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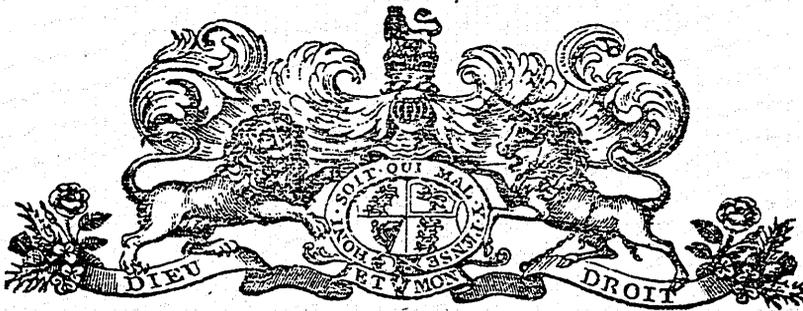
PROVINCIAL STATUTES

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. 3rd Sess. 2nd Part.



MONTREAL:

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

Anno Domini, 1847.

PROVINCIAL STATUTES

OF

CANADA.

ANNO REGNI DECIMO ET UNDECIMO

VICTORIÆ,

DEI GRATIÂ BRITANNIARUM REGINÆ.

HIS EXCELLENCY THE RIGHT HONORABLE

JAMES, EARL OF ELGIN AND KINCARDINE,

GOVERNOR GENERAL.

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



ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. I.

An Act to enlarge the powers of the Trinity House of Montreal, in certain cases where the public health of the City may be endangered.

[9th July, 1847.]

WHEREAS by the sixth section of the Ordinance of the Legislature of Lower Canada, passed in the Third Session held in the second year of Her Majesty's Reign, and intituled, *An Ordinance to suspend in part certain Acts therein mentioned, and to establish and incorporate a Trinity House in the City of Montreal*, no fine or penalty can be imposed under any By-law to be passed by the Master, Deputy Master and Wardens of the Trinity House of Montreal, and sanctioned and confirmed by the Governor, Administrator, or person administering the Government, exceeding Ten Pounds, currency, and it is expedient that higher penalties should be imposed in the cases 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 said Master, Deputy Master and Wardens, or any three of them, of whom the Master or Deputy Master shall be one, may and they are hereby empowered to impose and lay any fine or penalty not exceeding Five Hundred pounds, currency, upon all and every person or persons guilty of infringing any By-law sanctioned by the Governor in Council, which shall hereafter be passed by them, (or any three of them, of whom the Master or Deputy Master shall be one,) for regulating, within the jurisdiction of the said Trinity House, the number of Emigrants and Passengers other than Cabin Passengers, to be carried at any one time, by any Steamboat or Vessel impelled by steam or otherwise, or the hours, place and manner at and in which such Emigrants or Passengers shall be landed in the Port or Harbour of Montreal ; and such penalty shall be recoverable with costs in a summary manner, upon the oath of one credible witness, on the information of the Corporation of the said Trinity House, or any Officer thereof, before any one of Her Majesty's Justices of the Court of Queen's Bench for the District of Montreal in Chambers, or before any Justice of the Peace for the said District, who shall summon the party defendant to appear before him on the same day he shall be served with the summons, or on any subsequent day, and may, on such evidence as aforesaid, convict any party making default to appear ; and the penalty, if not paid immediately on conviction, shall be enforced

Preamble.

Ordinance 2
Vict (3) c. 19.
cited.

The Corporation of the Trinity House of Montreal empowered to impose a penalty of £500 on persons infringing any By-law to be passed for regulating the conveyance and landing of emigrants, within their Jurisdiction.

enforced by the seizure and detention, on the warrant of such Justice or Judge, of the Steamboat or Vessel by the Master, owner or person in charge whereof or by means or in respect whereof such By-law as aforesaid shall have been infringed, and all tackle and apparel thereof; and if the said penalty and the costs (including the costs of seizure and detention, all which shall be taxed by such Justice or Judge) be not paid within ten days after such seizure, the Steamboat or Vessel may be sold (on such warrant as aforesaid) and the said penalty and costs, and those of the sale, paid out of the proceeds thereof, and the surplus, if any, shall be returned to the owner: nor shall any information or proceeding under such By-law and this Act, be removeable by *Certiorari*, or otherwise, into any Superior Court, nor shall any appeal lie from any conviction, judgment or order made in any such case as aforesaid: and all such penalties as aforesaid shall belong to Her Majesty for the public uses of the Province; any thing in the aforesaid Ordinance to the contrary notwithstanding.

Mode of recovering and levying such penalty.

Proceedings not to be removed.

Application of penalties.

Duration of this Act.

II. And be it enacted, That this Act shall remain in force during four months from the passing thereof, and no longer, except as to any penalty incurred under it before that time, with regard to which it shall remain in full force and effect.

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ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. II.

An Act to facilitate the issue of Debentures, and for other purposes therein mentioned.

[9th July, 1847.]

WHEREAS it is expedient to explain the provisions of the Act passed in the last Session of the Provincial Parliament, and intituled, *An Act to authorize the raising of the remainder of the Loan guaranteed by the Imperial Parliament*, in so far as regards the issuing of the Debentures in the said Act mentioned: Be it therefore declared and enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby declared and enacted by the authority of the same, That it is and shall be lawful for the Governor in Council to cause the Debentures in the said Act mentioned, to be issued, or the sum to be raised under the said Act to be raised and borrowed, in such manner and form, in such place, (whether within or without this Province,) and by such persons or officers as Her Majesty shall be pleased to appoint in that behalf.

Preamble.
9 Vict. c. 74,
cited.

