raised for all or any of the purposes aforesaid, by Loan, Debenture or otherwise, and which said dividends and interest so guaranteed, are charged and provided for in manner specified in the said Act; And Whereas for carrying into effect the said above mentioned Act of the Parliament of this Province, and in order that this Province may be most fully benefitted by Her Majesty's gracious intentions, and by the guarantee provided by the said above mentioned Act of the Imperial Parliament, it is considered expedient that the guarantee aforesaid shall be made, so far as it will go, applicable to the Loan to be raised and the money granted to Her Majesty in and by the said first mentioned Act;—Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled *An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, that to the amount of the said sum of One Million Five Hundred Thousand Pounds, the dividends and interest upon which are guaranteed as aforesaid. the said sum so granted to Her Majesty by the said Act of the Parlia-

£1,500,000
 of the money
 appropriated
 by 4 & 5 Vict.
 c. 28, shall be

ment of this Province, for the erection and completion of the Public Works in the said Act specified and mentioned, shall be raised and borrowed upon the said guarantee, and shall be expended in the construction and completion of the said Public Works, according to Law.

raised under the guarantee in the said Imperial Act mentioned, and applied for the works mentioned in 4 & 5 Vict. c. 28.

II. And be it enacted, that notwithstanding any thing contained in the said Act of the Parliament of this Province, the said sum of One Million Five Hundred Thousand Pounds, shall be raised and borrowed, with the guarantee aforesaid, by any person or persons appointed in that behalf by Her Majesty, Her Heirs and Successors, or by the Governor of this Province, by Loan, Debentures or otherwise, and the principal sum so raised, the dividend and interest thereupon, and a Sinking Fund for the payment of the said principal sum, not exceeding five pounds per cent, per annum, on the said principal sum, shall be, and the same is hereby charged on the Consolidated Revenue Fund of this Province, next after the charges now made thereon by Law.

Manner in which the said sum may be raised.

The principal interest and a sum to form a sinking fund charged on the Revenue of this Province.

III. And be it enacted, that the principal sum so to be raised and borrowed shall be received from time to time, as the same shall be raised, by the Receiver General of this Province, who shall upon the warrants of the Governor of this Province, pay the dividends and interest thereupon, as the same shall become due, together with the sums accruing to the said Sinking Fund; and the said Sinking Fund shall be paid and managed for the redemption and payment of the said principal sum, in such manner as shall be agreed upon and negotiated when the said principal sum shall be raised, or if there shall be no agreement in that behalf, then in such manner as the Governor of this Province, by and with the advice of the Executive Council thereof, shall from time to time direct and appoint.

Sum raised to be paid to the Receiver General.

Interest how paid.

Sinking fund how managed.

IV. And be it enacted, that if any person or person shall forge or counterfeit any debenture or other security issued under the authority of this Act, or any stamp, indorsement, or writing thereon or therein, or shall demand to have such counterfeit debenture or other security, or any debenture or other security with such counterfeited writing or other indorsement thereon or therein, to be exchanged for money by any person or persons who shall be obliged or required to exchange the same, or by any other person or persons whomsoever, knowing the debenture or other security so tendered, or the indorsement or writing thereon or therein, to be so forged or counterfeited, with intent to defraud Her Majesty, Her Heirs or Successors, or the person appointed to pay off the same, or any of them or any other person or persons, body or bodies politic or corporate, then every person so offending, being thereof lawfully convicted, shall be adjudged guilty of felony, and shall suffer such punishment as shall be adjudged in that behalf, not exceeding imprisonment at hard labour for life in the Provincial Penitentiary.

Punishment of person forging debentures &c. &c.

Accounts to be laid before the Governor, by the Receiver General, of things done under this Act.

V. And be it enacted, that the Receiver General of this Province for the time being, shall before each Session of the Parliament of this Province, transmit to the Governor of this Province, a correct and detailed statement and account of the sums raised under the authority of this Act, and of the debentures or other securities which shall have been issued, and of the dividends and interest paid thereon, and of the Sinking Fund, and of the redemption of the whole or any part of the said principal sum by means of the said Sinking Fund or otherwise, and of the expenses attending the negotiation, management, payment and redemption of the said Loan.

Due application of monies, to be accounted for.

VI. And be it enacted, that the due application of the monies so to be raised shall be accounted for to Her Majesty, Her Heirs and Successors through the Lords Commissioners of Her Majesty's Treasury, in such manner and form as Her Majesty, Her Heirs and Successors shall be graciously pleased to direct.

Word 'Governor' interpreted.

VII. And be it enacted, that the words "Governor of this Province," wherever the same occur in this Act, shall be construed to mean the Governor, Lieutenant Governor, or Person administering the Government of this Province.

CAP. IX.

An Act to grant certain sums to Her Majesty, for defraying certain indispensable expenses of the Civil Government, during the periods therein mentioned.

[12th October, 1842.]

MOST GRACIOUS SOVEREIGN :

Preamble.

WHEREAS it appears by Messages from His Excellency the Right Honorable Sir Charles Bagot, Governor General of this Province, bearing date respectively, the twenty third day of September, and the first day of October, in the year of Our Lord one thousand eight hundred and forty-two, that certain sums of Money, not exceeding in the whole the sums hereinafter mentioned, will be required to defray certain indispensable expenses of the Civil Government not otherwise provided for, and it is expedient to make provision accordingly ; May it therefore please Your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled in virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled

intituled *An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, that from and out of any unappropriated Monies, forming part of the consolidated Revenue Fund of this Province, there may be paid and applied for the purpose of defraying the necessary and indispensable expenses of the Civil Government of this Province, for the year one thousand eight hundred and forty-two, not otherwise provided for, such sums as shall not in the whole exceed the sum of eighty three thousand, three hundred and three pounds, six shillings and eight pence currency, and for the purpose of defraying the necessary and indispensable expenses of the Civil Government of this Province, from the first day of January, one thousand eight hundred and forty-three, to the thirty-first day of March, in the same year, not otherwise provided for, such sums as shall not in the whole exceed the sum of twenty seven thousand seven hundred and seventy-seven pounds, fifteen shillings and six pence currency, of the application of all which sums accounts shall be rendered, in the manner hereinafter provided.

£83,303 6 s
currency, may
be applied for
the expenses of
the Civil Gov-
ernment, for
the year 1842,
not otherwise
provided for.

And £27, 777
15 6 currency,
for those to
be incurred
from 1st Janu-
ary to 31st
March, 1843.

The said sums
to be account-
ed for hereaf-
ter.

II. And be it enacted, that an account in detail of the several sums paid and applied under the authority of this Act, shall be laid before both Houses of the Provincial Legislature, within fifteen days after the opening of the Session next after the expenditure of such sums respectively.

Detailed ac-
counts to be
laid before the
Legislature.

III. And be it enacted, that the due application of all monies 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, for the time being, in such manner and form as Her Majesty, Her Heirs and Successors, shall direct.

The due ap-
plication of the
monies to be
accounted for
to Her Majes-
ty.

CAP. X.

An Act to continue, for a limited time, the Ordinance to facilitate the despatch of business before the Court of King's Bench for the District of Montreal.

[12th October, 1842.]

WHEREAS it is expedient to continue for a limited time the Ordinance hereinafter mentioned; Be it therefore enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council, and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the Authority of an Act passed in the Parliament

Preamble.

Ordinance 4
 Vict c. 26 con-
 tinued until
 the end of next
 Session.

Parliament of Great Britain, intituled *An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, that the Ordinance of the Governor and Special Council of the late Province of Lower Canada, passed in the fourth year of Her Majesty's Reign, and intituled *An Ordinance to facilitate the despatch of the business now before the Court of King's Bench for the District of Montreal*, shall remain in force until the end of the Session of the Provincial Parliament next after the thirty-first day of December in the present year of Our Lord one thousand eight hundred and forty-two, and no longer: any thing in the said Ordinance, or in any other Ordinance or Act to the contrary notwithstanding.

CAP. XI.

An Act to continue, for a limited time, certain Acts and Ordinances.

[12th October, 1842.]

Preamble.

WHEREAS it is expedient to continue, for a limited time, the several Acts and Ordinances hereinafter mentioned; Be it therefore enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled *An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, that the Act of the said Legislature, 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 La Prairie de la Magdeleine*, and the powers and authorities conferred by and in virtue of the same, shall remain in force until the first day of May, in the year of our Lord one thousand eight hundred and forty-five, and thence until the end of the then next Session of the Provincial Parliament, and no longer.

Act of L. C.
 2 Geo. 4, c. 8,
 continued.

Act of L. C.
 2 Geo. 4, c. 10,
 continued.

II. And be it enacted, that the Act of the said Legislature, passed in the year last aforesaid, and intituled *An Act to enable the Inhabitants of the Seigneurie of La Baie St. Antoine, commonly called La Baie du Febvre, to provide for the better regulation of the Common in the said Seigneurie*, as extended by the Act of the said Legislature, passed in the fourth year of the same Reign, and intituled *An Act to authorize the Chairman and Trustees of the Common of the Seigneurie of the Baie St. Antoine, commonly called La Baie du Febvre, to terminate certain disputes*

Act of L. C.
 4 Geo. 4, c. 26,
 continued.

putes relating to the limits of the said Common, and for other purposes appertaining to the same, and the powers and authorities conferred by and in virtue of the said Act or either of them, shall remain in force until the first day of May, in the year of our Lord one thousand eight hundred and forty-five, and thence until the end of the then next Session of the Provincial Parliament, and no longer.

III. And be it enacted, that the Act of the said Legislature, passed in the third year of the Reign of His late Majesty King William the Fourth, and intituled *An Act to further suspend certain parts of an Act or Ordinance therein mentioned, and to consolidate and further to continue for a time, the provisions of two other Acts therein mentioned, for more effectually ascertaining the damages on protested Bills of Exchange, and for terminating disputes relating thereto, and for other purposes*, shall remain in force until the first day of May, in the year of our Lord, one thousand eight hundred and forty-five, and thence until the end of the then next Session of the Provincial Parliament, and no longer.

Act of L. C.
3 W. 4. c. 14,
continued.

IV. And be it enacted, that the Ordinance of the said Legislature, passed in the third Session held in the second year of Her Majesty's Reign, and intituled *An Ordinance to amend the Act passed in the thirty-sixth year of the Reign of King George the Third, chapter nine, commonly called the Road Act*, shall remain in force, as amended or altered in its effect by any subsequent Act or Ordinance, until the first day of May, in the year of our Lord, one thousand eight hundred and forty-five, and thence until the end of the then next Session of the Provincial Parliament, and no longer.

Ordinance
2 Vict. [3] c. 7
continued.

V. And be it enacted, that the Ordinance of the said Legislature, passed in the Session last mentioned, and intituled *An Ordinance to suspend in part certain Acts therein mentioned, and to establish and incorporate a Trinity House in the City of Montreal*, shall remain in force, as amended or altered in its effect by any subsequent Act or Ordinance, until the said first day of May, in the year of Our Lord, one thousand eight hundred and forty-five, and thence until the end of the then next Session of the Provincial Parliament, and no longer.

Ordinance
2 Vict. [3] c. 13,
continued.

VI. And be it enacted, that the Ordinance of the said Legislature, passed in the Session last mentioned, and intituled *An Ordinance to revive a certain Act therein mentioned, and to make better provision with regard to the Inspection of Pot and Pearl Ashes*, shall remain in force until the thirty-first day of December, in the year of Our Lord one thousand eight hundred and forty-two, inclusive, and no longer.

Ordinance 2
Vict. [3] c. 22,
continued.

VII. And be it enacted, that the Ordinance of the said Legislature, passed in the

Ordinance 2
Vict. [3] c. 29,

as amended by
4 Vict. c. 23,
continued.

the Session last mentioned, and intituled, *An Ordinance concerning the erection of Parishes, and the building of Churches, Parsonage Houses and Church Yards*, shall remain in force, as amended and extended by the Ordinance of the said Legislature, passed in the fourth year of Her Majesty's Reign, and intituled *An Ordinance to extend the provisions of a certain Ordinance therein mentioned, concerning the erection of Parishes for civil purposes to Parishes canonically erected before the passing of the said Ordinance*, until the first day of May, in the year of Our Lord one thousand eight hundred and forty-five, and thence until the end of the the then next Session of the Provincial Parliament, and no longer.

Ordinance 2
Vict. [3] c. 49,
continued.

VIII. And be it enacted, that the Ordinance of the said Legislature, passed in the third Session held in the second year of Her Majesty's Reign, and intituled *An Ordinance to regulate the practice of the Courts of Judicature in this Province, respecting certain proceedings*, shall remain in force until the first day of May in the year of Our Lord, one thousand eight hundred and forty-five, and thence until the end of the then next Session of the Provincial Parliament, and no longer ; Provided always, and it is hereby enacted, that the provisions of the said Ordinance shall extend to the District Courts, in matters within their competence, and to the Judges and Clerks, Bailiffs and Officers thereof, respectively in the same manner as to the Courts, and to the Judges and Officers of the Courts, and to the Sheriffs mentioned in the said Ordinance.

Proviso.

Ordinance 2
Vict. [3] c. 65,
continued.

IX. And be it enacted, that the Ordinance of the said Legislature, passed in the Session last mentioned, and intituled *An Ordinance to provide for the Inspection of Fish and Oil*, shall remain in force until the first day of May, in the year of Our Lord, one thousand eight hundred and forty five, and thence until the end of the then next Session of the Provincial Parliament, and no longer.

Act of Canada
4 & 5 Vict. c.
1, continued.

X. And be it enacted, that the Act of the Legislature of this Province, passed in the Session held in the fourth and fifth years of Her Majesty's Reign, and intituled *An Act to alter, for a limited period, the place of sitting of the Heir and Devisee Commission of the late Province of Upper Canada, and for other purposes therein mentioned*, shall remain in force during one year from the passing of this Act, and no longer.

CAP. XII.

An Act to amend two certain Ordinances therein mentioned, relative to Winter Roads in that part of the Province formerly called Lower Canada.

[12th October, 1842.]

WHEREAS it is expedient to suspend certain provisions of the Ordinances hereinafter mentioned of the Legislature of the late Province of Lower Canada, relative to Winter Roads ; Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled *An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, that from and after the passing of this Act, so much of the Ordinance of the Legislature of the late Province of Lower Canada, passed in the Session held in the third and fourth years of Her Majesty's Reign, and intituled *An Ordinance to provide for the improvement during the Winter Season of the Queen's Highways in this Province, and for other purposes*, or of the Ordinance of the same Legislature, passed in the fourth year of Her Majesty's Reign, and intituled *An Ordinance to amend the Laws relative to Winter Roads*, as requires that the Horse or Horses or other Beast or Beasts of draught drawing any Winter Vehicle be harnessed abreast, or be so attached to the Vehicle as that one or both of the runners shall follow in the track or tracks made by such Horse or Horses or other Beast or Beasts of draught, shall be, and so much of the said Ordinances is hereby repealed ; but nothing in this Act shall be construed to repeal or affect any other requirement or enactment of the said Ordinances or of either of them.

Preamble.

Certain provisions of the Ordinances 3 Vict. c. 25, and 4 Vict. c. 33, repealed.

Proviso.

II. Provided always, and be it enacted, that the said Ordinances shall be and are hereby suspended until the thirteenth day of May in the year of our Lord, one thousand eight hundred and forty-five, in so far as relates to the District of Quebec, the Inferior District of Gaspé, and so much of the Municipal Districts of Portneuf and Lotbinière, as may lie within the District of Three Rivers, but shall remain in force as hereby amended within all other places in that Part of this Province which formerly constituted the Province of Lower Canada.

The same Ordinances suspended as to certain parts of Canada East.

CAP.

H

CAP. XIII.

An Act to repeal certain Ordinances of the Governor and Special Council, of the late Province of Lower Canada, relative to the Administration of Justice.

[12th October, 1842.]

Preamble.

WHEREAS it is expedient to repeal certain Ordinances hereinafter mentioned, and certain provisions of Law relative to the same; Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, that the Ordinance of the Governor and Special Council of the late Province of Lower Canada, passed in the Session held in the third and fourth years of Her Majesty's Reign, and intituled *An Ordinance to establish new territorial Divisions of Lower Canada, and to alter and amend the Judicature and provide for the better and more efficient Administration of Justice throughout this Province*, and the Ordinance of the Governor and Special Council of the said late Province, passed in the fourth year of Her Majesty's Reign, and intituled *An Ordinance to amend two certain Ordinances therein mentioned relative to the Administration of Justice in this Province, and to make other and further provision on the same subject*, and the Ordinance of the Governor and Special Council, passed in the fourth year of Her Majesty's Reign, and intituled *An Ordinance for the better regulation of the Office of Sheriff in this Province*, and so much of the Act of Parliament of this Province, passed in the Session held in the fourth and fifth years of Her Majesty's Reign, and intituled *An Act to provide for the more easy and expeditious administration of Justice in Civil Causes and Matters, involving small pecuniary value, in that part of this Province formerly called Lower Canada*, or of any other Act, Ordinance, or Law, as authorizes the Governor of this Province by Proclamation to fix the time from and after which the said Ordinances or either of them, shall have force and effect, or as vests any power in any Court, or Officer to be constituted or appointed under either of the said Ordinances, or directs that any proceeding be had in consequence of the coming into force of the said Ordinances or either of them, shall be repealed, and the said Ordinances, and all such provisions of law as aforesaid, are hereby repealed accordingly.

Ordinance 3 & 4 Vict. c. 45, cited.

Ordinance 4 Vict. c. 19, cited.

Ordinance 4 Vict. c. 15, cited.

Act 4 & 5 Vict. c. 20, cited.

The said Ordinances and part of the said Act, repealed.

CAP.

CAP. XIV.

An Act to Repeal certain Ordinances therein mentioned relative to the Establishment of a System of Police in Canada East.

[12th October, 1842.]

WHEREAS it is expedient that the Ordinances and parts of Ordinances hereinafter mentioned be repealed from and after the day also hereinafter mentioned; Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled *An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, that the Ordinance of the Governor and Special Council of the late Province of Lower Canada, passed in the Second year of Her Majesty's Reign, and intituled *An Ordinance to extend the provisions of the Ordinance for establishing an efficient System of Police in the Cities of Quebec and Montreal*, and the Ordinance of the Governor and Special Council of the said late Province, passed in the Session held in the third and fourth years of Her Majesty's Reign, and intituled *An Ordinance to extend the provisions of the Ordinance for establishing an efficient System of Police in the Cities of Quebec and Montreal, to the District of St. Francis, in this Province*, and the Ordinance of the Governor and Special Council of the said late Province, passed in the session last aforesaid, and intituled *An Ordinance to repeal certain parts of an Ordinance therein mentioned, and to amend certain other parts of the said Ordinance, and to amend certain parts of another Ordinance therein mentioned, and make further provision for establishing and maintaining an efficient System of Police in the Cities of Quebec and Montreal, and the Town and Borough of Three Rivers*, shall be and the said Ordinances are hereby repealed from and after the first day of January, in the year of Our Lord one thousand eight hundred and forty-three: Provided always that the repeal of the Ordinance last above mentioned shall not affect the permanence of the Ordinance of the Governor and Special Council of the said late Province, passed in the second year of Her Majesty's Reign, and intituled *An Ordinance for establishing an efficient System of Police in the Cities of Quebec and Montreal*, which shall remain in force as it stood before the passing of the Ordinances hereby repealed, until it be repealed or altered by Act of the Legislature of this Province.

Preamble.

Ordinance 2
Vict. c. 55,
cited.Ordinance 3 &
4 Vict. c. 17,
cited.Ordinance 3 &
4 Vict. c. 47,
cited.The said Ordina-
nces repeal-
ed-Proviso: The
Ordinance 2
Vict. 2, to re-
main perman-
ently as origin-
ally passed.

CAP.

CAP. XV.

An Act to extend the time allowed by the Ordinance therein mentioned for the Registration of certain charges or incumbrances on Real Estates, and to repeal certain parts thereof.

[12th October, 1842.]

Preamble.

Ordinance
L. C. 4 Vict.
c. 30, cited.

The period limited by the said Ordinance for the registration of certain instruments extended.

Proviso.

WHEREAS it is expedient to extend the period allowed for the Registration of certain instruments therein mentioned by the fourth Section of the Ordinance of the Governor and Special Council of the late Province of Lower Canada, passed in the fourth year of Her Majesty's Reign and intituled, *An Ordinance to prescribe and regulate the Registering of Titles to Lands, Tenements and Hereditaments, Real and immoveable Estates, and of charges or incumbrances on the same, and for the alteration and improvement of the Law in certain particulars relating to the alienation and Hypothecation of Real Estates, and the rights and interest acquired therein*; Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council, and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, that the period limited by the said fourth Section of the Ordinance cited in the Preamble to this Act, for the registering of memorials of the instruments, documents and claims therein mentioned, shall be and is hereby extended until the thirty first day of December in the year of Our Lord one thousand eight hundred and forty three, until and upon which day memorials of all such instruments, documents and claims may be registered with the same effect as if they had been registered within twelve calendar months from and after the day on which the said Ordinance came into force and effect, any thing in the said Ordinance to the contrary notwithstanding: Provided always, that any such instrument, document or claim whereof a memorial shall not be registered in the manner required by the said Ordinance upon or before the said thirty first day of December, one thousand eight hundred and forty three, shall from and after the said day be inoperative, void and of no effect whatever against any subsequent *bonâ fide* purchaser, grantee, mortgagee, hypothecary or privileged creditor, or incumbrancer for or upon valuable consideration, a memorial of whose claim shall have been registered before the registration of a memorial of such instrument, document, or claim, as first aforesaid.

II. Provided always, and be it enacted, that it shall not be necessary to register any memorial for arrears of *Cens et Rentes* or *Lods et Ventés* due to the Seigneur or Lord of the fee, or for preserving the right of *Retrait Conventionel*, or all other Seigniorial services, *servitudes*, reservations, rights or dues, either legal or conventional, and so much of the said Ordinance as requires any such registration, is hereby repealed.

Seigniorial
Claims and
dues, not re-
quired to be
enregistered.

CAP. XVI.

An Act to restore, for purposes relative to the Election of Members of the Legislative Assembly, the ancient boundaries and limits of the Cities of Quebec and Montreal.

[12th October, 1842.]

WHEREAS in the Act for re-uniting the late Provinces of Upper and Lower Canada, passed in the Parliament of the United Kingdom of Great Britain and Ireland, it is among other things in effect enacted, that for the purpose of electing their several Representatives to the Legislative Assembly of this Province, certain Cities shall be deemed to be bounded and limited in such manner as the Governor of Canada, by Letters Patent to be issued in the manner and form there mentioned, shall set forth and describe, until such boundaries and limits shall be altered by any Act of the Parliament of this Province to be passed in the manner prescribed by the Act first above mentioned; And whereas His Excellency the Right Honorable Charles Baron Sydenham, then Governor of this Province, did by Letters Patent issued under the provisions aforesaid, and bearing date the fourth day of March, in the year of Our Lord one thousand eight hundred and forty one, direct that the respective Cities of Quebec and Montreal should for the purposes aforesaid, be bounded and limited in the manner in the said Letters Patent set forth and described; And whereas it is expedient to alter the limits and bounds so assigned to the said Cities and to restore for the purposes aforesaid, the ancient boundaries and limits thereof as they existed for like purposes before the passing of the Act first above cited, and as they now respectively exist for Municipal purposes; Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled *An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government*
of

Preamble.

Union Act in
part recited.

Letters Pa-
tent of 4th
March, 1841.
recited.

Manner in which the Cities of Quebec and Montreal shall hereafter be bounded for Election purposes.

Proclamation of 7th May, 1792.

of *Canada*, and it is hereby enacted by the authority of the same, that the said Cities of Quebec and Montreal shall for the purpose of electing their respective Representatives to the Legislative Assembly of this Province, at any Election to be held after the passing of this Act, be deemed to be bounded and limited in the manner set forth and described in the Proclamation of His Excellency Alured Clarke, Esquire, then Lieutenant Governor of the Province of Lower Canada, issued under the Great Seal of the said Province, and bearing date the seventh day of May, in the year of Our Lord one thousand seven hundred and ninety two; any thing in the Letters Patent mentioned in the Preamble to this Act, to the contrary notwithstanding.

CAP. XVII.

An Act for better preventing the obstruction of Rivers, and Rivulets in Canada East.

[12th October, 1842.]

Preamble.

WHEREAS great inconvenience is occasioned by persons throwing Slabs, Bark, Waste Stuff, and other refuse of Saw-Mills, Stumps, and Waste Timber into Rivers and Rivulets in Canada East, and it is expedient to extend to such cases certain provisions of the Act hereinafter cited; Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled *An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, that any person who shall throw into any River, Rivulet, or Water Course in Canada East, any Slabs, Bark, Waste Stuff, or other refuse of any Saw-Mill, (except saw-dust) or any Stumps, Roots, or Waste Timber, and shall allow the same to remain in and to obstruct such River, Rivulet, or Water Course, shall thereby incur a penalty not exceeding ten shillings currency, and not less than five shillings currency, for every day during which such obstruction shall remain therein after he shall have been required by the party interested to remove the same, over and above all damages which may arise therefrom; and that such penalty and damages may be respectively recovered in the same manner as the penalty and damages mentioned in the sixty-first Section of the Act of the Legislature of Lower Canada, passed in the Sixth year of the Reign of His late Majesty, King William the Fourth, Chapter fifty-six, and intituled *An Act*

Penalty on persons throwing Slabs, Roots, &c., in Rivers in Canada East.

How such penalty shall be recoverable.

Act of L. C. 6 W. 4, c. 56, cited.

Act to repeal a certain Act therein mentioned, and more effectually to remedy divers abuses prejudicial to Agriculture, may under the provisions of that Act be recovered from persons obstructing Rivers, Rivulets, and Water Courses, by felling trees into the same, and allowing them to remain therein.

CAP. XVIII.

An Act to amend certain Acts therein mentioned, relative to the Establishment of Mutual Insurance Companies in Canada East.

[12th October, 1842.]

WHEREAS the Inhabitants of the County of Chambly have petitioned, that a certain Act of the Legislature of the late Province of Lower Canada, passed in the fourth year of the Reign of His late Majesty King William the Fourth, and intituled *An Act to authorize the Establishment of Mutual Fire Insurance Companies*, may be amended in the manner hereinafter mentioned, and it is expedient to grant the prayer of their petition and to extend the provisions thereof to the other Counties hereinafter mentioned; Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled *An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, that it shall be lawful for the Mutual Fire Insurance Company for the County of Montreal, if they shall deem it expedient, to admit as a Member of the said Company the owner of any property situate within the Counties of Chambly, Leinster, Ottawa, Vaudreuil and Missisquoi, and to insure any property of such person so situate as aforesaid, which might without this Act be so insured if situate within the County of Montreal; and that each person so admitted as a Member of the said Company shall have the same rights and be subject to the same liabilities as the other Members of the said Company; any thing in the said Act hereby amended or in a certain other Act of the said Legislature passed in the sixth year of the Reign of His said late Majesty, and intituled *An Act to continue for a limited time and to amend a certain Act therein mentioned relative to the Establishment of Mutual Fire Insurance Companies*, to the contrary notwithstanding.

Preamble.

Act of L. C.
4 W. 4, c. 33.

The mutual
Insurance
Company for
the county of
Montreal may
insure property
in the County
of Chambly,
&c.

Act of L. C.
6 W. 4, c. 33.

CAP.

CAP. XIX.

An Act to confirm certain Rules, Orders and Regulations made by the Chief Justice and Judges of Her Majesty's Court of Queen's Bench for Canada West.

[12th October, 1842.]

Preamble.

Act. of U. C.
7th W. IV,
c. 3, cited.

Certain Rules,
Orders and
Regulations,
made by the
Court of
Queen's Bench
for Canada
West, under
the said Act,
confirmed.

WHEREAS the Chief Justice and Judges of Her Majesty's Court of Queen's Bench for Canada West have, under the authority of the Act of the Legislature of the late Province of Upper Canada, passed in the seventh year of the Reign of His late Majesty King William the Fourth, and intituled *An Act for the further amendment of the Law, and the better advancement of Justice*; made certain Rules, Orders and Regulations concerning the mode of pleading in the said Court, and the mode of entering and transcribing pleadings, judgments and other proceedings in actions at Law, and the payment of costs, and have caused the same to be laid before both Houses of the Legislature, in the present Session, being the next after the making thereof: but whereas the said Rules, Orders, and Regulations were not so laid before both Houses of the Legislature within five days after the meeting of the Provincial Parliament, as required by the said Act, and it becomes necessary to remedy this omission; and whereas by the said Act it is provided, that no such Rule, Order or Regulation shall have effect until six weeks after the same shall have been laid before both Houses of the Legislature as aforesaid, and doubts might arise as to the effect thereof, if the Provincial Parliament were prorogued before the expiration of the said term of six weeks, and it is expedient to give effect to the said Rules, Orders and Regulations, and to avoid any such doubt as aforesaid; Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same that the Rules, Orders and Regulations mentioned in the preamble to this Act, made in Easter Term in the fifth year of Her Majesty's Reign, and in the year of Our Lord one thousand eight hundred and forty-two, and signed by the Chief Justice and Judges of the said Court of Queen's Bench at Toronto, on the twentieth day of April, in the year last aforesaid, shall have effect from the day hereinafter mentioned, as if they had been laid before both Houses of the Legislature within five days after the commencement of the present Session, and that notwithstanding any prorogation of the Provincial Parliament before the said Rules, Orders and Regulations

Regulations shall have laid six weeks before both Houses of the Legislature, the same shall have effect as if the Session had continued during six weeks after they were so laid before the said Houses of the Legislature.

II. Provided always, and be it enacted, that the said Rules, Orders and Regulations shall have effect, from and after the last day of Trinity Term next, after the passing of this Act, and not before.

Time from
which the
same shall
take effect.

CAP. XX.

An Act to extend the time for the payment of the Loan to the Cobourg Harbour Company.

[12th October, 1842.]

WHEREAS by an Act of the Parliament of that part of the Province formerly called Upper Canada, passed in the second year of the Reign of Our late Sovereign King William the Fourth, intituled *An Act to authorize a Loan to the President, Directors and Company of the Cobourg Harbour*, it is among other things in effect enacted, that the money to be borrowed by the Company under the said Act, shall be repaid at a period not exceeding ten years from the date of the Debentures, and whereas the repayment of the said sum, and the interest, has been secured on real property, and part of the said interest paid; And whereas it is expedient to extend the time for the payment of the said sum; Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled *An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, that no proceeding shall be taken to compel the surety or sureties for the payment of the Loan of Three thousand pounds, to the Cobourg Harbour Company, authorised by the said Act of Parliament of that part of this Province formerly called Upper Canada, to pay the same, or to enforce a forfeiture of the lands mentioned in the bonds, or other security or securities given by the said surety or sureties, for and during the space of five years, from and after the passing of this Act, unless arrears of interest due by the said surety or sureties shall remain unpaid for any period exceeding one year after the same become due: Provided always, that the interest on the said Loan remaining unpaid at the time of the passing of this Act, shall be fully paid

Preamble.

Act of U. C.
2 Will. 4. c. 22.
cited.

Further time
given for the
payment of the
Loan.

Proviso.

paid within the period of six months, from and after the passing of this Act :
 Provided also, that the security or securities for the payment of the said Loan shall remain and be in full force, except as to the extension of the time of payment given by this Act.

CAP. XXI.

An Act to change the place of the Registry Office for the County of Middlesex.

[12th October, 1842.]

Preamble:

Act of U. C.
 35 Geo. 3, c. 5,
 cited.

The Register
 Office for Middlesex removed
 to the town of
 London.

WHEREAS it is expedient to change the place of the Register Office established in the County of Middlesex under the authority of the Act of the Legislature of the late Province of Upper Canada, passed in the thirty fifth year of the Reign of His late Majesty King George the Third, and intituled *An Act for the Public Registering of Deeds, Conveyances, Wills and other Incumbrances which shall be made, or may affect any lands, tenements or hereditaments, within this Province* ; Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled *An Act to Re-write the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, that the Register Office established in and for the County of Middlesex under the authority of the Act cited in the Preamble to this Act, and which has hitherto been kept in the Township of Dunwich, in the said County, shall from and after the first day of May in the year of Our Lord one thousand eight hundred and forty three, be removed to and kept at the Town of London in the County aforesaid ; any thing in the said Act, or any appointment of the place of keeping the said Office made under it to the contrary notwithstanding.

CAP. XXII.

An Act to grant further powers to the Montreal Fire Assurance Company, and to change the Name of the said Corporation.

[12th October, 1842.]

Preamble.

WHEREAS the Montreal Fire Assurance Company, have petitioned that certain further powers hereinafter mentioned be granted to them, and that
 the

the Name of the said Corporation be changed in the manner hereinafter set forth; and it is expedient to grant the prayer of their Petition, subject to certain provisions and conditions; Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled *An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same that the Corporation established by the Ordinance of the Governor and Special Council of the late Province of Lower Canada, passed in the Session held in the Third and Fourth years of Her Majesty's Reign, and intituled *An Ordinance to Incorporate certain persons therein mentioned, under the name of The Montreal Fire Assurance Company*, shall upon, from and after the first day of January one thousand eight hundred and forty three, be known and designated by the name of *The Montreal Fire Life and Inland Navigation Assurance Company*, but such change of the corporate name of the said Corporation, shall not be construed to alter or affect its corporate powers, rights, obligations or liabilities, otherwise than as they are expressly altered or affected by this Act.

Ordinance 3 &
4 Vict. c. 37,
cited.

Name altered.

II. And be it enacted, that the said Corporation may for the convenient conduct and managing of the business they are authorized to carry on either by the said Ordinance or by this Act, and for no other purpose whatever, hold lands and real property to the yearly value of Five hundred pounds, currency, over and above the yearly value of Five hundred pounds, currency, to which they are enabled to hold such property by the said Ordinance; that is to say; to the yearly value of One thousand pounds, currency, in all: and the said Corporation shall with regard to the real property they may hold under this Act, have the same powers as with regard to that held under the authority of the said Ordinance.

Corporation
authorized to
hold real pro-
perty to a larger
amount than
heretofore.