The money mentioned in the said Act may be raised in such mode as Her Majesty shall appoint.

II. And in order to avoid all doubt as to the provision for paying off the debt contracted or to be contracted under the authority of the said Act or of the Act therein mentioned, passed in the sixth year of Her Majesty's Reign, and intituled, *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*, Be it declared and enacted, That it is and shall be lawful for the Governor in Council to set apart yearly, in the year one thousand eight hundred and forty-nine, and in every year thereafter until the whole amount of the said debt shall be paid off, such sum of money out of the Consolidated Revenue Fund of this Province as shall be equal to four per centum on the total amount of the said debt, and to apply the same as a sinking fund for paying off the said debt, in such manner as the Governor in Council shall deem most advisable; and such sum shall form the seventh charge on the said Consolidated Revenue Fund, and shall be next in order after the six charges made upon the same by the Imperial Act aforesaid, intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*.

Recital.

Act 6 Vict.
c. 8, cited.

Governor in Council may set apart a sum yearly as a sinking fund to pay off the debt.

Order of charge of such sum upon the Consolidated Revenue Fund.

III.

Act 9 Vict.
c. 66, cited.

Certain provisions of this Act and of the Acts first mentioned extended to money to be borrowed under the said Act with guarantee of the Imperial Government.

Application of monies raised how to be accounted for.

III. And whereas it may be deemed expedient by the Imperial Parliament to enable Her Majesty to guarantee the payment of the dividends and interest on the sum of two hundred thousand pounds sterling, yet remaining to be borrowed of the sum authorized to be raised by the Act passed in the last Session, and intituled, *An Act for raising on the credit of the Consolidated Revenue Fund, a sum of money required for certain Public Works*, and such guarantee would be of advantage to the Province: Be it therefore enacted, That if any Act shall be passed by the Parliament of the United Kingdom of Great Britain and Ireland, enabling Her Majesty to guarantee the payment of the dividends and interest on the said sum of two hundred thousand pounds sterling, or any part thereof, it shall be lawful for the Governor in Council to cause the sum to which such guarantee shall extend, (not exceeding the amount aforesaid) to be raised and borrowed with such guarantee, by loan, debenture or otherwise, in such manner and form, in such place (whether within or without this Province), and by such persons or officers as Her Majesty shall be pleased to appoint, and all the provisions of this Act and of the Provincial Acts hereinbefore mentioned shall extend to the sum to be borrowed with such guarantee, and to the payment of the dividends and interest thereon, and to the appropriation of a sum equal to four per centum thereon yearly, as a sinking fund for paying off the same, in like manner and as fully to all intents and purposes, as to the sums authorized to be raised by the Provincial Acts aforesaid.

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

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ANNO DECIMO ET UNDECIMO

VICTORIÆ REGINÆ.

CAP. III.

An Act relating to Justices of the Peace in the Magdalen Islands in the Gulf of Saint Lawrence, and to dispense, as respects them, with the Property Qualification by law required of Justices of the Peace in other parts of the Province.

[9th July, 1847.]

WHEREAS it is expedient, for local reasons, to dispense in the Magdalen Islands with the Property Qualification by law required of Justices of the Peace in this Province: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, 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 and every person being an inhabitant of and domiciliated in the Magdalen Islands in the Gulf of Saint Lawrence, who now is or hereafter shall be appointed a Justice of the Peace in and for the said Islands, shall be and is hereby exempted from the necessity of the Property Qualification required by the Act passed in the sixth year of Her Majesty's Reign, and intituled, *An Act for the Qualification of Justices of the Peace*, and from all liability under the said Act, in having performed the duties of a Justice of the Peace within the said Islands, without being qualified as to property, as required by the said Act.

Preamble.

Justices of the Peace in the Magdalen Islands exempted from property qualification required by 6 V. c. 3.

And from all liability for having so acted.

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ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. IV.

An Act for preventing malicious injuries to persons and property by fire,
 or by explosive or destructive substances.

[9th July, 1847.]

WHEREAS the unlawful and malicious destruction of buildings and attempts to injure persons and property by fire or by gunpowder, and other explosive or destructive substance is not adequately punishable by law: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That whoever shall unlawfully and maliciously by the explosion of gunpowder or other explosive substance, destroy, throw down or damage the whole or any part of any dwelling house, any person being therein, shall be guilty of felony. Preamble.

II. And be it enacted, That whoever shall unlawfully and maliciously, by the explosion of gunpowder or other explosive substance, destroy or damage any building with intent to murder any person, or whereby the life of any person shall be endangered, shall be guilty of felony. Destroying any dwelling house by explosive substance, any person being therein, to be felony. And so if with intent to destroy life.

III. And be it enacted, That whoever shall unlawfully and maliciously, by the explosion of gunpowder or other explosive substance, burn, maim or disfigure, disable or do any grievous bodily harm to any person, shall be guilty of felony. Doing bodily harm to any person.

IV. And be it enacted, That whoever shall unlawfully and maliciously cause any gunpowder or other explosive substance to explode, or send or deliver to or cause to be taken or received by any person any explosive substance, or any other dangerous or noxious thing, or cast or throw at or upon, or otherwise apply to any person any corrosive fluid, or other destructive or explosive substance, with intent in any of the cases aforesaid to burn, maim, disfigure or disable any person, or to do some grievous bodily harm to any person, shall, although no bodily injury be effected, be guilty of felony. Causing explosion, throwing corrosive fluids, &c. with like intent.

V. And be it enacted, That whoever shall be convicted of any felony hereinbefore mentioned, shall be liable, at the discretion of the Court, to be imprisoned in the Provincial Punishment of persons con-

Victed of such offences.