III. And be it enacted, that when and so soon as the amount of the Stock of the said Corporation actually subscribed for shall be equal to the sum of two hundred thousand pounds, currency, and a sum equal at least to ten per cent on the whole of the Capital Stock then subscribed for shall have been paid up and shall be in the hands of the said Corporation and at their disposal, and not before, it shall be lawful for the said Corporation to make contracts and to grant Policies of Assurance on any life or lives, or on any contingency depending on the continuance of any life or lives, or the death of any person or persons, and to grant or purchase annuities, and to assure provision for widows and children, and generally to make all such contracts of Assurance depending on any such contingency

When a cer-
tain account of
capital is sub-
scribed and
paid up, the
company may
make contracts
of assurance on
lives.

And may make
Contracts of
Assurance
against losses
in Inland Na-
-vigation.

contingency as aforesaid, as shall not be contrary to good morals or to the Laws of the land, and also to make contracts and grant Policies of Assurance, against all losses or damages to Ships, Vessels, Steamboats, Barges and other Craft of what kind soever navigating (whether within or without the limits of this Province) upon the waters of the River St. Lawrence, within or above the Port of Quebec, or of the River Ottawa, or of the Lakes Superior, Huron, Michigan, Erie or Ontario, or upon any of the Rivers and Fresh Waters connected with the said Rivers and Lakes, or with any of them, and against any loss or damage of or to any cargo, or property on board of any such Ships, Vessels, Steamboats, Barges or other craft, or of or to any timber or other property of any description rafted, floated, or conveyed upon any of the said Waters, such contracts and policies not being contrary to good morals or to the Laws of the land: Provided always, that no policy of Assurance shall be at any time opened by the said Corporation under the authority of this Act, unless a sum at least equal to ten per cent on the Capital then subscribed for, after paying all lawful demands on them, shall be then paid up and in their hands, and at their disposal as aforesaid; and for each and every offence against the provisions of this section, the Corporation shall be liable to a judicial forfeiture of all the privileges and advantages conferred on them by the said Ordinance or by this Act.

Proviso. No
Contract to be
made unless
the Company
have a certain
amount of
stock paid up.

How Policies
may be signed
and authenti-
-cated.

IV. And be it enacted, that all Policies of Assurance whatever, made under the authority of this Act, or of the Ordinance aforesaid, which shall be subscribed by any three Directors of the said Corporation, and countersigned by the Secretary and Manager, and shall be under the Seal of the Corporation, shall be binding upon the Corporation, though not subscribed in the presence of a Board of Trustees, provided such Policies, be made and subscribed in conformity to a By-law of the Corporation.

Certain pro-
visions of the
Ordinance ex-
tended to the
business to be
done under this
Act.

Proviso.

V. And be it enacted, that all the provisions of the sixth section of the said Ordinance relative to the lists and statements of their affairs and business thereby required to be furnished to the Governor, Lieutenant Governor or Person administering the Government of this Province, shall extend to their affairs and business transacted under the authority of this Act; as shall also all other provisions of the said Ordinance which may be applicable to such business and affairs except in so far as expressly derogated from by this Act: Provided always that the lists and statements of the affairs of the said Corporation required by the said Ordinance and by this Act, shall be furnished annually, and shall by the Corporation be transmitted to each of the three Branches of the Legislature, within the first ten days of each Session thereof.

Non-user.

VI. And be it enacted, that this Act shall not be forfeited for Non-User at any time before the first day of January, one thousand eight hundred and forty five.

VII.

Common Seal.
Power to purchase Lands.

defended in all Courts and places whatsoever ; and they and their assigns or successors may have a Common Seal, and may change and alter the same at pleasure, and shall and may have the power to purchase lands, tenements and hereditaments for them and their assigns and successors, for the use of the said Gas and Water Works, and also to sell any of the said lands, tenements and hereditaments purchased for the purposes aforesaid ; and any person or persons, body or bodies politic or corporate, may give, grant, sell, bargain or convey to the said Company, any lands, tenements or hereditaments for the purposes aforesaid, and the same may repurchase from the said Company ; Provided always, that the said lands, tenements and hereditaments to be holden by the said Corporation, shall be held for the purposes and business of the said Gas-Light and Water Company, in constructing their necessary works and for no other purposes whatsoever, and shall not exceed at any time in yearly value the sum of one thousand pounds currency.

Company of Proprietors may raise a sum not to exceed £60,000 for the purposes of this Act.

II. And be it enacted, that the said Company of Proprietors may raise and contribute among themselves, such sum as shall not exceed the sum of sixty thousand pounds currency, in two thousand four hundred Shares of twenty-five pounds currency each ; and the money so raised shall be appropriated to the purpose of constructing, completing and maintaining the said Gas and Water Works, and to the purposes of this Act, and to no other object or purpose whatever.

General Meeting to be held one month after the passing of this Act.

III. And be it enacted, that within one month after the passing of this Act, the first General Meeting of the Proprietors for carrying this Act into effect, shall be held at such place as the majority of such Proprietors shall appoint, to choose nine persons, being each a Proprietor of ten or more shares in the said undertaking, as Directors, of whom any three or more shall be a Committee for managing the affairs of the Company ; and in the event of there not being nine Proprietors or Shareholders in the Company, then and in that case the number of Directors shall be limited to the number of Proprietors or Shareholders, the qualification of each Director nevertheless being the ownership of at least ten Shares as aforesaid, held in his own name and right.

Qualification and appointment of Directors.

Period of Directors' Service.

IV. And be it enacted, that the Directors so chosen shall serve until the first Monday in the month of May, one thousand eight hundred and forty-three, and shall immediately after their Election at their first meeting, choose out of their number a President and Vice-President, who shall hold their offices respectively during the same period for which the said Directors shall have been elected as aforesaid, and shall thereupon commence the business and operations of the said Corporation: And general meetings of the Proprietors or Shareholders shall be held annually for the purpose of electing Directors as aforesaid, on the first Monday in the month of May in each year, at which Meetings the Directors of the then past

Annual Meetings for the Election of Directors and the

year,

year, shall exhibit a full and unreserved statement of the affairs of the Corporation, and of the funds, property and debts due to and from the said Company, which said statement shall be certified by the President, under his hand and seal: And in the event of their being no Meeting of Shareholders or Proprietors in consequence of the said Shareholders or Proprietors neglecting to attend, in conformity with the requirements of this Act, 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 Meeting of the said Shareholders or Proprietors: and such Directors subsequently elected or remaining in office shall at their first meeting after such Election or the period named in this Act for holding such annual Meeting choose out of their number a President and Vice-President, who shall hold their offices respectively, for the then ensuing twelve months, or until such subsequent Election at a future Meeting of the said Shareholders or Proprietors as the case may be; and it shall be lawful for the said Directors from time to time in case of death, resignation, absence from the Province or removal of the persons so chosen to be President, or Vice-President, or Director, or either of them to choose in their or his stead, from among them the said Directors another person or persons to be President or Vice-President, or from among the other Shareholders or Proprietors another person or persons to be Director or Directors, respectively, to continue in office until the next annual Meeting as aforesaid.

Exhibition of the affairs of the Company.

In the event of Proprietors, &c. neglecting to meet as required by the Act, the Directors of the previous year to remain in office.

Vacancies, how filled.

V. And be it enacted, that Stockholders or Proprietors may vote by proxy or in person, and all Elections shall be by Ballot: and each Stockholder or Proprietor shall have one vote for every five Shares held by such Stockholder or Proprietor.

Proprietors, &c. may vote by proxy or in person.

VI. And be it enacted, that the Directors or a majority thereof, shall and may have the power to appoint Clerks and such other persons as may appear to them necessary for carrying on the business of the said Corporation, with such salaries and allowances to each as shall seem meet and advisable, and also shall and may have the power to make and prescribe, and alter, such Bye-laws, rules, regulations and ordinances, as shall appear to them proper and needful, touching the well ordering of the said Corporation, the management and disposition of its stock, property, estate and effects, and also shall and may have the power to declare yearly or half yearly dividends out of the profits of the said business, as they may deem expedient: Provided always, that such Bye-laws, rules, regulations and ordinances, shall be in no wise inconsistent with the true intent and meaning of this Act, and the powers thereby granted, nor repugnant to the Laws of the Province.

Powers of Directors.

Empowered to make Bye-Laws.

Proviso.

VII. And be it enacted, that the Stock of the said Company shall be assignable and transferable according to such rules, and subject to such restrictions and regulations

Stock transferable.

To be considered personal Property.

lations as the Board of Directors, shall, from time to time, make and establish, and shall be considered as personal property: Provided also, that such transfer be entered and registered in a book or books, kept for that purpose by the said Company.

Corporation may break up the Streets for the purpose of laying pipes

VIII. And be it enacted, that it shall and may be lawful to and for the said Corporation, after three days' notice in writing to the Mayor of the said City of Quebec, to break up, dig and trench so much and so many of the Streets, Squares and Public Places of the said City of Quebec, commencing at the Works of the said Corporation, and running throughout the said City of Quebec, as will be necessary for laying the mains and pipes to conduct the Gas and Water from the Works of the said Corporation to the consumers thereof, doing no unnecessary damage in the premises, and taking care, as far as may be, to preserve a free and uninterrupted passage through the said Streets, Squares, and Public Places, while the works are in progress, and making such openings in such parts of the said Streets, Squares, and Public Places, as the City Surveyor under the direction of the Common Council of the said City, shall reasonably permit and require; also placing guards or fences, with lamps, and providing Watchmen during the night, and taking all other necessary precautions for the prevention of accidents to passengers and others, which may be occasioned by such openings; also finishing the work and replacing the said Streets, Squares, and Public Places, in as good a condition as before the commencement of the work, without any unnecessary delay: and in case of the neglect of any of the duties herein provided, as aforesaid, the said Corporation shall be subject to pay a fine of five pounds, currency, for every day such neglect shall continue, to be recovered by information in Her Majesty's Court of King's Bench on behalf of Her Majesty, Her Heirs and Successors, for the public uses of the Province over and above such damages as may be recovered against the said Corporation in any civil action.

Making good damage.

Where Buildings are owned or possessed by different proprietors or tenants, how the Corporation is to act, making satisfaction for all Damages.

IX. And be it enacted, that where there are buildings within the said City of Quebec, the different parts whereof shall belong to different proprietors, or shall be in possession of different tenants or lessees, the said Corporation shall have power to carry pipes to any part of any building so situate, passing over the property of one or more proprietors or in possession of one or more tenants to convey the water or gas to that of another, or in the possession of another, the pipes being carried up and attached to the outside of the building, and also to break up and uplift all passages which may be a common servitude to neighbouring proprietors, and to dig or cut trenches therein for the purpose of laying down pipes, or taking up or repairing the same; the said Corporation doing as little damage as may be, in the execution of the powers granted by this Act, and making satisfaction to the owners or proprietors of buildings or other property, or to the public, for all damages

gages to be by them sustained in or by the execution of all or any of the said powers, subject to which provisions, this Act shall be sufficient to indemnify the said Corporation or their servants, or those by them employed, for what they or any of them shall do in pursuance of the powers granted by this Act.

X. And be it enacted, that in case the said Corporation shall open or break up any Street, Square, or Public Place in the said City, and shall neglect to keep the passage of the said Street, Square, or Public Place, as far as may be, free and uninterrupted, or to place guards or fences with lamps, or to place watchmen, or to take any necessary precaution for the prevention of accidents to passengers and others, or to close and replace the said Streets, Squares, or Public Places, without unnecessary delay, as hereinbefore provided, the City Surveyor or under the direction of the Common Council of the said City, shall cause the duty so neglected to be forthwith performed, and the expenses thereof shall be defrayed by the Corporation hereby established, on its being demanded by the City Surveyor, from the Cashier or Treasurer, or any Director of the said Corporation, or in default of such payment, the amount of the said claim shall and may be recovered from the said Corporation, at the suit of the Mayor, Aldermen, and Citizens of the said City of Quebec, in an action of debt in any Court of competent Jurisdiction.

Consequences
of neglect on
the part of the
Company.

XI. And be it enacted, that the said Corporation shall be held and obliged to make, erect, construct, repair and keep in good order, at their own charges and expense, in such parts of the City of Quebec, as may be fixed upon by the Common Council thereof, such number of good and sufficient Fire Plugs, not exceeding twenty, as may by the said Common Council be found necessary for the purposes of supplying Fire Engines, and of giving such other assistance as may be useful and necessary for extinguishing Fires and preventing the communication thereof: Provided always, that the said Corporation shall not be compelled to make, erect, or construct any Fire Plugs as aforementioned, in any part of the City of Quebec, where they have not made or constructed Pipes for conveying water.

The Company
to construct
Fire Plugs.

Proviso.

XII. And be it enacted, that the said Corporation shall so construct and locate their Gas Works and Water Works, and all apparatus and appurtenances thereunto appertaining or therewith connected, and wheresoever situated as in no wise to endanger the public health or safety; and for the purpose of better ensuring the due execution of the provisions of this section, the said Corporation shall with regard to the construction of such part of their said Gas Works and Water Works as shall lie within the City of Quebec, or in the Rivers St. Lawrence or St. Charles, in front of the said City, be subject

Gas Works,
&c. so to be
situated as not
to endanger
the public
health or
safety.

Corporation to
be subject to
the Bye-Laws
of the City of
Quebec.
to

Gas Works &c., to be subject to the visit of the Municipal Authorities.

Penalty for refusal of orders of the Municipal Authorities.

Corporation, &c. to be liable to prosecution for public or private nuisance.

Penalty on persons procuring Gas or Water without the consent of the Directors or their officers.

Penalty on persons damaging pipes or other works, or polluting Water in Reservoirs.

to and bound by all By-Laws of the Municipal Authorities of the said City, made, or to be made for ensuring the public health, safety and convenience of the Inhabitants thereof, and the said Gas Works and Water Works, apparatus and appurtenances, or so much thereof as shall be within the said City, shall moreover be at all times subject to the visit and inspection of the Municipal Authorities thereof, or their deputies or officers, and the Corporation hereby constituted, and their servants or workmen, shall at all times obey all just and reasonable orders and directions they shall receive from the said Municipal Authorities, for the purpose of ensuring the execution of the provisions of this section, under a penalty of not more than five pounds nor less than fifty shillings, for each offence, in refusing or neglecting to obey the same, to be recovered from the Corporation hereby constituted, at the suit and for the use of the Mayor, Aldermen and Citizens of the City of Quebec, in any Court of competent Jurisdiction: Provided always that nothing in this Act contained shall prevent the Corporation hereby constituted, their officers, servants or workmen, from being prosecuted for public or private nuisance arising from the Gas Works or Water Works, or any apparatus or appurtenances thereof, wheresoever situated or from any neglect or want of skill on the part of the persons employed by the said Corporation, or to prevent the effect of any sentence or judgment lawfully rendered upon any such prosecution.

XIII. And be it enacted, that if any person or persons shall lay or cause to be laid, any pipe or main, to communicate with any pipe or main belonging to the said Corporation, or in any way obtain or use its Gas or Water without the consent of the Board of Directors or their Officer appointed to grant such consent, he or they shall forfeit or pay to the said Corporation the sum of twenty-five pounds, and also a further sum of one pound for each day such Pipe shall so remain, which said sum, together with costs of suit in that behalf incurred, may be recovered by civil action in any Court of Law in this Province, having Civil Jurisdiction to the amount.

XIV. And be it enacted, that if any person or persons shall wilfully or maliciously break up, pull down, or damage, injure, put out of order or destroy any Main-Pipe, Engine, Water-house, Pipe, Plug or other works or apparatus, appurtenances or dependencies thereof, or any matter or thing already made and provided, or which shall be made and provided for the purposes aforesaid, or any of the materials used and provided for the same, or ordered to be erected, laid down, or belonging to the said Corporation, or shall in any wise wilfully do any other injury or damage, for the purpose of obstructing, hindering, or embarrassing the construction, completion, maintaining or repairing of the said works, or shall cause or procure the same to be done, or shall bathe, or wash,

or cleanse any cloth, wool, leather, skins, animals, or any noisome or offensive thing, or cast, throw or put any filth, dirt, or any noisome or offensive thing, or cause, permit, or suffer the water of any sink, sewer, or drain to run or be conveyed into, or cause any other annoyance to be done to the water within any reservoirs, cisterns, ponds, sources, or fountains, from which the water to supply the said City is to be conveyed, or shall increase the supply of Gas or Water, agreed for with the said Corporation, by increasing the number or size of the holes in the Gas Burners, or using the Gas without Burners, or otherwise wrongfully, negligently or wastefully burning the same, or by wrongfully or improperly wasting the water or Gas, every such person or persons shall be guilty of a misdemeanor, and on conviction thereof, the Court before whom such person shall be tried and convicted, shall have power and authority to condemn such person to pay a penalty not exceeding five pounds currency, or to be confined in the Common Goal of the District for a space of time not exceeding three months as to such Court may seem meet.

Punishment.

XV. And be it enacted, that nothing in this Act contained, shall extend or be construed to extend to prevent any person or persons, body politic or corporate from constructing any works for the supply of Water or Gas to his or to their own premises, or to prevent the Legislature of this Province at any time hereafter from altering, modifying, or repealing the powers, privileges or authorities hereinbefore granted to the said Corporation.

Act not to affect private Gas or Water Works—or to bind the Legislature.

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

Public Act.

XVII. And be it enacted, that the penalties by this Act imposed, appertaining to Her Majesty, Her Heirs and Successors, shall be reserved for the Public uses of the Province, and for the support of the Government thereof, and the due application of the same shall be accounted for to Her Majesty, Her Heirs and Successors, through the Lords Commissioners of Her Majesty's Treasury, for the time being, in such manner and form as Her Majesty, Her Heirs and Successors shall be pleased to direct.

Application of penalties.

XVIII. And be it enacted, that nothing herein contained shall affect or be construed to affect, in any manner or way whatsoever, the rights of Her Majesty, Her Heirs and Successors, or of any person or persons, or of any bodies politic, corporate or collegiate, such only excepted as are herein mentioned.

Rights of the Crown saved.

XIX. And be it enacted, that the Gas Works hereinbefore mentioned, shall be

Conditions on which this Act is granted.

be in full operation within four years and the Water Works shall be in operation within six 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.

Duration of
the Act.

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

CAP. XXIV.

An Act to Incorporate the Charitable Association of the Roman Catholic Ladies of Quebec.

[12th October, 1842.]

Preamble.

WHEREAS an Association for the purpose of affording relief to destitute Orphans and of imparting sound moral and religious instruction to Female children generally, hath existed for some years in the City of Quebec, and hath already educated a great number of Orphans and provided for their maintenance, until they were able to maintain themselves; and whereas the persons hereinafter named being members of the said Association have by their petition represented that the advantages resulting from the Association would be greatly increased, if the members thereof were incorporated under proper regulations, and have prayed to be incorporated accordingly, and it is expedient to grant the prayer of their petition for the purpose of encouraging the laudable efforts of the said Association and promoting the Public advantages which must arise from the same; Be it therefore enacted, by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, that M. G. T. Painchaud, Dorothee J. Van Felson, Therese Prendergast, Rosalie Légaré, B. Amiot, Josephite Chabot, Genoffe P. Baillargeon, H. R. Sirois, L. C. D. Nault, Therese D. Hamel, M. L. R. Chauveau, M. A. R. Hamel, J. Chabot, Marianne Evanturel, Julie H. Murette, J. Bedard, Therese L. Tessier, Julie Tessier, J. Nesbitt, M. Delagrave, Josephine Painchaud, and such other persons as shall under the provisions of this Statute become Members of the said Association, shall be, and are hereby declared to be a body

Certain Ladies
incorporated by
the name of
"The Charitable Association of the Roman Catholic Ladies of Quebec."

body politic and corporate, in deed and in name, by the name of *The Charitable Association of the Roman Catholic Ladies of Quebec*, and by that name shall have perpetual succession and a common seal, and shall have power from time to time to alter, and renew or change such common seal at their pleasure, and shall by the same name, from time to time and at all times hereafter, be able and capable to purchase, acquire, hold, possess, and enjoy, and to have, take and receive to them and their successors, to and for the uses and purposes of the said Corporation, any lands, tenements and hereditaments and real or immoveable property and estate lying and being within this Province, not exceeding in yearly value the sum of one thousand pounds, currency, and the same to sell, alienate and dispose of, and to purchase others in their stead for the same purpose; and by the 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 all Courts of Law and places whatsoever, in as large, ample and beneficial a manner as any other body politic or corporate, or as any person able or capable in Law may or can sue or be sued, implead or be impleaded, answer or be answered unto in any manner whatsoever, and shall have power and authority to make and establish such Rules, Orders and Regulations, not being contrary to this Statute, or to the Laws in force in this Province, as shall be deemed useful or necessary for the interests of the said Corporation or for the management thereof, and for the admission of Members into the said Corporation, and from time to time, to alter and amend, repeal or change the said Rules, Orders and Regulations, or any of them, 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 conditions hereinafter prescribed and established.

Corporation powers granted.

Common Seal.

May hold property.

Value of such property limited.

May sue and be sued.

May make By-Laws.

Other powers

II. And be it enacted, that an Annual General Meeting of the Members of the said Corporation shall be held on the first Monday of the month of November, in each and every Year, (or if such Monday be a holyday or if the Election hereinafter mentioned be not for any cause then had, then on such day as shall be appointed in the manner hereinafter mentioned) for the Annual Election of Directresses and Managers, a Treasurer and Secretary and such other officers of the said Corporation, as to the said Corporation shall seem meet, by and through the majority of the Members present at such General Meeting, and for the transaction of all such other matters and things relating to the affairs of the said Corporation for the year preceding such first Monday in the month of November and for the adjustment and settlement of the accounts and business of the said Corporation for the then preceding year; Provided

always

Annual General Meeting of the Corporation when and how to be held.

Extraordinary General Meeting may be called, and in what manner.

always that the said Corporation, on a requisition signed by not less than five of the Members thereof, may at any time by a notice to be inserted for not less than seven days in one or more of the Newspapers published in the City of Quebec, of which the Quebec Gazette shall be one, if then published, call a general meeting of the Members of the said Corporation, specifying the hour, day, place and object of the said meeting: and the Members of the Corporation or any majority thereof at such extraordinary meeting as aforesaid, shall have power and authority to make, revise, alter or rescind any Rules, Orders and Regulations for the management of the Corporation, after notice of any motion for introducing any new Rule or for any such repeal or alteration shall have been given at the general or extraordinary Meeting next immediately preceding that at which such motion shall be made and considered, and to admit new Members and to fill up all vacancies which may occur among the said Directresses and Managers, Secretary and Treasurer aforesaid, and generally to do and perform all such matters and things as may be conducive to the well being of the said Corporation.

Power of any such extraordinary General Meeting.

Property now held by the Corporation vested in it.

The present Directresses, &c. to continue in office until the next general meeting.

The present Rules and Regulations shall continue in force until the same time.

Directresses and Managers may appoint Officers and Servants of the Corporation.

III. And be it enacted, that all and every the estate and property, real and personal now belonging to, or hereafter to be acquired by the members of the said Association as such and all debts, claims and rights whatsoever due to them in that quality, shall be and are hereby vested in the Corporation hereby established; and the Directresses, Managers, Secretary and Treasurer appointed or to be appointed before the first annual general meeting shall be held under the authority of this Act shall be and continue to be the Directresses, Managers, Secretary and Treasurer of the said Corporation until others in their stead or the same shall be elected at such annual general meeting in the manner herein provided, and the Rules, Orders and Regulations now made or to be made for the management of the Association herein first mentioned shall be and continue to be the Rules, Orders and Regulations of the said Corporation until altered or repealed in the manner herein provided, and the said Rules, Orders and Regulations shall be submitted to the Members of the said Corporation for their approval and confirmation, at such first general meeting as aforesaid, at which they may be confirmed, rejected, altered or amended, or new Rules substituted for them, without any previous notice, any thing herein contained to the contrary notwithstanding.

IV. And be it enacted, that the Directresses and Managers for the time being shall have power to appoint such Officers and Servants of the said Corporation, as shall be necessary for the well conducting of the business of the same, and to allow to them such compensation for their services, respectively,

pectively, as shall be reasonable and proper, and the said Directresses and Managers shall be capable of exercising such other powers and authority for the well governing and ordering of the affairs of the said Corporation as shall be prescribed by the Rules, Orders and Regulations of the said Corporation.

And shall have other powers requisite for the well being of the Corporation.

V. And be it enacted, that nothing herein contained shall have the effect or be construed to have the effect of rendering all or any of the said several persons hereinbefore mentioned, or all or any of the Members of the said Corporation, or any person whomsoever individually liable or accountable for or by reason of any debt, contract or security incurred or entered into for or by reason of the said Corporation, or for or on account, or in respect of any matter or thing whatsoever relating to the said Corporation.

No member of the Corporation, or other person to be individually liable for any debt, &c. of the Corporation.

VI. And be it enacted, that it shall not be necessary to the validity of any Act, performed by any married woman, as a Member of the Corporation, or to her becoming such, that she be thereunto specially authorized by her husband; any Law, usage or Custom to the contrary notwithstanding.

Married Women being Members of the Corporation, need not be specially authorized to act as such.

VII. And be it enacted, that nothing herein contained, shall be construed to affect in any manner or way the rights of Her Majesty, Her Heirs or Successors, or of any person or persons, or of any body politic or corporate, such only excepted, as are hereinbefore mentioned and provided for.

Rights of Her Majesty and others saved.

VIII. And be it enacted, that this statute shall be deemed a public Act, and shall be publicly taken notice of as such by all Judges, Justices of the Peace, and other persons whomsoever, without being specially pleaded.

Public Act.

CAP. XXV.

An Act to extend the powers of the British America Fire and Life Assurance Company, to Marine Assurances.

[12th October, 1842.]

WHEREAS the Governor, Deputy Governor and Directors of the British America Fire and Life Assurance Company, have petitioned that their Charter may be amended by conferring upon them the power to grant Marine Assurances; and it will conduce greatly to the convenience of the Public that

Preamble.

The Company authorized to make contracts of Assurance against losses arising from the dangers of Inland Navigation, on certain waters.

that the prayer of the petition be granted; Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled *An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, that from and after the passing of this Act, until the third day of March in the year of our Lord one thousand eight hundred and eighty-two, the said British America Fire and Life Assurance Company shall have power and authority to make contracts of Assurance with any person or persons, body politic or corporate, against losses or damage of or to vessels, boats or other craft navigating within this Province or elsewhere, upon the waters of the St. Lawrence or of the Lakes Superior, Huron, Erie or Ontario, or upon any other waters or rivers within the Province of Canada, and against any loss or damage of or to the cargoes or property conveyed in or upon such vessels, boats or other craft, and the freight due or to grow due in respect thereof, or to timber or other property of any description conveyed in any manner upon the said waters, and generally to do all matters and things relating to or connected with Marine Assurance on the waters aforesaid, and to make and grant policies therein and thereupon in the same manner as they may make and grant policies for certain other purposes under the provisions of the Act passed in the sixth year of the Reign of King William the Fourth, to amend the Act incorporating the said Company.

The yearly Return to be made in triplicate, and to include the names of the Stockholders and a statement of the assets, &c.

II. Provided always, and be it enacted, that the Return which the said Company are bound to make yearly to the Provincial Parliament, under the twenty-fifth section of the Act by which they are incorporated, shall be furnished yearly in triplicate, and one copy thereof shall be laid before each Branch of the Provincial Legislature within ten days after the opening of each Session thereof, and such Return shall include Lists of the names of all and each of the Stockholders who hold shares in the Stock of the Corporation, and a statement of the assets and liabilities of the Corporation, mentioning more especially the sum or amount then paid up and in the hands and at the disposal of the Corporation, as well as the particulars required by the said twenty-fifth section of the said Act of Incorporation, and shall extend to and include all business which the Corporation are authorized to transact by this Act, and shall be attested in the manner by the said twenty-fifth section provided.

CAP. XXVI.

An Act to extend the Charter of the Commercial Bank of the Midland District, and to increase its Capital Stock.

[12th October, 1842.]

WHEREAS the President and Directors of the Corporation, created and constituted by, under and in virtue of a certain Act of the Legislature of the late Province of Upper Canada, made and passed in the second year of the Reign of His late Majesty King William the Fourth, and intituled *An Act to incorporate certain persons under the style and title of 'The President, Directors and Company of the Commercial Bank of the Midland District,'* have by their Petition, prayed, on behalf of the said Corporation, that its duration and powers be extended, and that its Capital Stock may be increased. And whereas it is expedient to grant the prayer of the said Petition; Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled *An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada,* and it is hereby enacted by the authority of the same, that Joseph Bruce, John S. Cartwright, William Hepburn, the Hon. John Kirby, William Logie, John A. Macdonald, John Mowatt, John Macpherson, Douglass Prentiss, and the Hon. John Hamilton, all of the Town of Kingston, in this Province, and such other persons as now are Shareholders of the Capital Stock of the Corporation, created and constituted by the Act aforesaid, and their respective Heirs, Executors, Administrators and Assigns, shall continue to be and shall be a Body Corporate and Politic, in fact and in name, and by and under the name, style and title of "The President, Directors and Company of the Commercial Bank of the Midland District," and as such, during the continuance of this Act shall continue to have all, each, and every of the rights, powers and authority in and by the said Act of the Legislature of the late Province of Upper Canada, incorporating the same, conferred upon or vested in the said Corporation, and subject to the provisions, enactments, limitations and restrictions in the said Act of Incorporation contained. Provided always that so much of the said Act of Incorporation or of any Acts of the Parliament of Upper Canada amending the same, as may be inconsistent with or repugnant to the provisions of this Act, shall be and is hereby repealed and made wholly void; and the said Corporation shall, during the continuance of this Act, continue to have succession and a common

Preamble.

Corporation established.

Name.

Corporate Powers.

common seal, with power to break, renew, change and alter the same at pleasure; and shall be capable of suing and being sued, and of pleading and being impleaded, in all Courts of Law and Equity, and other places, in all manner of actions, causes and matters whatsoever; and for the convenient management of their business, but for no other purpose, shall and may purchase, acquire and hold real or immoveable estates and property, not exceeding the yearly value of two thousand five hundred pounds, current money of this Province, and may sell, alienate and dispose of the same, and purchase, acquire and hold others in their stead, not exceeding in the whole the yearly value aforesaid.

Increase of
Stock provided
for.

II. And be it enacted, that it shall and may be lawful for the said Corporation to add to the Capital Stock thereof, the sum of Three hundred thousand pounds, current money of Canada, divided into twelve thousand shares of twenty-five pounds each, in addition to the present Capital Stock thereof, and every person subscribing for or taking any share or shares in the said additional Capital Stock, shall have the same rights and be subject to the same liabilities as the original subscribers and shareholders in the said Bank: Provided that the said twelve thousand shares be subscribed for and be wholly paid up, within five years, from and after the passing of this Act.

Subscription
for new Stock.

III. And be it enacted, that the Books of subscription for the Capital Stock, by the next preceding section of this Act authorized to be added to the Capital Stock of the said Corporation, shall be opened by such persons, at such times and places, and under such regulations, as to the Directors of the said Corporation shall seem meet, and the shares of Capital Stock thereupon subscribed for, shall be paid in and by such instalments and at such times and places, as the Directors shall appoint; and Executors, Administrators and Curators, paying instalments upon the shares of deceased shareholders, shall be and they 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 to ten pounds per centum, on the amount subscribed for, be actually paid at the time of subscribing.

Instalments on
new Stock how
to be paid up.

IV. And be it enacted, that if any Shareholder or Shareholders, shall refuse or neglect to pay any instalment upon his, her or their shares of the said Capital Stock, at the time or times required by public notice as aforesaid, such Shareholder or Shareholders, shall incur a forfeiture to the use of the said Corporation, of a sum of money equal to ten pounds per centum on the amount of such shares; and moreover it shall be lawful for the Directors of the said Corporation, (without any previous formality other than thirty days

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 same, 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 and Vice-President or Cashier of the said Corporation, 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 instalments as aforesaid.

V. And be it enacted, that the chief place or seat of business of the said Corporation, shall be in the Town of Kingston, 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, 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 Corporation.

Chief seat of
business ap-
pointed; bran-
ches may be
established.

VI. And be it enacted, that for the management of the affairs of the said Corporation, there shall be Ten 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 second Tuesday in July, beginning on the second Tuesday in July, in the year of Our Lord one thousand eight hundred and forty-three; at which meeting the Shareholders shall vote according to the rule or scale 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 choose 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 ten Directors, the remaining Directors shall fill the same by election from among the Shareholders, and each 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 ten Directors shall also cause the vacancy of the office of President or of Vice President, the Directors at their first meeting after their number shall have been completed

Election and
appointment of
Directors &c.

as

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 ten shares of Capital Stock of the said Corporation, wholly paid up, and shall be a born or naturalized subject of Her Majesty, and provided also, that five of the Directors in office at the period of each annual election, shall be re-elected for the next ensuing twelve months.

Qualification
of Directors.

Corporation
not dissolved
by failure to
elect on the
day appointed.

VII. And be it enacted, that 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 duly called for that purpose.

Power of in-
specting ac-
counts, &c. by
the Directors.

VIII. And be it enacted, that 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.

Quorum of
Directors.

IX. And be it enacted, that at all meetings of the Directors of the said Corporation, not less than five 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 also have a casting vote.

President.

Casting vote.

Present Di-
rectors conti-
nued in office.

X. And be it enacted, that the Shareholders of the said Corporation, who at the time of the passing of this Act, shall be Directors thereof, shall be and continue to be Directors of the Corporation until the second Tuesday in July, in the year one thousand eight hundred and forty-three, being the day hereinbefore appointed for the first election of Directors; and they shall choose from among themselves a President and Vice-President in the manner hereinbefore provided; and in case of any vacancy occurring before the said day appointed for the first election of Directors, the vacancy shall in like manner be filled up as is hereinbefore provided.

Bye Laws how
made.

XI. And be it enacted, that it shall and may be lawful for the Directors
of

of the said Corporation from time to time, to make and enact Bye-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 Bye-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; And provided also, that the Bye-laws of the said Corporation in force at the time of the passing of this Act, in so far as they are not repugnant to this Act, or to Law, shall be the Bye-laws of the Corporation until others shall have been made and enacted and confirmed as provided for by this section.

Existing Bye-Laws.