Provincial Penitentiary for any term not less than seven years, or to be imprisoned in any Common Gaol for any term not exceeding three years.

Throwing explosive substances into or near to any buildings, &c.

VI. And be it enacted, That whoever shall unlawfully and maliciously place or throw in, into, upon, against or near any building or vessel, any gunpowder or other explosive substance, with intent to do any bodily damage to any person, or to destroy or damage any building or vessel, or any machinery, working tools, fixtures, goods or chattels, shall, whether or not any explosion takes place and whether or not any injury is effected to any person, or any damage to any building, vessel, machinery, working tools, fixtures, goods or chattels, be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned in the Provincial Penitentiary for any time not exceeding seven years, nor less than three years, or to be imprisoned in any Common Gaol for any period not exceeding two years.

Punishment for such offence.

Attempting to set fire to any building, vessel, &c. the offence not being complete.

VII. And be it enacted, That whoever shall unlawfully and maliciously by any overt act attempt to set fire to any building, vessel, or to any stack, or to any vegetable produce of such kind, and with such intent, that if the offence were complete the offender would be guilty of felony, and liable to be imprisoned in the Provincial Penitentiary for any term not less than seven years, shall, although such building, vessel, stack, or vegetable produce be not actually set on fire, be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned in the Provincial Penitentiary for any time not exceeding seven years, nor less than three years, or to be imprisoned in any Common Gaol for any term not exceeding two years.

Punishment for such offence.

Having explosive substances with intent to commit an offence against this Act, &c. Punishment.

VIII. And be it enacted, That whoever shall knowingly have in his possession, or make or manufacture any gunpowder, explosive substance or any dangerous or noxious thing, or any machine, engine, instrument or thing with intent by means thereof to commit, or for the purpose of enabling any other person to commit any offence against this Act, shall be guilty of a misdemeanour, and on conviction thereof shall be liable to be imprisoned in any Common Gaol for a period not exceeding two years.

Male offenders under 18 years may be whipped.

IX. And be it enacted, That every male person under the age of eighteen years who shall be convicted of any offence under this Act, or who shall be convicted of feloniously setting fire to any building, vessel or to any stack, shall be liable, at the discretion of the Court before which he shall be convicted, in addition to any other sentence which may be passed upon him, to be publicly or privately whipped in such manner and as often, not exceeding thrice, as the Court shall direct.

Punishment of principals in the second degree and of accessories.

X. And be it enacted, That in the case of every felony punishable under this Act every principal in the second degree and every accessory before the fact shall be punishable in the same manner as the principal in the first degree is by this Act punishable; and every accessory after the fact to any felony punishable under this Act shall on conviction be liable to be imprisoned in any Common Gaol for any time not exceeding two years.

Court may order hard labor and solitary confinement.

XI. And be it enacted, That when any person shall be convicted of any offence punishable under this Act for which imprisonment may be awarded, it shall be lawful for the Court to sentence the offender to be imprisoned, or to be imprisoned and kept to hard labour; and also to direct that the offender shall be kept in solitary confinement for

for any portion or portions of such imprisonment, or of such imprisonment with hard labour not exceeding one calendar month at any one time, and not exceeding three calendar months in any one year, as to the Court in its discretion shall seem meet.

Limitation.

XII. And be it enacted, That any Justice of the Peace of any District, City, Town or place in which any gunpowder or other explosive, dangerous or noxious substance is suspected to be made or kept for the purpose of being used in committing an offence under this Act, upon reasonable cause assigned upon oath by any person or persons, may issue a warrant or warrants under his hand and seal for searching in the day time any house, shop, cellar, yard or other building, or any vessel in which such gunpowder or other explosive dangerous or noxious substance is suspected to be made or kept for such purpose as aforesaid, and that every person acting in the execution of any such warrant shall have power to seize any gunpowder, explosive substance or any dangerous or noxious thing, or any machine, engine or instrument or thing which he shall have good cause to suspect to be intended to be used in committing or enabling any other person to commit any offence against this Act, and with all convenient speed after the seizure to remove the same to such proper places as they shall think fit, and may detain the same until ordered to restore it to the person or persons who shall claim the same by any Judge of any of Her Majesty's Courts of Queen's Bench; and such searcher or searchers, seizer or seizers shall not be liable to any suit for such detainer, or for any loss of or damages which may happen to the same, other than by the wilful acts or neglects of them or the persons with whom they shall entrust the keeping thereof.

Search warrants may be issued to search for gunpowder or explosive substance suspected to be kept for illegal purposes.

The same if formed may be seized; how to be dealt with.

Protection to persons searching.

XIII. And be it enacted, That any gunpowder, explosive substance or any dangerous or noxious thing, or any machine, engine, instrument or thing which shall be intended to be used in committing or in enabling any other person to commit any offence against this Act, and which shall be seized and taken possession of under the provisions thereof, shall, in the event of the person or persons in whose possession the same shall be found, or the owner or owners thereof being convicted for any offence under this Act, be forfeited; and the same shall be sold under the direction of the Court before which any such person shall be convicted, and the proceeds thereof shall be paid into the hands of the Receiver General to and for the use of the Province.

Forfeiture of gunpowder, &c. found with persons convicted under this Act.

Sale of such gunpowder.

XIV. And be it enacted, That it shall be lawful for any Constable or Peace Officer to take into custody, without a warrant, any person whom he shall find lying or loitering in any highway, yard or other place during the night, and whom he shall have good cause to suspect of having committed or being about to commit any felony under this Act, and to detain such person until he can be brought before a Justice of the Peace to be dealt with according to law.

Persons loitering, &c. and suspected of intention to commit offences against this Act, may be detained.