XII. And be it enacted, that no Director of the said Corporation shall during the period of his services act as a private Banker, nor shall any Director other than the President, be entitled to any salary or emolument for his services as a Director, but the President may be compensated for his services as President, either by an annual vote of a sum of money by the Shareholders, at their annual general meetings, or by a fixed salary: and in the latter case, for the purpose of securing to the Corporation the undivided attention and services of the President, it shall be lawful for the Directors if they see fit, to choose and appoint annually from among themselves, a person duly qualified, who shall be President of the Corporation, and to award to him such remuneration for his services as they in their judgment shall see fit; any thing hereinbefore contained to the contrary notwithstanding.

No Directors shall be paid except the President.

XIII. And be it enacted, that 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 shall also 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 Bye-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, that is to say, every Cashier in a sum not less than five thousand pounds, current money of Canada, and every other Officer, Clerk or Servant, in such sum of money as the Directors shall consider adequate to the trust to be reposed in him, with conditions for good and faithful behaviour.

Directors to appoint Officers of the Bank.

XIV. And be it enacted, that it shall be the duty of the Directors to make half yearly

Dividends.

Proviso.

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 of which they shall give public notice thirty days previously : Provided always, that such dividends shall not in any manner lessen or impair the Capital Stock of the Corporation.

Annual statements to be submitted to shareholders.

XV. And be it enacted, that a general meeting of the Shareholders of the Corporation shall be held in the Town of Kingston, on the second Tuesday in the month of July, in every year during the continuance of this Act, for the purpose of electing Directors in the manner hereinbefore provided, and for all other general purposes touching the affairs and the management of the affairs of the Corporation ; and at each of the said annual general meetings, 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 the 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 balances due to the Bank from other Banks and Institutions, and the amount of debts owing to the Bank, including and particularising 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 the then 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.

Number of votes which each stockholder shall have.

Proxy.

XVI. And be it enacted, that the number of votes which the Shareholders of the said Corporation shall respectively be entitled to give at their meetings, shall be according to the following scale, that is to say, for one share and not more than two, one vote ; for every two shares, above two and not exceeding ten, one vote, making five votes for ten shares ; for every four shares above ten and not exceeding thirty, one vote, making ten votes for every thirty shares ; for every six shares above thirty and not exceeding sixty, one vote, making fifteen votes for sixty shares ; and for every eight shares above sixty and not exceeding one hundred, one vote, making twenty votes for one hundred shares ; and no Shareholder shall be entitled to give a greater number of votes than twenty ; and it shall be lawful for absent Shareholders to give their votes by proxy, such proxy being also a Shareholder, and being provided

provided with a written authority from his constituent or constituents, in such form as shall be established by a Bye-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, 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 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 and it is hereby enacted, 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 either in person or by proxy, vote at any meeting whatever of the Shareholders of the said Corporation, or shall assist in calling any meeting of the Shareholders, any thing in this Act to the contrary notwithstanding.

Proviso.

Joint owners
of Stock.Aliens not to
vote.

XVII. And be it enacted, that 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.

No Officer of
the Bank to
vote.

XVIII. And be it enacted, that any number not less than twenty of the Shareholders of the said Corporation, who together shall be proprietors of at least five hundred and fifty shares of the paid up Capital Stock of the Corporation by themselves or proxies, or the Directors of the Corporation, or any seven 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 Town of Kingston, 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 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 or be undecided upon.

Extraordinary
general meet-
ings how call-
ed.

Malversation;

XIX.

Stock to be
personal pro-
perty.

XIX. And be it enacted, that 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 by the Directors for that purpose; nor until the person or persons making the same shall previously discharge all debts actually due by him, her or them to the Corporation, which may exceed in amount 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 indorsed 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 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.

How trans-
ferable.

In what the
business of the
Corporation
shall consist.

XX. And be it enacted, that the said Corporation 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, or 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 engage or be engaged in any trade whatever, except as dealers in gold and silver, bullion, bills of exchange, discounting of promissory notes and negotiable security, and in such Trade generally as legitimately appertains to the business of Banking; Provided always that the said Corporation, may take and hold mortgages and *hypothèques* on real estates and property in this Province, by way of additional security, for debts contracted to the Corporation in the course of their dealings.

XXI.

XXI. And be it enacted, that the aggregate amount of discounts and advances made by the said Corporation upon commercial paper or securities bearing the name of any Director or Officer, or the copartnership, name or firm of any Director of the said Corporation, shall not at any one time, exceed one third of the total amount of discounts or advances made by the Corporation at the same time.

Discounts and advances to Directors limited.

XXII. And be it enacted, that it shall and may be lawful for the said Corporation, to allow and pay interest (but not exceeding the legal interest of this Province) 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 the discounting or negotiating the same; any law, or usage to the contrary notwithstanding.

Interest to be taken or allowed the Bank.

XXIII. And be it enacted, that the bonds, obligations and bills obligatory and of credit, of the said Corporation, under their Common Seal, and signed by the President or Vice President, and countersigned by a Cashier thereof, which shall be made payable to any person or persons, shall be assignable by endorsement 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 such assignment by endorsement 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 thereof 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 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 the Vice President, or any Cashier, Manager, or local Director of a Branch or Office of discount and 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 to bearer on demand.

How Bonds, Bills, &c. of the Corporation shall be signed, &c.

XXIV

M

Bills to be payable in specie.

XXIV. And be it enacted, that the notes or Bills of the said Corporation, made payable to order or to bearer, and intended for general circulation, whether the same shall issue from the chief seat or place of business of the Corporation, in the Town of Kingston, 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 that each and every office of discount and deposit established or hereafter to be established under the management or direction of a local Board of Directors shall be considered and held to be a Branch Bank, and subject to the restriction as to the issuing and redemption of notes provided in this Act.

Suspension of Specie payments beyond a certain time to forfeit the Charter of the Bank.

XXV. And be it enacted, that a suspension by the said Corporation, either at the chief place or seat of business in the said Town of Kingston, 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 Act of Incorporation, and of all and every the privileges hereby granted.

Notes under £1 each.

XXVI. And be it enacted, that the total amount of the notes or bills of the said Corporation, being for a less sum than one pound 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 five shillings, shall at any time be issued or put in circulation by the Corporation ; nor shall any further limitation by the Legislature of the total amount of the notes to be issued or re-issued by the said Corporation be held to be an infringement upon the privileges hereby granted.

Name under 5s.

XXVII. And be it enacted, that the total amount of the debts which the said Corporation shall at one 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 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 payable on demand and to bearer exceed the amount of the actually paid up Capital Stock of the said Corporation ; and in case of excess, the said Corporation shall forfeit this Act of Incorporation, and the privileges hereby granted, 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 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

Liabilities of the Corporation not to exceed a certain amount.

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 chattles, from being also liable for such excess: Provided always, that if any Director 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 Corporation, his protest against the same, and do within eight days thereafter publish such protest in at least two Newspapers published in the Town of Kingston, 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: and provided always, that such publication shall not exonerate any Director from his liability as a shareholder.

Directors not liable for excess in certain cases.

XXVIII. And be it enacted, that in the event of the property and assets of the said Corporation 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 the paid up Capital that is to say, the liability and responsibility of each Shareholder shall be limited to the amount of his or her share or shares of the paid up Capital Stock, and a sum of money equal in amount thereto: Provided always, that nothing in this section contained shall be construed to alter or diminish the additional liabilities of the Directors of the Corporation hereinbefore mentioned and declared.

Stockholders to be liable to twice the amount of their respective Shares.

XXIX. And be it enacted, that 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 days of March and September, in every year, statements of the Assessts 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, during the period 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, Lieutenant Governor or person administering the Government of this Province, a copy of each such half yearly statements, 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 weekly

Statement of the affairs of the Corporation to be published in the form of the Schedule B.

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, 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 weekly or monthly balance sheets, 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 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 account or accounts of any person or persons whatever having dealings with the Corporation.

Governor may require further information.

Such information not to be divulged.

Proviso.

Corporation not to lend to any foreign power.

XXX. And be it enacted, that it shall not be lawful for the said Corporation, 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.

In what papers notices shall be published.

XXXI. And be it enacted, that the several public notices by this Act required to be given, shall be given by advertisement, in two or more of the Newspapers published in the Town of Kingston, and 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, shall be one if then published.

Officers of the Bank embezzling Bills, &c.

XXXII. And be it enacted, that if any Cashier, Manager, Clerk or Servant of the said Corporation, shall secrete, embezzle or abscond with any Bond, Obligation, Bill Obligatory or of Credit, or other Bill or Note, or with any Security for money or moneys, or effects intrusted to him, as such Cashier, Manager, Clerk or Servant, whether the same belong to the said Corporation, or belonging to any other person or persons, body or bodies politic

politic or corporate, or institution or institutions, be lodged and deposited, with the said Corporation, the Cashier, Manager, Clerk or Servant, so offending, and being thereof convicted in due form of Law, shall be deemed guilty of felony.

XXXIII. And be it enacted, that if any person or persons, shall forge or counterfeit, the common Seal of the said Corporation or shall forge or counterfeit or alter any Bond, Obligation, Bill Obligatory or of Credit, or other Bill or Note of the said Corporation, or any endorsement or endorsements thereon with an intention to defraud the said Corporation, or any person or persons, body or bodies politic or corporate, or institution or institutions, whomsoever or whatsoever, or shall offer or pass any forged, counterfeited or altered Bond, Obligation, Bill Obligatory or of Credit, or other bill or note of the said Corporation, or endorsement or endorsements thereon, or shall demand the money therein mentioned, knowing the same to be forged, counterfeit or altered, every such person, for every such offence, upon conviction thereof in due form of Law, shall be deemed and adjudged to be guilty of felony.

Punishment
of persons forg-
ing Bonds, &c.
of the Corpo-
ration.

XXXIV. And be it enacted, that if any person shall engrave, form, make or mend any plate or plates, paper, rolling press or other tool, instrument or material, devised adapted or designed for stamping, forging or making any false or counterfeit Bill of Exchange, Promissory Note, undertaking or order for the payment of money, purporting to be the Bill of Exchange, promissory note undertaking or order of the said Corporation, or of any of the Officers or persons engaged in the management of the affairs of the said Corporation, in the name or on the behalf thereof, or shall have in his or her possession any such plate or plates engraven in any part or any such paper, rolling press, or other tool, instrument or material, devised, adapted or designed as aforesaid with the intent to use and employ the same or to cause or permit the same to be used and employed in forging and making any such false and counterfeit Bills of Exchange, promissory notes, undertakings or orders, every person so offending, shall be deemed and taken to be guilty of felony, and the proof that such plate, paper, rolling press or other tool, instrument or material as aforesaid, was formed, made, engraved or mended by, or was in the possession of such person for some lawful purpose, shall lie upon him or her.

Punishment
of persons en-
graving Plates
&c.

XXXV. And be it enacted, that 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 three years, or by imprisonment in any other Gaol or place of confinement, for any term not exceeding two years.

Punishment
of Offenders.

XXXVI.

Power of
searching for
counterfeit
Bills, Plates,
Tools, &c.

XXXVI. And be it enacted, that 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 such false Bills of Exchange, promissory notes undertakings or orders as aforesaid, by warrant under the hand of such Justice, to cause the dwelling house, room, workshop, or outhouse, 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 such plates, rolling 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, rolling 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 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.

Rights not
specially affected
to be saved.

XXXVII. And be it enacted, that 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.

XXXVIII. And be it enacted, that this Act shall be held, and taken to be a Public Act, and shall be judicially taken notice of and have the effect of a Public Act, without being specially pleaded.

Duration of
this Act.

XXXIX. And be it enacted, that 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 sixty-two, and from that time until the end of the then next Session of the Parliament of this Province, and no longer.

SCHEDULE.

SCHEDULE A.

Referred to in the Nineteenth Section of the foregoing Act.

For value received from _____ of _____ I
(or we) _____ of _____ do hereby assign, and transfer unto
the said _____ shares (on each of which has been paid
_____ pounds , _____ shillings, currency, amounting to the sum of
_____ pounds _____ shillings) in the Capital Stock of the Commercial
Bank of the Midland District subject to the Rules and Regulations of the
said Bank.

Witness my (or our) hand (or hands) at the said Bank, this
day of _____ in the year one thousand eight hundred and _____

(Signatures)

I (or we) do hereby accept the foregoing assignment of
shares in the Stock of the Commercial Bank of the Midland District, assigned to
me (or us) as above mentioned, at the Bank, this _____ day of
one thousand eight hundred and _____

(Signatures.)

SCHEDULE.

SCHEDULE B.

REFERRED TO IN THE TWENTY-NINTH SECTION OF THE FOREGOING ACT.

RETURN of the Average Amount of Liabilities and Assets of the Commercial Bank of the Midland District, during the period from 1st to 18 .

	MONTH ENDING,					
	30th Sept. 18 .	31st Oct 18 .	30th Nov. 18 .	31st Dec. 18 .	31st Jan. 18 .	28th Feb. 18 .
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, or other debts due to the Bank, not included under the foregoing heads.....						
Total Average Assets.....						

CAP. XXVII.

An Act to extend the Charter of the Bank of Upper Canada, and to increase the Capital Stock thereof.

[12th October, 1842.]

WHEREAS the President and Directors of the Bank of Upper Canada, have by their petition prayed that the duration and powers of the said Bank of Upper Canada, as a Corporation, be extended, and that the Capital Stock thereof be increased from Two hundred thousand pounds, to Five hundred thousand pounds, current money of this Province, and that the Act of the Parliament of the Province of Upper Canada, incorporating the said Company may be amended: and whereas it is expedient to grant the prayer of their petition; Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled *An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, that William Proudfoot, Thomas Helliwell, James G. Chewett, William Gamble, Samuel P. Jarvis, Jesse Ketchum, Christopher Widmer, The Honorable John Simcoe Macaulay, Francis Boyd, Angus Bethune, John S. Baldwin, William Cayley, Walter O'Hara, Thomas W. Magrath and Charles Berczy all of the City of Toronto, in this Province, and such other persons as now are Shareholders of the Capital Stock of the Corporation, created and constituted by the Act of Incorporation of the said Bank, and their respective Heirs, Executors, Administrators and Assigns, shall continue to be and shall be a Body Corporate and Politic, in fact and in name, by and under the name, style and title of "The Bank of Upper Canada," and as such, shall during the continuance of this Act, have all, each, and every the rights, powers and authorities in and by the said Act of the Legislature of the Province of Upper Canada, incorporating the same, conferred upon or vested in the said Corporation, and subject to the provisions, enactments, limitations and restrictions in the said Act of Incorporation contained: Provided always that so much of the said Act of Incorporation and the several Acts of the Parliament of Upper Canada amending the same, as may be inconsistent with or repugnant to the provisions, of this Act, shall be and is hereby repealed and made wholly void; and the said Corporation shall, during the continuance of this

Preamble.

Names of
Stockholders.

Incorporation
continued.

Corporate
Name.

Proviso; parts
of the former
Act of Incorporation
inconsistent with this
Act repealed.

Corporate Powers. this Act, have succession and a common seal, with power to break, renew, change and alter the same at pleasure; and shall be capable of suing and being sued, and of pleading and being impleaded, in all Courts of Law and Equity, and other places, in all manner of actions, causes and matters whatsoever; and for the convenient management of their business, but for no other purpose, shall and may purchase, acquire and hold real or immovable estates and property, not exceeding the yearly value of two thousand pounds, current money of this Province, and may sell, alienate and dispose of the same, and purchase, acquire and hold others in their stead, not exceeding in the whole the yearly value aforesaid.

May hold real property to a certain value.

The Capital Stock of the Corporation increased by £300,000. II. And be it enacted, that it shall be lawful for the Stockholders of the said Bank of Upper Canada, to raise and contribute among themselves, or by the admission of new subscribers, a further sum of Three hundred thousand pounds, in addition to the present Capital Stock of the said Bank of Upper Canada, which said additional sum of Three hundred thousand pounds, currency, shall be divided into Twenty four thousand shares of twelve pounds ten shillings each, and every person subscribing for or taking any share or shares, in the said additional Capital Stock of Three hundred thousand pounds, shall have the same rights and be subject to the same rules and liabilities, as the original subscribers and shareholders of the said Bank of Upper Canada.

Books of Subscription to be opened. III. And be it enacted, that the Books of subscription for the Capital Stock, authorized to be added to the Capital Stock of the said Corporation, shall be opened by such persons, at such times and places, and under such regulations, as to the Directors of the said Corporation shall seem meet, and the shares of Capital Stock thereupon 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 they 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 to ten pounds per centum, on the amount subscribed for, be actually paid at the time of subscribing: Provided also that all the said Capital Stock shall be paid in full within five years from and after the passing of this Act.

Instalments of new Stock.

Proviso.

Penalty on persons neglecting to pay Instalments duly called for. IV. And be it enacted, that if any Shareholder or Shareholders, shall refuse or neglect to pay any or either of the instalments upon his, her or their shares of the said Capital Stock, at the time or times required by public notice as aforesaid, such Shareholder or Shareholders, shall incur a forfeiture to the use of the

the said Corporation, of a sum of money equal to ten pounds per centum on the amount of such shares; and moreover it shall be lawful for the Directors of the said Corporation, (without any previous formality other than thirty days of public notice of their intention) to sell at public auction, the said shares or so many of the said shares as shall after deducting the reasonable expenses of the same, 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 transfer being accepted, shall be as valid and effectual in Law, as if the same had been executed by the original holder or holders of the shares of Stock thereby transferred: Provided always, that nothing in this section contained shall be held to debar the Directors or Shareholders, at a general meeting, from remitting either in whole or in part, and conditionally or unconditionally, any forfeiture incurred by the non-payment of instalments as aforesaid.