XV. Provided always, and be it enacted, That no such person having been so apprehended shall be detained after noon of the following day without being brought before a Justice of the Peace.

Must be brought before a Justice within a certain time.

XVI. And be it enacted, That neither the Justices of the Peace acting in and for any District, Division or City, nor the Recorder of any City, shall, at any Session of the Peace or at any adjournment thereof, try any person or persons for any offence under this Act.

Offender not to be tried by Justices of the Peace or Recorders.

XVII.

Offences with-
in the Juris-
diction of Vice
Admiralty,
how dealt with.

XVII. And be it enacted, That where any felony punishable under this Act shall be committed within the jurisdiction of any Court of Admiralty in this Province, the same shall be dealt with, inquired of and tried and determined in the same manner as any other felony committed within that jurisdiction.

Act may be
amended in
this Session.

XVIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament. *

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ANNO DECIMO ET UNDECIMO

VICTORIÆ REGINÆ.

C A P. V.

An Act for shortening the time of Prescription in certain cases, and for other purposes therein mentioned.

[9th July, 1847.]

WHEREAS by the Law of Upper Canada the title to matters that have been long enjoyed, is subject to some cases to be defeated by shewing the commencement of such enjoyment, to the great inconvenience of and injury to parties having had such long enjoyment : For remedy thereof, Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That no claim which may be lawfully made at the Common Law by custom, prescription or grant to any profit or benefit to be taken and enjoyed from or upon any land of Our Sovereign Lady the Queen, Her Heirs or Successors, or of any Ecclesiastical or Lay person or body corporate, except such matters or things as are herein specially provided for, and except rent and services, shall, where such profit or benefit shall have been actually taken and enjoyed by any person claiming right thereto, without interruption for the full period of thirty years, be defeated or destroyed by shewing only that such profit or benefit was first taken or enjoyed at any time prior to such period of thirty years, but nevertheless such claim may be defeated in any other way by which the same is now liable to be defeated ; and when such profit or benefit shall have been so taken and enjoyed as aforesaid for the full period of sixty years, the right thereto shall be deemed absolute and indefeasible, unless it shall appear that the same was taken and enjoyed by some consent or agreement expressly made or given for that purpose by deed or writing.

Preamble.

Certain claims not to be defeated by shewing only that the enjoyment began more than 30 years ago.

And if enjoyed for 60 years, they shall be indefeasible. Exception.

II. And be it enacted, That no claim which may lawfully be made at the Common Law by custom, prescription or grant to any way or other easement, or to any water-course, or the use of any water to be enjoyed or derived upon, over or from any land or water of Our said Lady the Queen, Her Heirs or Successors, or being the property of any Ecclesiastical or lay person or body corporate when such way or other matter as herein last before mentioned shall have been actually enjoyed by any person claiming right thereto without interruption for the full period of twenty years, shall be defeated or destroyed by shewing only that such way or other matter was first enjoyed

Right of way or water not to be defeated by shewing only that it begun more than 20 years ago.

at

If enjoyed for 40 years, to be indefeasible. Exception.

at any time prior to such period of twenty years, but nevertheless, such claim may be defeated in any other way by which the same is now liable to be defeated, and where such way or other matter as herein last before mentioned shall have been so enjoyed as aforesaid for the full period of forty years, the right thereto shall be deemed absolute and indefeasible unless it shall appear that the same was enjoyed by some consent or agreement expressly given or made for that purpose by deed or writing.

Access and use of light enjoyed for 20 years to be indefeasible. Exception.

III. And be it enacted, That when the access and use of light to or for any dwelling house, workshop, or other building shall have been actually enjoyed therewith for the full period of twenty years without interruption, the right thereto shall be deemed absolute and indefeasible, unless it shall appear that the same was enjoyed by some consent or agreement expressly made or given for that purpose by deed or writing.

How the terms shall be calculated; and what acts only shall be an interruption to the prescription.

IV. And be it enacted, That each of the respective periods of years hereinbefore mentioned shall be deemed and taken to be the period next before some suit or action wherein the claim or matter to which such period may relate, shall have been or shall be brought into question; and that no act or other matter shall be deemed an interruption within the meaning of this Statute, unless the same shall have been, or shall be, submitted to or acquiesced in for one year after the party interrupted shall have had or shall have notice thereof, and of the person making or authorizing the same to be made.

What allegation by the party claiming shall be sufficient.

What proof admitted for or against such allegation.

Plea of sufficient term of enjoyment, substituted for time immemorial.

Matter of exception to the effect of such term to be specially pleaded.

V. And be it enacted, That in all actions upon the case and other pleadings wherein the party claiming may now by law allege his right generally without averring the existence of such right from time immemorial, such general allegation shall still be deemed sufficient, and if the same shall be denied, all and every the matters in this Act mentioned and provided which shall be applicable to the case shall be admissible in evidence to sustain or rebut such allegation; and that in all pleadings to actions of trespass, and in all other pleadings wherein before the passing of this Act it would have been necessary to allege the right to have existed from time immemorial, it shall be sufficient to allege the enjoyment thereof as of right by the occupiers of the tenement in respect whereof the same is claimed for and during such of the periods mentioned in this Act as may be applicable to the case, and without claiming in the name or right of the owner of the fee as is now usually done: and if the other party shall intend to rely on any proviso, exception, incapacity, disability, contract, agreement or other matter hereinbefore mentioned, or on any cause or matter of fact or of law, not inconsistent with the simple fact of enjoyment, the same shall be specially alleged and set forth in answer to the allegation of the party claiming, and shall not be received in evidence on any general traverse or denial of such allegation.

No presumption admissible on proof of enjoyment for a shorter period than that required for prescription.

Time during which a party could not act to be computed against him.

VI. And be it enacted, That in the several cases mentioned in and provided for by this Act, no presumption shall be allowed or made in favor or support of any claim upon proof of the exercise or enjoyment of the right or matter claimed for any less period of time or number of years than for such period or number mentioned in this Act as may be applicable to the case and to the nature of the claim: Provided also, that the time during which any person otherwise capable of resisting any claim to any of the matters before mentioned shall have been or may be an infant, idiot, *non compos mentis*, *feme-covert*, or tenant for life, or during which any action or suit shall have been pending, and which shall have been diligently prosecuted until abated by the death of any

any party or parties thereto shall be excluded in the computation of the period hereinbefore mentioned, except only in cases where the right or claim is hereby declared to be absolute and indefeasible.

VII. Provided also and be it enacted, That when any land or water upon, over or from which any such way or other convenient water-course or run of water shall have been or shall be enjoyed or derived, or shall be held under or by virtue of any term of life or any term of years exceeding three years from the granting thereof, the time of the enjoyment of any such way or other matter as herein last before mentioned during the continuance of such term shall be excluded in the computation of the said period of forty years, in case the claim shall within three years next after the end, or sooner determination of such term, be resisted by any person entitled to any reversion expectant on the determination thereof.

Terms of years &c. excluded from computation, in certain cases.

VIII. Provided also and be it enacted, That nothing in this Act shall extend to support or maintain or be construed to support or maintain any claim to any profit or benefit to be taken or enjoyed from or upon any land of Our Sovereign Lady the Queen, Her Heirs and Successors, or to any way or other easement, or to any water-course or the use of any water to be enjoyed or derived upon, over or from any land or water of Our said Lady the Queen, Her Heirs and Successors, unless such land, way, easement or water-course or other matter shall lie and be situate within the limits of some town or township, or other parcel or tract of land duly surveyed and laid out by proper authority.

Exception as to lands of the Crown not duly surveyed and laid out.

IX. And whereas it is expedient to make further provision for the limitations of actions and suits relating to real property: Be it enacted, That when the right of a tenant in tail of any land or rent to make an entry or distress or to bring an action to recover the same, shall have been barred by reason of the same not having been made or brought within the period limited by the Act of the Parliament of Upper Canada, passed in the fourth year of the Reign of His late Majesty King William the Fourth, and intituled, *An Act to amend the law respecting Real Property, and to render the proceedings for recovering possession thereof in certain cases less difficult and expensive*, which shall be applicable in such case, no such entry, distress or action shall be made or brought by any person claiming any estate, interest or right which such tenant in tail might lawfully have barred.

Prescription under Act of U. C. 4 W. 4. c. 1, against the tenant in tail, to be in certain cases valid against those whose rights he could have barred.

X. And be it enacted, That when a tenant in tail of any land or rent entitled to recover the same shall have died before the expiration of the period limited in the said Act, passed in the fourth year of His late Majesty's Reign, which shall be applicable in such case for making an entry or distress or bringing an action to recover such land or rent, no person claiming any estate, interest or right which such tenant in tail might lawfully have barred, shall make an entry or distress or bring an action to recover such land or rent, but within the period during which, if such tenant in tail had so long continued to live, he might have made such entry or distress or brought such action.

Term elapsed in such cases during the life of the tenant in tail to be computed against those whose rights he could have barred.

XI. And be it enacted, That when a tenant in tail of any land or rent shall have made an assurance thereof, which shall not operate to bar an estate or estates to take effect after or in defeasance of his estate tail, and any person shall by virtue of such assurance at the time of the execution thereof or at any time afterwards, be in possession

Effect of an assurance by a tenant in tail and possession for 20 years, in certain cases.

OR

or in receipt of the profits of such land or in the receipt of such rent, and the same person or any other person whatsoever, (other than some person entitled to such possession or receipt in respect of an estate which shall have taken effect after or in defeasance of the estate tail,) shall continue or be in such possession or receipt for the period of twenty years next after the commencement of the time at which such assurance if it had been executed by such tenant in tail or the person who would have been entitled to his estate tail, if such assurance had not been executed, would without the consent of any other person have operated to bar such estate or estates as aforesaid, then at the expiration of such period of twenty years, such assurance shall be and be deemed to have been effectual, as against any person claiming any estate, interest or right to take effect after or in defeasance of such estate tail.

Local extent
and com-
mencement of
this Act.

XII. And be it enacted, That this Act shall extend only to that part of this Province formerly Upper Canada, and shall commence and take effect on the first day of January now next ensuing.

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Law Printer to the Queen's Most Excellent Majesty.



ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. VI.

An Act for compensating the Families of Persons killed by Accident, and for other purposes therein mentioned.

[9th July, 1847.]

WHEREAS a person, who by his wrongful act, neglect or default may have caused the death of another person, should be answerable in damages for the injury so caused by him: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and 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 whensoever the death of a person shall be caused by wrongful act, neglect or default, and the act, neglect or default, is such as would (if death had not ensued) have entitled the party injured to maintain an action and recover damages in respect thereof, then and in every such case the person who would have been liable if death had not ensued, shall be liable to an action for damages, notwithstanding the death of the person injured and although the death shall have been caused under such circumstances as amount in Law to Felony.

Preamble.

Action given to recover damages for the death of any person caused by any wrongful act, neglect or default.

II. And be it enacted, That every such action shall be for the benefit of the wife, husband, parent and child of the person whose death shall have been so caused, and shall be brought by and in the name of the Executor or Administrator of the person deceased in Upper Canada, or of the personal representative, tutor or curator, or of the heir of such person deceased in Lower Canada, and in every such action the Jury may give such damages as they may think proportioned to the injury resulting from such death to the parties respectively for whom and for whose benefit such action shall be brought; and the amount so recovered, after deducting the costs not recovered from the defendant, shall be divided amongst the before mentioned parties in such shares as the Jury by their verdict shall find and direct.