Mode of enforcing such penalty.

Proviso. Penalty may be remitted in certain cases.

V. And be it enacted, that the chief place or seat of business of the said Corporation, shall be in the City of Toronto 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, 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, and shall not be repugnant to any Law of this Province, to this Act, or to the Bye-laws of the said Corporation.

Chief Seat of the Corporation to be in Toronto; but the Corporation may establish branches.

VI. And be it enacted, that for the management of the affairs of the said Corporation, there shall be Fifteen 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 June, beginning on the first Monday in June, in the year one thousand eight hundred and forty-three; at which meeting the Shareholders shall vote according to the rule or scale 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 shall choose 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 fifteen Directors, the remaining Directors shall fill the same by election from among the Shareholders, and the Director so elected shall be capable of serving

Fifteen Directors to be elected annually.

First meeting.

President and Vice-President to be chosen by Directors.

Vacancies among Directors, how filled.

Vacancy of President or Vice-President

Proviso.

Qualification of Directors.

Proviso.

serving as a Director, until the next annual general meeting of the Shareholders; and if the vacancy occurring in the said number of fifteen Directors shall also cause the vacancy of the office of President or of Vice President, the Directors at their 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 twenty shares of the Capital Stock of the said Corporation, wholly paid up, and shall be a natural born or naturalized subject of Her Majesty, and provided also, that eight of the Directors in office at the period of each annual election, shall be re-elected for the next ensuing twelve months.

Case of Failure to elect Directors provided for.

VII. And be it enacted, that 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 duly called for that purpose.

Books, &c. of the Corporation may be inspected by Directors.

VIII. And be it enacted, that the Books, Correspondence and Accounts 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.

Quorum of Directors fixed.

Who shall preside at their meetings.

IX. And be it enacted, that at all meetings of the Directors of the said Corporation, not less than five 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 have a casting vote.

Present Directors to remain in office until 1st June, 1843.

X. And be it enacted, that the Shareholders of the Bank incorporated by the Act of Incorporation hereinbefore mentioned, who at the time of the passing of this Act, shall be Directors thereof, shall be and continue to be Directors of the said Bank or Corporation until the first Monday in June, in the year one thousand eight hundred and forty-three, being the day hereinbefore appointed for the first election of Directors; and they shall choose from among themselves a President and Vice-President in the manner hereinbefore

hereinbefore provided; and in case of any vacancy occurring before the said day appointed for the first election of Directors, the vacancy shall in like manner be filled up as is hereinbefore provided.

XI. And be it enacted, that it shall and may be lawful for the Directors of the said Corporation from time to time, to make and enact Bye-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 the present Bye-laws of the Corporation in so far as they are not repugnant to this Act or to Law, shall continue to be the Bye-Laws of the Corporation, until repealed or amended in the manner provided by this Act.

Power to make Bye-Laws.

Proviso—as to the present Bye-Laws of the Corporation.

XII. And be it enacted, that no Director of the said Corporation shall during the period of his service act as a private Banker, nor shall any Director other than the President, be entitled to any salary or emolument for his services as a Director, but the President may be compensated for his services as President, either by an annual vote of a sum of money by the Shareholders, at their annual general meetings, or by a fixed salary: and in the latter case, for the purpose of securing to the Corporation the undivided attention and services of the President, it shall be lawful for the Directors if they see fit, to choose and appoint annually from among themselves, a person duly qualified, who shall be the President of the Corporation, and to award to him such remuneration for his services as they in their judgment shall see fit; any thing hereinbefore contained to the contrary notwithstanding.

No Director to act as a Private Banker, nor any Director but the President to receive remuneration for his services.

President may have a yearly salary.

XIII. And be it enacted, that 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 shall also be capable of exercising such powers and authority, for the well governing and ordering of the affairs of the Corporation, as shall be prescribed by the Bye-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, that is to say, every Cashier in a sum not less than five thousand pounds, current money of Canada, and every other Officer, Clerk or Servant, in such sum of money as the Directors shall consider adequate to the trust to be reposed in him, with conditions for good and faithful behaviour.

Power of Directors to appoint, pay, and govern the officers of the Corporation.

Proviso—officers to give security.

Amount of security.

XIV. And be it enacted, that it shall be the duty of the Directors to make half yearly

Dividends to be made,—but

not so as to
lessen the Ca-
pital.

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 of which they shall give public notice thirty days previously : Provided always, that such dividends shall not in any manner lessen or impair the Capital Stock of the Corporation.

General Meet-
ing to be held
yearly.

XV. And be it enacted, that a general meeting of the Shareholders of the Corporation shall be held in the City of Toronto, on the first Monday of the month of June, in every year during the continuance of this Act, for the purpose of electing Directors in the manner hereinbefore provided, and for all other general purposes touching the affairs and the management of the affairs of the Corporation ; and at each of the said annual general meetings, 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 balances due to the Bank from other Banks and Institutions, and the amount of debts owing to the Bank, including and particularising 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 the then 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 of the
Corporation to
be submitted
to such Meet-
ings.

Particulars in
such statement.

Rate of the
then last Di-
vidend.

Number of
votes to which
shareholders
shall be enti-
tled.

The scale.

XVI. And be it enacted, that the number of votes which the Shareholders of the said Corporation shall respectively be entitled to give at their meetings, shall be according to the following scale, that is to say, for one share and not more than two, one vote ; for every two shares, above two and not exceeding ten, one vote, making five votes for ten shares ; for every four shares above ten and not exceeding thirty, one vote, making ten votes for every thirty shares ; for every six shares above thirty and not exceeding sixty, one vote, making fifteen votes for sixty shares ; and for every eight shares above sixty and not exceeding one hundred, one vote, making twenty votes for one hundred shares ; and no Shareholder shall be entitled to give a greater number of votes than twenty ; and it shall be lawful for absent Shareholders to give their votes by proxy, such proxy being also a Shareholder, and

Absent share-
holders may
vote by proxy.

not

not being either a Cashier or other Officer in the said Bank, and being provided with a written authority from his constituent or constituents, in such form as shall be established by a Bye-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, 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 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 and it is hereby enacted, that no Shareholder who shall not be a natural born or naturalized subject of Her Majesty, or who shall be a subject of any Foreign Prince or State, shall either in person or by proxy, vote at any meeting whatever of the Shareholders of the said Corporation, or shall assist in calling any meeting of the Shareholders, any thing in this Act to the contrary notwithstanding.

Proviso.

Proviso.

Proviso—Aliens not to vote at or assist in calling a meeting.

XVII. And be it enacted, that any number not less than twenty of the Shareholders of the said Corporation, who together shall be proprietors of at least two hundred and fifty shares of the paid up Capital Stock of the Corporation by themselves or proxies, or the Directors of the Corporation, or any seven 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 Toronto, 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 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 or be undecided upon.

How and by whom Special General Meetings may be called.

Case in which it is proposed to remove a Director, &c. provided for.

XVIII. And be it enacted, that the shares of the Capital Stock of the said Corporation, shall be held and adjudged to be personal estate, and be transmissible

Shares in the Stock of the Corporation to be personal

property and
assignable.

missible 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 by the Directors for that purpose; nor until the person or persons making the same shall previously discharge all debts actually due by him, her or them to the Corporation, which may exceed in amount 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 indorsed 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 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.

Sales of Shares
under execu-
tion.

The Corpo-
ration not to
hold, or ad-
vance money
upon lands,
Ships, &c. nor
on their own
Stock.

XIX. And be it enacted, that 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, or of any Bank in this Province; nor shall the said Corporation either directly or indirectly, lend money or make advances upon the security, mortgage or hypothecation 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 engage or be engaged in any trade whatever, except as dealers in gold and silver, bullion, bills of exchange, discounting of promissory notes and negotiable security, and in such Trade generally as appertains to the business of Banking; Provided always that the said Corporation, may take and hold mortgages and *hypothèques* on real estates and property in this Province, by way of additional security, for debts contracted to the Corporation in the course of their dealings.

Nor deal in
certain articles.

Proviso.

Discounts to
Directors not

XX. And be it enacted, that the aggregate amount of discounts and advances made

made by the said Corporation upon commercial paper or securities bearing the name of any Director or Officer, or the copartnership, name or firm of any Director of the said Corporation, shall not at any one time, exceed one third of the total amount of discounts or advances made by the Corporation at the same time.

to exceed one third of the total Discounts.

XXI. And be it enacted, that it shall and may be lawful for the said Corporation, to allow and pay interest (but not exceeding the legal rate of interest of this Province) 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 the discounting or negotiating the same; any law, or usage to the contrary notwithstanding.

Corporation may receive and pay interest.

XXII. And be it enacted, that the bonds, obligations and bills obligatory and of credit, of the said Corporation, under their Common Seal, and signed by the President or Vice President, and countersigned by a Cashier thereof, which shall be made payable to any person or persons, shall be assignable by endorsement 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 endorsement 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 the Vice President, or any Cashier, Manager, or local Director of a Branch or Office of discount and 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 to bearer on demand.

How Bonds, &c. of the Corporation under seal shall be transferable.

How Bill and notes not under seal shall be made binding and transferable.

Proviso. The Directors may authorize certain Officers to sign notes.

Notes and Bills to bear date and to be redeemable at the place of issue.

XXIII. And be it enacted, that the notes or Bills of the said Corporation, made payable to order or to 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 Toronto, or from any of the Branches of the Corporation under the management of a local Board of Directors in other places in the Province, 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 that each and every office of discount and deposit established or hereafter to be established under the management or direction of a local Board of Directors shall be considered and held to be a Branch Bank, and subject to the restriction as to the issuing and redemption of notes provided in this Act.

Suspension of payment by the Corporation for a certain time to forfeit the privileges of the Corporation.

XXIV. And be it enacted, that a suspension by the said Corporation, either at the chief place or seat of business in the said City of Toronto, 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 the privileges conferred by this Act or by the Act of Incorporation aforesaid, and of all and every the privileges hereby or thereby granted.

Amount of Bills under £1 not to exceed one fifth of the Capital Stock.

Proviso. No Notes to be for less than five shillings.

Total amount may be further limited.

XXV. And be it enacted, that the total amount of the notes or bills of the said Corporation, being for a less sum than one pound 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 five shillings, 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 be held to be any infringement of the privileges hereby granted.

Total amount of debts not to exceed three times Stock paid in.

Total amount of Bills or Notes on demand limited.

Penalty for excess.

Liability of Directors.

XXVI. And be it enacted, that the total amount of the debts 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 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 payable on demand and to bearer exceed the amount of the paid up Capital of the said Corporation; and in case of excess, the said Corporation shall forfeit this Act of Incorporation, and all the privileges hereby granted, and the Directors under whose administration the excess shall happen, shall be liable jointly and severally for the same in their private capacities, as well

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: Provided always, that if any Director 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 proceedings of the Corporation, his protest against the same, and do within eight days thereafter publish such protest in at least two Newspapers published in the City of Toronto 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: and provided always, that such publication shall not exonerate any Director from his liability as a shareholder.

Proviso.
Directors protesting against excess exempt-

Mode of notifying Protest.

XXVII. And be it enacted, that besides the detailed statement of the affairs of the said Corporation hereinbefore required to be laid before the Shareholders thereof, at their annual general meetings, the Directors shall make up and publish on the first days of March and September, 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, during the period 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 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 of such half yearly statements, 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 or weekly 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, 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 weekly or monthly balance sheets, and the further information that shall be so produced and

Half yearly statements of the affairs of the Corporation to be published.

Form and contents of such statements.

To be submitted to the Governor, and verified.

Further information to be furnished if required by the Governor.

Proviso.

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 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 account or accounts of any person or persons whatever having dealings with the Corporation.

Proviso.

Liabilities of the Shareholders to double the amount of their Shares respectively.

XXVIII. And be it enacted, that in the event of the property and assets of the said Corporation 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 the paid up Capital Stock 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 paid up Capital Stock, and a sum of money equal in amount thereto: Provided always, that nothing in this section contained shall be construed to alter or diminish the additional liabilities of the Directors of the Corporation hereinbefore mentioned and declared.

Proviso.

Corporation not to advance money to any Foreign Power.

Penalty.

XXIX. And be it enacted, that it shall not be lawful for the said Corporation, 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.

How public notices hereby required shall be given.

XXX. And be it enacted, that the several public notices by this Act required to be given, shall be given by advertisement, in two or more of the Newspapers published in the Cities of Toronto and Montreal, and Town of Kingston.

Punishment of any officer of the Corporation embezzling, &c.

XXXI. And be it enacted, that if any Officer, Cashier, Manager, Clerk or Servant of the said Corporation, shall secrete, embezzle or abscond with any Bond, Obligation, Bill Obligatory or of Credit, or other Bill or Note, or with any Security for money or moneys, or effects intrusted to him, as such Officer, Cashier, Manager, Clerk or Servant, whether the same belong to the said Corporation, or belonging to any other person or persons, body or bodies politic

politic or corporate, or institution or institutions, be lodged and deposited, with the said Corporation, the Officer, Cashier, Manager, Clerk or Servant, so offending, and being thereof convicted in due form of Law, shall be deemed guilty of felony.

XXXII. And be it enacted, that if any person or persons, shall forge or counterfeit, the common Seal of the Corporation hereby constituted or shall forge or counterfeit or alter any Bond, Obligation, Bill Obligatory or of Credit, or other Bill or Note of the said Corporation, or any endorsement or endorsements thereon with an intention to defraud the said Corporation, or any person or persons, body or bodies politic or corporate, institution or institutions, whomsoever and whatsoever, or shall offer or pass any forged, counterfeit or altered Bond, Obligation, Bill Obligatory or of Credit, or other bill or note of the said Corporation, or endorsement or endorsements thereon, or shall demand the money therein mentioned, knowing the same to be forged, counterfeit or altered, every such person, for every such offence, upon conviction thereof in due form of Law, shall be deemed and adjudged to be guilty of felony.

Punishment
of persons
forging Bonds,
&c. of the Cor-
poration.

Or knowingly
demanding
money on for-
ged documents.

XXXIII. And be it enacted, that if any person shall engrave, form, make or mend any plate or plates, paper, rolling press or other tool, instrument or material, devised adapted or designed for stamping, forging or making any false or counterfeit Bill of Exchange, Promissory Note, undertaking or order for the payment of money, purporting to be the Bill of Exchange, promissory note undertaking or order of the said Corporation, or of any of the Officers or persons engaged in the management of the affairs of the said Corporation, in the name or on the behalf thereof, or shall have in his possession any such plate or plates engraven in any part, or any such paper, rolling press, or other tool, instrument or material, devised, adapted or designed as aforesaid with the intent to use and employ the same or to cause or permit the same to be used and employed in forging and making any such false or counterfeit Bills of Exchange, promissory notes, undertakings or orders, every person so offending, shall be deemed and taken to be guilty of felony, and the proof that such plate, paper, rolling press or other tool, instrument or material as aforesaid, was formed, made, engraved or mended by, or was in the possession of such person for some lawful purpose, shall lie upon him or her.

Punishment
of persons en-
graving plates,
&c. for the
purpose of such
forgeries.

Proof.

XXXIV. And be it enacted, that 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 three years, or by imprisonment in any other Gaol or place of confinement, for any term not exceeding two years.

Punishments.

XXXV.

Houses, &c.
may be search-
ed for articles
used in forg-
ing notes, &c.

XXXV. And be it enacted, that it shall and may be lawful, to and for any one Justice of the Peace, on complaint made before him, upon the oath of one credible person, that there is just cause to suspect, that any one or more person or persons is or are or hath, or have been concerned* in making or counterfeiting any such false Bills of Exchange, promissory notes undertakings or orders as aforesaid, by warrant under the hand of such Justice, to cause the dwelling house, room, workshop, outhouse, 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 such plates, rolling 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, rolling 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 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.

Such articles
if found may
be seized.

And destroyed.

Rights of Her
Majesty saved.

XXXVI. And be it enacted, that 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.

XXXVII. And be it enacted, that this Act shall be held, and taken to be a Public Act, and shall be judicially taken notice of and have the effect of a Public Act, without being specially pleaded.

Duration of
this Act.

XXXVIII. And be it enacted, that 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 sixty-two, and from that time until the end of the then next Session of the Parliament of this Province, and no longer.

SCHEDULE.

SCHEDULE A

Referred to in the Eighteenth Section of the foregoing Act.

For value received from _____ of _____ I
(or we) _____ of _____ do hereby assign, and transfer unto
the said _____ shares (on each of which has been paid
_____ pounds , _____ shillings, currency, amounting to the sum of
_____ pounds _____ shillings) in the Capital Stock of the Bank of Upper
Canada subject to the Rules and Regulations of the said Bank.

Witness my (or our) hand (or hands) at the said Bank, this
day of _____ in the year one thousand eight hundred and _____

(Signatures)

I (or we) do hereby accept the foregoing assignment of
shares in the Stock of the Bank of Upper Canada assigned to me (or us) as
above mentioned, at the Bank, this _____ day of _____
one thousand eight hundred and _____

(Signatures.)