For whose benefit and in whose name such action shall be brought.

What damages may be given.

Jury to direct the proportion in which the damages shall be divided.

III. And be it enacted, That when the death of any person or persons shall be caused by any wound or injury received in a duel, which wound or injury shall or may have been inflicted by the use of any description of Fire Arms or other deadly weapon whatsoever, then and in such case the person inflicting such wound or injury, and all persons present aiding or abetting the parties in such duel as seconds or assistants therein

An Action shall lie on the part of the representative of a party killed in a duel, although no action could

have maintain-
ed by the par-
ty himself if
he had been
wounded only.

therein shall and may be proceeded against under the provisions of this Act, notwithstanding no action for damages could have been brought by the said person or persons whose death shall or may have been so caused had death not ensued from the infliction of such wound or injury.

No more than
one action to
lie for the same
cause.
Limitation of
time for bring-
ing such ac-
tion.

IV. Provided always, and be it enacted, That not more than one action shall lie for and in respect of the same subject matter of complaint; and that every such action shall be commenced within twelve calendar months after the death of such deceased person.

Plaintiff to
serve on the
Defendant
notice of cer-
tain particu-
lars with the
declaration.

V. And be it enacted, That in every such action the Plaintiff on the record shall be required, together with the declaration, to deliver to the Defendant or his Attorney, a full particular of the person or persons for whom and on whose behalf such action shall be brought, and of the nature of the claim in respect of which damages shall be sought to be recovered.

Interpretation
clause.

VI. And be it enacted, That the following words and expressions are intended to have the meanings hereby assigned to them respectively, so far as such meanings are not excluded by the context or by the nature of the subject matter, that is to say: words denoting the singular number are to be understood to apply also to a plurality of persons or things; and words denoting the masculine gender are to be understood to apply also to persons of the feminine gender; and the word "person" shall apply to bodies politic and corporate; the word "parent" shall include father and mother and grandfather and grandmother and stepfather and stepmother; and the word "child" shall include son and daughter and grandson and granddaughter and stepson and stepdaughter.

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ANNO DECIMO ET UNDECIMO

VICTORIÆ REGINÆ.

CAP VII.

An Act to make better provision for the establishment of Municipal Authorities in Lower Canada.

[28th July, 1847.]

WHEREAS it is expedient to abolish the Parish and Township Municipalities now established by Law in Lower Canada, and to substitute County Municipalities in their stead, and to make provisions in that behalf: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada and for the Government of Canada*, and it is hereby enacted by the authority of the same, that the Act of the Legislature of Lower Canada passed in the fourth year of the Reign of King George the Fourth, intituled, *An Act to repeal a certain Act therein mentioned, and to provide for the Police of the Borough of William Henry and certain other Villages in this Province*; the Ordinance of the Governor and Special Council for the affairs of the late Province of Lower Canada, passed in the fourth year of Her Majesty's Reign, and intituled, *An Ordinance to provide for the better Internal Government of this Province, by the establishment of local or municipal authorities therein*; and the Ordinance of the said Governor and Special Council passed in the same year of the same Reign, and intituled, *An Ordinance to prescribe and regulate the election and appointment of certain Officers in the several Parishes and Townships in this Province, and to make other provisions for the local interests of the inhabitants of these divisions of the Province*; and the Act passed in the eighth year of Her Majesty's Reign, and intituled, *An Act to repeal certain ordinances therein mentioned, and to make better provision for the establishment of local and municipal authorities in Lower Canada*; and the Act passed in the ninth year of Her Majesty's Reign, and intituled, *An Act to divide the municipalities of Hochelaga and of Three Rivers into distinct municipalities, and further to provide for the support of schools and the management of local affairs therein*, so far as the said Act relates to the municipality of Hochelaga, or to the establishment of the municipality of the Banlieu of Three Rivers, save and except so far as hereinafter specially provided and reserved, shall be, and the said Acts and Ordinances are, from and after the first day of September next, hereby repealed: Provided always that all Acts and Ordinances or parts of Acts and Ordinances repealed by the said Acts or Ordinances shall remain repealed: And that each Parish, Township or place which immediately before the time

Preamble.

Act of L. C. 4
Geo. 4. c. 2,
Ordinances of
L. C. 4 Vict.
c. 3 & 4, and
of Canada 8
Vict. c. 40, re-
pealed.

Also the Act
of Canada 9
Vict. c. 78, in
so far as relates
to the Muni-
cipality of
Hochelaga and
of the Banlieu
of Three-Ri-
vers.

Proviso: Acts
and Ordinan-
ces repealed by
those aforesaid
to remain re-
pealed.

Proviso: Places where immediately before this Act shall come into force shall be Municipalities shall remain so for the purposes of the School Act, 9 Vic. c. 27.

time when this Act shall come into force and effect shall be a municipality for the purposes of the Act passed in the now last session, and intituled, *An Act to repeal certain enactments therein mentioned and to make better provision for Elementary Instruction in Lower Canada*, shall, notwithstanding any thing in this Act, continue to be deemed to be a municipality within the meaning of the said Act and for all the purposes thereof.

FIRST PART.

RURAL MUNICIPALITIES NOT BEING TOWNS OR VILLAGES.

Inhabitants of each County incorporated—their corporate name and power.

II. And be it enacted, That the inhabitants of each and every County in Lower Canada shall be a body politic and corporate, by the name of The Municipality of (*naming the County, as the case may be*) and by that name shall have perpetual succession, and may sue and be sued, and may or may not, as to the said Corporation shall seem meet, have a Common Seal, and shall have the power to take, hold and enjoy within the limits of such Municipality real property not exceeding the yearly value in amount of Two hundred pounds currency, and to alienate the same, and shall have all such other corporate powers, as, though not expressly mentioned in and granted by this Act, shall be necessary for the due performance of the duties, and the due exercise of the powers which are hereby imposed or conferred upon the Corporation; Provided always, that the Counties of Bonaventure, Montmorency, Rimouski, Saguenay, Dorchester and Beauharnois shall each be divided into and form two such Municipalities; and the Counties of Ottawa and Gaspé each into three such Municipalities; And it shall be lawful for the Governor in Council, to and for the purposes of this Act to define the local limits of such divisions, and each such division shall be a Municipality in the same manner as any County Municipality provided by this Act, and shall have and exercise and possess within such limits all and every the corporate or other powers given and granted by this Act to County Municipalities, and shall be known by the corporate name of The Municipality of (*stating the name of the County with the number one, two or three, as the case may be*) for distinction thereof, the number one in all cases to belong to and be the number of the division containing the greater amount of population according to the last Census in Lower Canada, the number two the division next in amount.

Proviso: The Counties of Bonaventure, Montmorency, Rimouski, Saguenay, Dorchester Beauharnois, may be respectively divided into two distinct Municipalities, and the Counties of Ottawa and Gaspé each into three, for the purposes of this Act, by the Governor in Council.
Corporate name of such divisions, respectively.

Each Corporation to be represented by a Council, for which two members shall be chosen from each Parish or Township.

III. And be it enacted, That each of the said Corporations shall be represented by and have its duties performed and powers exercised by and through a Municipal Council, to consist of two Councillors to be respectively chosen or appointed as hereinafter provided by each Parish or Township into which such County or Municipality shall be divided for the election of a member to represent the County in the Provincial Parliament, and at which a separate poll may be opened and held for that purpose under the provisions of the law in force in Lower Canada.

First election of Councillors, when and where to be held.
Whoshall preside at such election.

IV. And be it enacted, That on the second Monday in the month of September now next, and at nine o'clock in the forenoon, the qualified inhabitants of each Parish or Township, shall hold a first meeting at the place at which such separate poll is required to be held according to law, at which the Senior Justice of the Peace resident in such Parish or Township, and present, shall preside, (or in default of such Justice, such person as the majority of the persons present at the meeting shall appoint,) and shall proceed

proceed to elect two persons to be Councillors qualified to act as such as hereinafter provided: Provided always, that such meeting shall be called by a notice to be given publicly at least eight days previous, at the doors of the churches or other places of public worship in each such Parish or Township, or if there be no churches or places of public worship, then at two of the most frequented places therein, by any one of the persons who by this Act may preside at the meetings therein-mentioned, or by any three electors of such Parish or Township.

How the meeting shall be called.

V. And be it enacted, That the said inhabitants, being householders, shall at every such meeting proceed to the election of the said two Councillors, and the poll for such election if demanded by any candidate or by any three electors then present, shall begin at ten of the clock in the morning, and shall be kept open to an hour not later than five in the afternoon of the first day of such meeting, and from ten in the morning of the following day until five in the afternoon, and then shall finally close; and the name of each elector voting at such election shall be written in poll lists, to be kept at such election by the Justice of the Peace or other person holding the same; and after the final close of such poll, such Justice or other person presiding thereat, shall forthwith proceed publicly to declare the number of votes given for each candidate, and shall declare the person or persons having the majority of votes in his or their favor, to be duly elected Councillors as aforesaid; and if there should be at such final closing of the Poll, an equal number of votes polled for two or more persons to be Councillors as aforesaid, it shall be lawful for such Justice or other person holding such election, and he is hereby required, whether otherwise qualified or not, to give a vote for one or other of the persons having such equality of votes, and so determine the election; and the poll lists kept at such election, shall by such Justice of the Peace or other person, be delivered, after the conclusion of every such election, to the Clerk of the Council for which such election shall have been held; and the person having presided at such election shall report the result thereof and the names of the Councillors elected, to the Provincial Secretary within eight days next after the election.

How and by whom the elections of Councillors shall be conducted and determined.

Poll Lists to be kept if a Poll be demanded.

Case of equality of votes provided for.

Poll Lists to be delivered to the Clerk of the Council. And the names of the Councillors returned to the Secretary of the Province.

Fines and mode of holding subsequent Elections.

Report to the Provincial Secretary.

VI. And be it enacted, That at each subsequent General Meeting of the inhabitants of each Parish or Township, which shall be held in every year on the second Monday in July or any subsequent Monday in the same month at nine o'clock in the forenoon, the senior Councillor or the senior Justice of the Peace in the Parish or Township, or in default thereof, such person as the majority of voters at such meeting shall choose, shall and may preside, and an election shall be made and the report thereof shall be made to the Provincial Secretary as provided in the next preceding section.

Period of service of Councillors.

VII. And be it enacted, That the persons chosen as before mentioned, and duly qualified as aforesaid to be Councillors, shall form the Council, and shall have the management of all the affairs of the Corporation; and such Councillors shall be elected for two years: Provided always, that on the day of each annual meeting after the first election, one of the Councillors for each Parish or Township (to be determined by lot in the first instance) shall go out of office, and in this manner for each ensuing year, until both those elected at the first election shall have gone out, after which they shall go out in the order in which they shall have been elected, but any Councillor so going out may be re-elected with his own consent: Provided always, that nothing herein contained shall be construed to invalidate any proceedings had by any municipality established

Proviso: one Councillor to retire at each annual election to be determined in the first instance by lot.