SCHEDULE

SCHEDULE B

REFERRED TO IN THE TWENTY-SEVENTH SECTION OF THE FOREGOING ACT.

RETURN of the Average Amount of Liabilities and Assets of the Bank of Upper Canada, from 1st to 18 .

	MONTH ENDING,					
	30th Sept. 18 .	31st Oct. 18 .	30th Nov. 18 .	31st Dec. 18 .	31st Jan. 18 .	28th Feb. 18 .
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, or other debts due to the Bank, not included under the foregoing heads.....						
Total Average Assets.....						

CAP. XXVIII.

An Act to afford relief to the Estate of the late Thomas Clark.

[12th October, 1842.]

WHEREAS Samuel Street, as Executor and Devisee in trust of and under the last Will and Testament of the late Thomas Clark, of the Township of Stamford, has by Petition set forth that the said Will was made and published by the said late Thomas Clark in England, that all the witnesses thereto are resident there; and that for realizing the said Estate, it is necessary that a number of suits at Law and in Equity shall be brought, in which proof of the due execution of the said Will will be required; And whereas by Law it is necessary that a Commission for the proof the said Will shall be issued in every such action which will occasion serious expense and delay in recovering the assets of the said Estate; Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, that any Commission or Commissions which may have issued or may hereafter issue in any cause now depending or hereafter to be brought in Her Majesty's Court of Queen's Bench, in and for that part of Canada, heretofore Upper Canada, for the examination of the Witnesses to, and proof of the last Will and Testament of Thomas Clark, of the Township of Stamford, deceased, and which shall have been or shall be hereafter returned to the said Court of Queen's Bench in any such cause in which it or they shall have been so issued, and shall be considered by the said Court to afford good, proper and sufficient evidence of the due execution of the said Will, with reference to Real Estate according to the Laws in that behalf, shall be deemed and taken to be in any Court of Law or Equity, or any judicial proceeding in Canada West, a Commission or Commissions issued in and for any cause or proceeding which may be hereafter had or commenced in any such Court of Law or Equity, or in any judicial proceeding, and in which proof of the said last Will of the said Thomas Clark shall be required in the same manner and with the same effect, as if the same had been issued, returned and opened in the particular cause or proceeding in which it or they may be so required or used as aforesaid: Provided always, that before any such Commission or Commissions shall be received in evidence, in any other cause or judicial proceeding, than that in which they shall have been or shall be taken, a certificate shall be obtained and produced

Preamble.

Commissions issued by the Court of Queen's Bench for the proof of the Will, to be valid in Courts of Equity, &c.

Proviso.

produced from the Judge before whom the cause was tried, in which such Commission or Commissions shall have been or shall be opened, that such Commission or Commissions afforded due and sufficient evidence of the execution of the said Will according to the Laws relating to devises of Real Estate.

Defendants
may obtain the
issue of a new
Commission.

II. And be it enacted, that it shall and may be lawful for any Defendant or Defendants in any action or actions in any Court of Law or Equity, or any judicial proceeding in Canada West, in which it may be necessary to give evidence of the due execution of the Will of the said Thomas Clark to apply to the said Courts upon affidavit, shewing good cause for the same, of any matter tending to invalidate the said Will, for a Commission or Commissions to examine the witnesses to the said Will, and upon such Commission or Commissions being granted to the said Defendant or Defendants, no proceedings shall be had under the first section of this Act upon any Commission or Commissions taken and returned as therein mentioned, but such action or actions shall proceed as if this Act had never been in force; Provided always that such defendant or defendants shall proceed upon the Order granting any such Commission or Commissions within one month after such Order shall be made.

And stay of
proceedings.
Proviso.

CAP. XXIX.

An Act to authorize the Court of Chancery to admit William Vynne Bacon to practise therein as an Attorney and Solicitor.

[12th October, 1842.]

Preamble.

WHEREAS WILLIAM VYNNE BACON, of the Town of Kingston, in the Midland District, gentleman, hath by his Petition represented that he is a duly admitted Attorney and Solicitor, and has practised in the Courts of King's Bench, and Common Pleas and in the High Court of Chancery in England for a period of seven years and upwards, and that he has for fifteen months last past been studying with a practitioner in this Province, and hath prayed that an Act may be passed to authorize the Court of Queen's Bench, and also the Court of Chancery, respectively, in and for that part of this Province formerly called Upper Canada, to admit him to practise therein respectively as an Attorney and Solicitor; And whereas it is expedient to comply in part with the prayer of the said petition: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council, and of the Legislative Assembly of the Province of Canada,

da, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, that it shall and may be lawful for the High Court of Chancery in and for that part of this Province formerly called Upper Canada, in the discretion of said Court, to admit the said William Vynne Bacon to practise as an Attorney and Solicitor in the said Court; any Law or Statute to the contrary notwithstanding.

CAP. XXX.

An Act to appropriate a certain sum to enable Her Majesty to remunerate Doctor Thomas Rolph, for his past services as Emigration Agent.

[12th October, 1842.]

MOST GRACIOUS SOVEREIGN:-

WHEREAS His Excellency the Right Honorable Sir Charles Bagot, Governor General of this Province, hath, by His Message bearing date the twenty-ninth day of September, one thousand eight hundred and forty-two, recommended that a Sum, not exceeding that hereinafter mentioned, be appropriated to remunerate Doctor Thomas Rolph for his past services as Emigration Agent in the United Kingdom, on behalf of the Government of Canada, and it is expedient to make such appropriation: May it therefore please Your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain and Ireland, intituled, "*An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*," and it is hereby enacted by the authority of the same, that from and out of any unappropriated monies forming part of the Consolidated Revenue Fund of this Province, there may be paid to the said Doctor Thomas Rolph, a Sum not exceeding five hundred and fifty-five pounds eleven shillings and one penny, Currency, as a remuneration for his services aforesaid.

Preamble.

Message of 29
Sept. 1842, re-
cited.

£555 11s. 1d.
Currency ap-
propriated as a
remuneration
to Dr. T.
Rolph.

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

Application
of the money
to be account-
ed for to Her
Majesty.





ANNO SEXTO

VICTORIÆ REGINÆ.

C A P. XXXI.

An Act to impose a duty upon Foreign Wheat imported into this Province

12th October, 1842.—Presented for Her Majesty's Assent and reserved "for the signification of Her Majesty's pleasure thereon."

15th July, 1843.—Assented by Her Majesty, in Her Privy Council.

9th August, 1843.—The Royal Assent signified by the Proclamation of His Excellency Sir Charles Theophilus Metcalfe, G. C. B., Governor General.

WHEREAS the free introduction of Wheat and Wheat Flour into the United Kingdom of Great Britain and Ireland from this Province, would, by affording a market for these articles at all times certain and available, promote essentially the Agricultural and Commercial interests of Canada; And Whereas Foreign Wheat is at present admitted free of duty into Canada; And Whereas the intention of the Laws of the United Kingdom aforesaid is to preserve the Home Market for Her Majesty's Subjects, by certain restrictions, and by the imposition of duties; And Whereas the introduction of Foreign Wheat, into the United Kingdom free of duty, after the introduction of the same into Canada free of duty, would be in manifest violation of the said intention of the Laws of the said United Kingdom; And Whereas the chief objection to the free admission of Wheat and Wheat Flour into the said United Kingdom from Canada, arises from the free admission of Foreign Wheat into Canada; And Whereas a certain Dispatch addressed to the Governor of this Province, by Her Majesty's Secretary of State for the Colonies, dated the second day of March last, a copy whereof has been laid by His Excellency's command before the Legislature of this Province, affords the strongest ground for the confident belief and expectation that upon the imposition

Preamble.

Dispatch of
2nd March,
1842, cited.

imposition of a duty upon Foreign Wheat imported into this Province, Her Majesty will be graciously pleased to recommend to Parliament the removal or reduction of the duties on Wheat and Flour imported into the said United Kingdom from Canada: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled "*An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada,*" and it is hereby enacted by the authority of the same, that from and after the fifth day of July next, there shall be raised, levied, collected and paid to Her Majesty, to and for the Public uses of this Province, upon all Wheat imported into this Province, except from the said United Kingdom or any of Her Majesty's possessions, and being the growth and produce thereof, a duty of three shillings sterling money of Great Britain, for each Imperial quarter of such Wheat, and so in proportion for any greater or less quantity thereof.

A duty imposed on Foreign Wheat, after 1st July, 1843.

Foreign wheat imported by Sea, for the use of the Fisheries, to be free of duty.

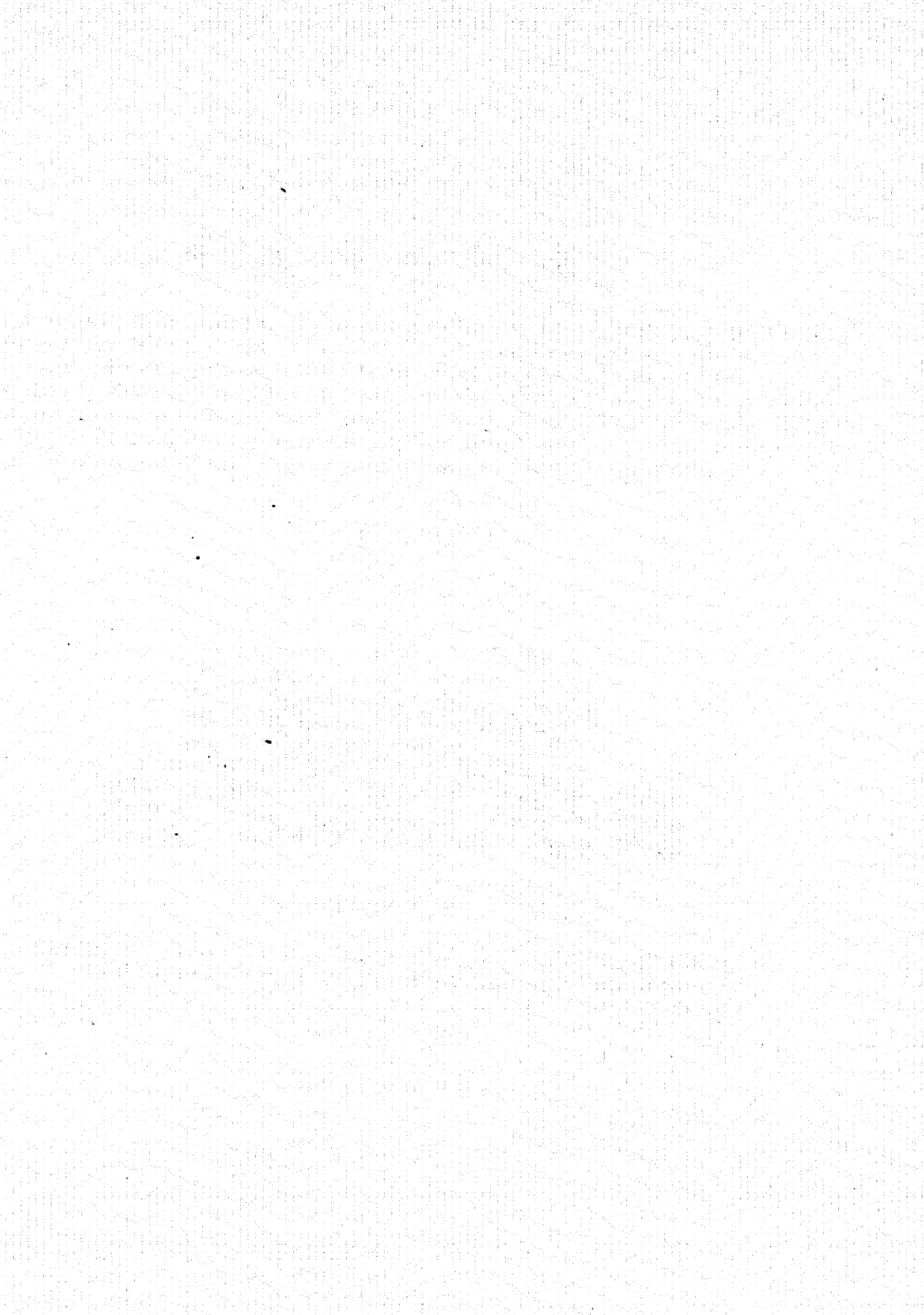
II. And be it enacted, that Foreign Wheat imported by sea into this Province, for the use of the Fisheries, shall be free of duty, and subject to the regulations expressed and enacted, in regard to certain articles specified in the eighth section of the Act of the Parliament of the said United Kingdom passed in the last Session of the said Parliament, and intituled "*An Act to amend the Laws for the Regulation of the trade of the British possessions abroad.*"

Duty imposed by this Act how levied, recovered and received.

III. And be it enacted, that the duties imposed by this Act shall be levied, recovered and received under the same regulations, and in the same coins, to be received at the same rates, and according to the same weights and measures, and under the same penalties, to be enforced and applied in the same manner, and with the same restrictions and regulations for ensuring the payment or punishing the evasion thereof, as the duties imposed in and by the said Act, intituled "*An Act to amend the Laws for the regulation of the British possessions abroad.*"

Monies arising under this Act how applied and accounted for.

IV. And be it enacted, that all sums which shall arise from the duty hereby imposed, shall be paid over by the officers receiving the same, to Her Majesty's Receiver General for this Province, and shall form part of the consolidated Revenue Fund thereof, and shall, as shall also all fines, penalties and confiscations incurred under this Act, be accounted for to Her Majesty, Her Heirs and Successors, through the Lords Commissioners of Her Majesty's Treasury, for the time being, in such manner and form as Her Majesty, Her Heirs and Successors, shall direct.



PROVINCIAL STATUTE

OF

CANADA,

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

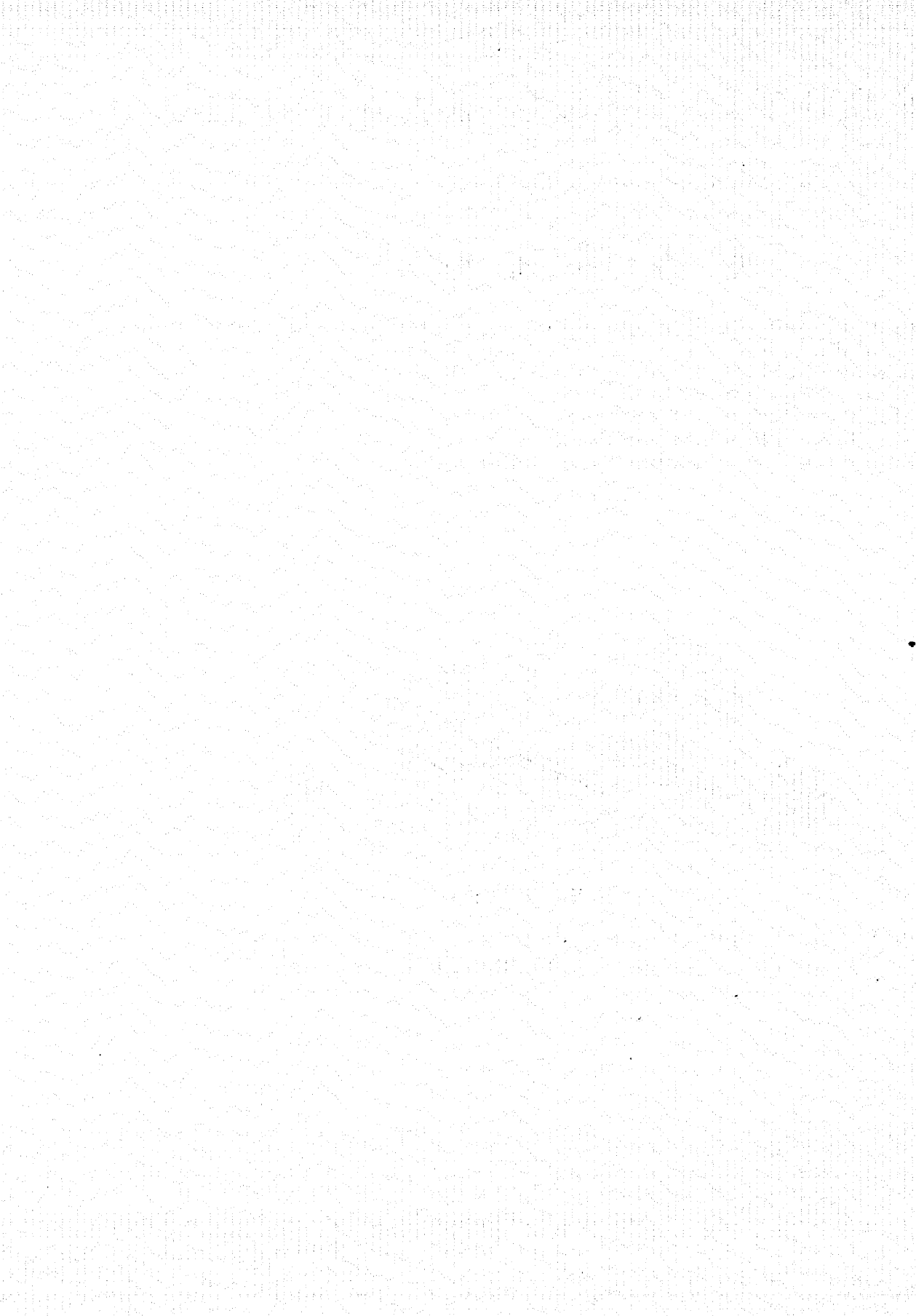
VOL. II.—CONTINUED.
(Reserved Act.)



KINGSTON:

PRINTED BY STEWART DERBISHIRE & GEORGE DESBARATS,
LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

Anno Domini, 1843.



PROVINCIAL STATUTE

OF

CANADA.

ANNO REGNI SEXTO

VICTORIÆ,

DEI GRATIA, BRITANNIARUM REGINÆ.

HIS EXCELLENCY THE RIGHT HONORABLE

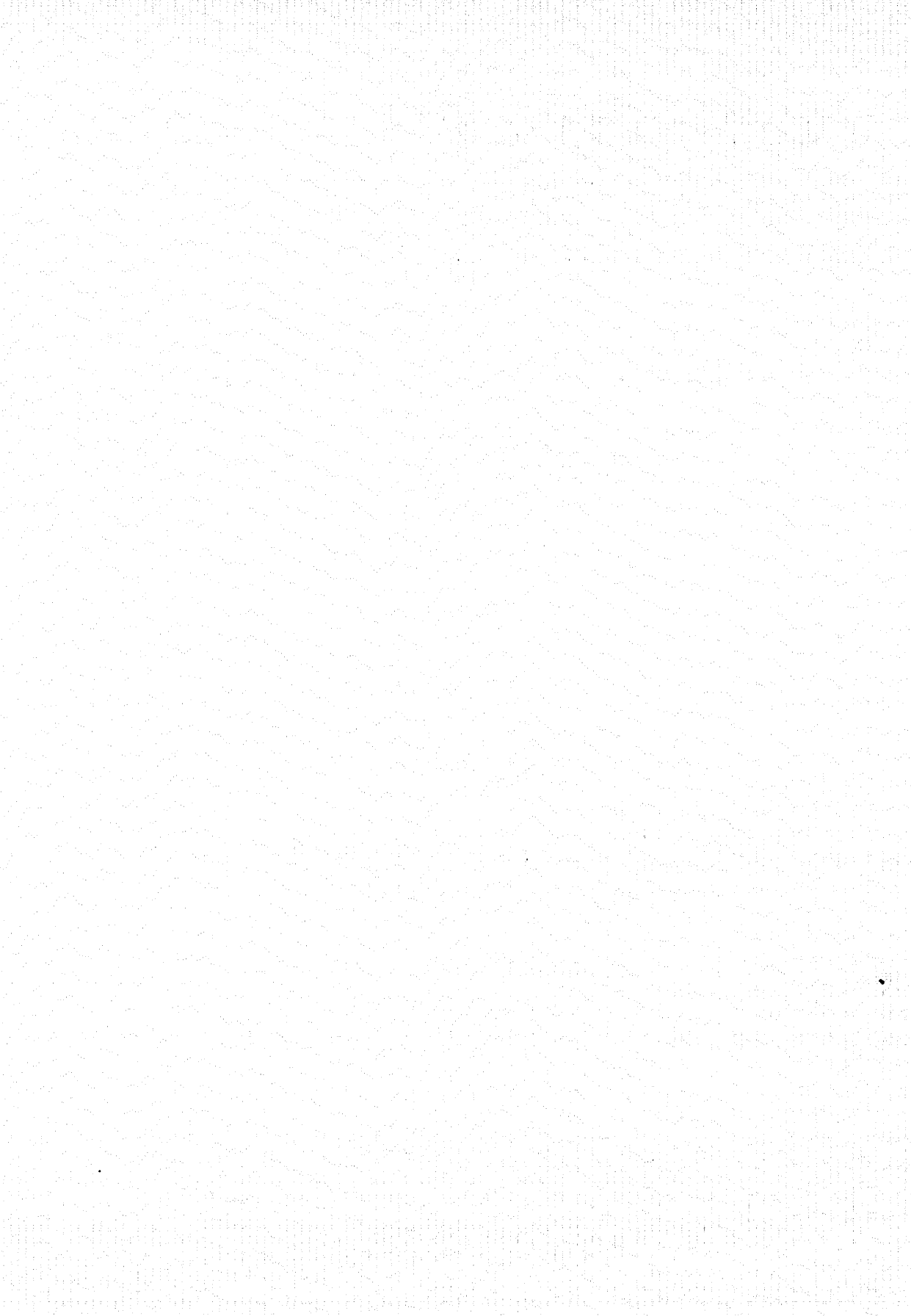
SIR CHARLES BAGOT, G. C. B.

GOVERNOR GENERAL.

**Being the SECOND Session of the FIRST Provincial
Parliament of CANADA.**

(RESERVED ACT,

**To which the ROYAL ASSENT was subsequently promulgated by His Excellency SIR
CHARLES THEOPHILUS METCALFE, G. C. B. &c. &c. &c. GOVERNOR GENERAL.)**





ANNO SEXTO

VICTORIÆ REGINÆ.

C A P. XXXII.

An Act to make provision for the management of the temporalities of the United Church of England and Ireland, in the Diocese of Quebec, in this Province, and for other purposes therein mentioned.

12th October, 1842.—Presented for Her Majesty's Assent, and reserved "for the signification of Her Majesty's Assent."

23d August, 1843.—Assented to by Her Majesty in Privy Council.

6th October, 1843.—The Royal Assent signified by Message of His Excellency the Governor General to the Legislative Council and Assembly of this Province.

WHEREAS it is desired, on behalf of the United Church of England and Ireland, in the Diocese of Quebec, that provision should be made by law for the internal management by the members of the said Church of the temporalities thereof, and also for allowing the endowment thereof, and it is just and expedient that such provision should be made; Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled *An Act to reunite the Provinces of Upper and Lower Canada, and for the Government of Canada*; and it is hereby enacted by the authority of the same, that from and after the passing of this Act, the soil and freehold of all Churches of the Communion of the said United Church of England and Ireland, now erected or hereafter to be erected in the said Diocese, and of the Church Yards and Burying Grounds attached or belonging thereto, respectively, shall be in the Parson or other

Preamble.

Freehold of Churches, &c. to vest in the Parson or Incumbent.

Proviso.

other Incumbent thereof, for the time being ; and the Church-wardens to be appointed as hereinafter is mentioned, by whatever title the same may now be held, whether vested in Trustees for the use of the Church, or whether the legal Estate remains in the Crown by reason of no Patent having been issued, though set apart for the purposes of such Church, Church Yard or Burying Ground : Provided always, that nothing herein contained shall extend to affect the rights of any Parsonage or Rectory now established by Letters Patent, or of any Proprietary Chapel or any other Church or Body of Christians, to any landed property or Church now erected, but that the same shall be as if this Act had not been passed.

Pew-holders to form a Vestry.

II. And be it enacted, that all Pew-holders in such Churches, whether holding the same by purchase or lease, and all persons holding sittings therein, by the same being let to them by Church-wardens, and holding a certificate from the Church-wardens of such sitting, shall form a Vestry for the purposes in this Act mentioned and declared.

Ordinary meetings and proceedings of Vestry.

III. And be it enacted, that a meeting of such Vestry shall be holden on Monday, in Easter week, in each and every year, after due notice thereof, given during Divine Service on the morning of Easter Sunday, for the purpose of appointing Church-wardens for the ensuing year, and that at such meeting, one Church-warden shall be nominated by the Rector or other Incumbent of the said Church, and the other shall be elected by a majority of those present and entitled to vote at such Vestry meeting as aforesaid : Provided nevertheless, that in case of such Rector or Incumbent declining or neglecting to nominate a Church-warden, then both of the said Church-wardens shall, for the current year, be elected in the manner aforesaid, and in case the members of such Vestry shall neglect to elect a Church-warden, then both of such Church-wardens shall, for the current year, be nominated by the Rector or Incumbent : Provided always, that if, from any cause, a Vestry meeting shall not take place at the time aforesaid, such appointment of Church-wardens may take place at any subsequent Vestry meeting, to be called in manner hereinafter provided ; and in case of the death or change of residence to twenty miles or more from any such Church, of either of the said Church-wardens, a Vestry meeting shall be thereupon called for the election, by the said Vestry, of a new Church-warden, in case the one deceased or removed had been elected by the Vestry, or for the nomination of a new Church-warden by the Rector or Incumbent, in case the one deceased or removed had been nominated by the Incumbent.

Church-wardens.

IV. And be it enacted, that no person shall be eligible to the office of Church-warden, except members of the said Church of the full age of twenty-one years, and who shall also be members of such Vestry.

V.

V. And be it enacted, that such Church-wardens shall hold their office for one year from the time of their appointment, or until the election of their Successors, except in case of an appointment or nomination to fill up any vacancy occasioned by death or removal, as aforesaid, and in such case the person so appointed or nominated, shall hold the said office until the next annual election.

Church-wardens' term of office.

VI. And be it enacted, that such Church-wardens so to be elected and appointed, as aforesaid, shall, during their term of office, be as a Corporation to represent the interest of such Church and of the members thereof, and shall and may sue and be sued, answer and be answered unto in all manner of suits and actions whatsoever, and may prosecute indictments, presentments, and other criminal proceedings, for and in respect of such Churches and Church Yards, and all matters and things appertaining thereto, and shall and may, in conjunction with the Rector or Incumbent, make and execute faculties or conveyances, or other proper assurances in the Law, to all Pew-holders holding their Pews by purchase, or leases to those holding the same by lease, and shall and may grant certificates to those who shall have rented sittings, such conveyances, leases and certificates to be given within a reasonable time after demand made, and at the charges of the person applying for the same ; and, further, it shall be the duty of such Church-wardens, from time to time to sell, lease and rent, Pews and sittings, upon such terms as may be settled and appointed at Vestry meetings to be holden for that purpose, as hereinafter provided : Provided always that any such sale, lease or renting, shall be subject to such rent charge, or other rent as may from time to time be rated and assessed in respect thereof at such Vestry meeting.

Powers of Church-wardens.

VII. And be it enacted, that in case of the absolute purchase of any Pew in any such Church as aforesaid, the same shall be construed as a Freehold of Inheritance, not subject to forfeiture by change of residence, or by discontinuing to frequent the same, and the same may be bargained, sold and assigned to any purchaser thereof, being a member of the Church of England and Ireland, and such purchaser, provided the same be duly assigned and conveyed to him, shall hold the same with the same rights, and subject to the same duties and charges as the original purchaser thereof.

Pews.

VIII. And be it enacted, that any Pew-holder whether by purchase or lease, and any person renting a Pew or Sitting, shall and may, during their rightful possession of such Pew or Sitting, have a right of action against any person injuring the same, or disturbing him or his family in the possession thereof.

Rights of Pew-holders.

IX. And be it enacted, that such Church-warden so to be appointed as aforesaid, shall yearly, and every year within fourteen days after other Church-wardens

Church-wardens' accounts.

wardens shall be nominated and appointed to succeed them, deliver in to such succeeding Church-wardens a just, true and perfect account in writing (fairly entered in a Book or Books to be kept for that purpose, and signed by the said Church-wardens) of all sums of money by them received, and of all sums rated or assessed or otherwise due and not received, and also of all goods, chattels, and other property of such Church or Parish, in their hands as such Church-wardens, and of all monies paid by such Church-wardens so accounting, and of all other things concerning their said office, and shall also pay and deliver over all sums of money, goods, chattels, and other things, which shall be in their hands, unto such succeeding Church-wardens, which said account shall be verified by oath before one or more of Her Majesty's Justices of the Peace, who are hereby authorized to administer the same, and the said Book or Books shall be carefully preserved by such Church-wardens, and they shall and are hereby required to permit any member of such Vestry, as aforesaid, to inspect the same at all reasonable times; and in case such Church-wardens shall make default in yielding such account as aforesaid, or in delivering over such money, goods, or other things as aforesaid, it shall be in the power of the succeeding Church-wardens to proceed against them at Law for such default, and in case of the re-appointment of the same Church-wardens, then such account as aforesaid shall, in like manner as is aforesaid, be made and rendered before an adjourned meeting of such Vestry, fourteen days after such re-appointment.

Open to inspection.

Extraordinary meetings of Vestry.

X. And be it enacted, that it shall be in the power of the Incumbent of any such Parsonage, Rectory, or Parish, as aforesaid, or of the Church-wardens thereof, to call a Vestry meeting whenever he or they shall think proper so to do, giving at least eight days notice thereof by proclaiming it in the usual manner in the Church, and by notice affixed to the outer door or doors of the said Church, as the case may be, and it shall be his and their duty so to do upon application being made for that purpose in writing, by six at least of the members of such Vestry, as aforesaid; and in case, upon such written application being made as aforesaid, such Incumbent and Church-wardens shall refuse to call such meeting, then, one week after such demand made, it shall be in the power of any six of such members of the Vestry to call the same, by notice to be affixed on the outer Church Door (or Church Doors, where more than one) at least one week previous to such intended meeting.

Chairman of Vestry meetings.

XI. And be it enacted, that in all Vestry meetings, the Rector or Incumbent of the Church shall preside as Chairman when present, and in his absence such person as the majority present at such meeting shall name, and the Vestry Clerk, when there is one and present, or in case there be no Vestry Clerk, or he be absent, then such person as the Chairman shall name shall be the Secretary of such Vestry

Vestry meeting, and the proceedings of such Vestry meetings shall be entered in a Book to be kept for that purpose, and preserved in the custody of the Church-wardens.

XII. And be it enacted, that the rent charge to be paid upon Pews holden in freehold, and the rent to be paid for the Pews and Sittings in Pews, leased or rented, shall be regulated from time to time by the majority of those present at such Vestry meetings as aforesaid: Provided nevertheless, that no alterations shall be made therein except at Vestry meetings called for such special purpose, and so expressed in the notice calling the same; and, further, that the charges to be made in respect of such conveyances, leases and certificates, shall, in like manner, be regulated at such Vestry meetings as aforesaid.

Regulation of
Pew rents.

XIII. And be it enacted, that the Clerk of the Church, the Organist, the Vestry Clerk, the Sexton and other subordinate servants of the Church, shall be nominated and appointed by the Church-wardens for the time being, and that their salary and wages shall be brought into the general account, to be rendered as aforesaid by such Church-wardens.

Appointment
of Clerk, Sex-
ton, &c.

XIV. And be it enacted, that the fees on marriages, baptisms, and other services of the Church of the like nature, and the charges payable on breaking the ground in the cemeteries or church yards, and in the said Churches for burying the dead, shall be regulated by the Bishop of the Diocese, or such other person as he may appoint as ordinary.

Fees.

XV. And be it enacted, that it shall be in the power of the members of such Vestries, by the majority of those present at such Vestry meetings, as aforesaid, to make By-laws for the regulation of their proceedings, and the management of the temporalities of the Church or Parish to which they belong, so as the same be not repugnant to this Act, nor contrary to the Canons of the said United Church of England and Ireland.

Vestry By-
Laws.

XVI. And be it enacted, that any Deed or Conveyance of land or of personalty that may be made to any Bishop of the said Church, in the said Diocese, and to his successors, for the endowment of his See, or for the general uses of the said Church, as such Bishop may appoint, or otherwise, or for the use of any particular Church then erected, or thereafter to be erected, or for the endowment of a Parsonage, Rectory, or Living, or for other uses or purposes appurtenant to such Church in general, or to any particular Church or Parish to be named in such Deed, and any such Deed or Conveyance to any Parson or Rector, or other Incumbent and his successors, for the endowment of such Parsonage, Rectory or
Living

Grants of land
&c. for Church
uses, to be va-
lid.

Notwithstanding the Statutes of Mortmain, &c.

Living, or for other uses or purposes appurtenant thereto, shall be valid and effectual to the uses and purposes in such Deed or Conveyance to be mentioned and set forth, the Acts of Parliament commonly called the Statutes of Mortmain, or other Acts, Laws or Usages, to the contrary thereof notwithstanding.

Church Endowments.

Bishop's License.

Advowson.

XVII. And be it enacted, that in the event of any person or persons, bodies politic or corporate, desiring to erect and found a Church or Churches, and to endow the same with a sufficiency for the maintenance of such Church, and of Divine Service therein, according to the rites of the said Church of England and Ireland, it shall and may be lawful for him or them to do so, upon procuring the license of the Bishop under his hand and seal for that purpose; and thereupon after the erection of a suitable Church, and the appropriation by the founder thereof of such Church so erected, and of lands and hereditaments, or other property, adequate to the maintenance thereof, and of an Incumbent, and adequate to the usual and ordinary charges attendant upon such Church, such provision being made to the satisfaction of the Bishop, such founder, his heir and assigns, being members of the said Church of England, or such body politic or corporate, as the case may be, shall have the right of presentation to such Church, as an advowson in fee presentative, according to the rules and canons of the said United Church of England and Ireland.

No spiritual jurisdiction conferred by this Act.

XVIII. And be it enacted, that nothing in this Act contained shall extend or be construed to extend in any manner to confer any spiritual jurisdiction or ecclesiastical rights whatsoever, upon any Bishop or Bishops, or other ecclesiastical person of the said Church, in the said Diocese of Quebec.

Interpretation clause.

XIX. And be it enacted, that the words "Diocese of Quebec" in this Act, shall be held and considered to mean and comprise that part of the Province of Canada called Lower-Canada.