Proviso: Proceedings of Councils un-

der repealed Acts to remain valid until revoked or altered under this Act.

How actions shall be brought by or against the said Corporations.

What shall be sufficient service of process.

Places at which the Meeting of the Councils shall be held in the several Counties and divisions of Counties.

established under the provisions of the recited Acts until the same shall be repealed or altered by the proper Council under this Act.

VIII. And be it enacted, That every action brought by or against the Corporation shall be brought by or against the same by its corporate name as aforesaid: and in all such actions, service of process on the Secretary Treasurer for the time being of such Corporation, shall be a good and valid service thereof.

IX. And be it enacted, That the Council of each Municipality shall hold its Meetings at the Parishes, Villages or places following respectively, to wit:

The County of Gaspé, Division first at Percé, Division second at Gaspé Basin, Division third at Amherst Harbour.

The County of Ottawa, Division first at Aylmer, Division second at Lochaber, Division third at Litchfield.

The County of Bonaventure, Division first at New Carlisle, Division second at New Richmond.

The County of Rimouski, Division first at Rimouski, Division second at Rivière du Loup.

The County of Dorchester, Division first at Ste. Marie, Division second at St. Henri.

The County of Beauharnois, Division first at Beauharnois, Division second at Huntingdon.

The County of Montmorenci, Division first at Chateau Richer, Division second at St. Jean de l'Isle.

The County of Saguenay, Division first at Les Eboulemens, Division second at Grand Baie.

The County of Kamouraska, at Kamouraska.

The County of L'Islet, at L'Islet.

The County of Bellechasse, at St. Michel.

The County of Megantic, at Leeds.

The County of Lotbinière, at St. Croix.

The County of Nicolet, at Becancour.

The County of Yamaska, at St. François.

The County of Drummond, at Drummondville.

The County of Sherbrooke, at Sherbrooke.

The County of Stanstead, at Stanstead.

The County of Missisquoi, at Dunham Flats.

The County of Shefford, at Shefford.

The County of Richelieu, at St. Denis.

The County of St. Hyacinthe, at St. Hyacinthe.

The County of Rouville, at St. Athanase.

The County of Verchères, at Verchères.

The County of Chambly, at Chambly.

The County of Huntingdon, at Laprairie.

The County of Vaudreuil, at Vaudreuil.

The County of Lac des Deux-Montagnes, at St. Benoit.

The County of Terrebonne, at Ste. Thérèse.

The County of Leinster, at L'Assomption.

The County of Berthier, at Berthier.

The County of St. Maurice, at Yamachiche.

The County of Champlain, at Ste. Geneviève de Batiscan.

The County of Portneuf, at Cap Santé.

The County of Quebec, at Charlesbourg.

The County of Montreal, at St. Laurent.

Who shall be entitled to vote at elections of Councillors.

Property qualification.

X. And be it enacted, That no person shall vote at any general meeting for the election of Councillors, unless he be of the male sex, of the full age of twenty-one years, and a subject of Her Majesty by birth or naturalization; nor unless he be in possession as proprietor, and for his own proper use and benefit, of a real estate in the Parish or Township, held in *franc alevu*, free and common soccage, *en fief*, or *en censive*, of the yearly value of forty shillings, currency, or upwards, or shall hold as a tenant or lessee or otherwise occupy an estate of the yearly value of at least five pounds, currency, nor unless, in either case, he shall have resided in the Parish or Township during

during the year next preceding such meeting and election; nor unless he shall have paid all rates or local taxes due by him at any time before the election.

Residence and payment of rates.

XI. And be it enacted, That none of the following persons shall be elected a Councillor or appointed to any office in the appointment of the Council: First, Persons in Holy Orders or being Ministers of any religious denomination; Secondly, Judges of the Court of Queen's Bench, Circuit Judges or Clerks of any Courts of Justice or Clerks of Commissioners' Courts for the trial of Small Causes, but any such Clerk may with his own consent be appointed a Secretary-Treasurer to the Corporation; Thirdly, Officers of Her Majesty's Army or Navy on full pay: And the following persons shall be exempt from serving in any such office except with their own consent: First, Members of the Legislative Council, Members of the Legislative Assembly, Members of all Municipal Councils at the passing of this Act or who have been Members thereof within two years next before the passing of this Act during four years from the time they shall have so served: Practising Physicians, Surgeons and Apothecaries, School-masters actually engaged in teaching: Secondly, Any Miller who shall be the only one employed in a Mill; Thirdly, Persons of more than sixty years of age; Fourthly, Persons who have served in any of the said offices or paid the penalty for refusal to accept shall be exempt during the four years next after such service or payment.

Disqualifications.

Proviso as to Secretary-Treasurer. Exemptions, unless the person elected shall consent.

XII. And be it enacted, That the person presiding at the general meeting shall require the Councillors elected and then present to take before him the oath of office mentioned in this Act; and he may also at the request of any Candidate require the oaths in the Schedules to this Act or any of them to be taken by any person offering to vote; and he shall for the purpose of maintaining order, enforcing obedience and committing for contempt of his authority, have all the powers which are or may be then by law vested in the Returning Officer at the election of a Member to serve in the Legislative Assembly of this Province: Provided always, that if the President of such meeting be elected Councillor he shall take the oath of office herein ordered before any Justice of the Peace or before the Mayor of the Council if in office.

Person presiding at the election to administer oaths of qualification and of office.

Powers to maintain good order.

Proviso if such person be himself elected.

XIII. And be it enacted, That the person presiding at any meeting for the election of Councillors in any Parish or Township shall, during the whole of the time during which such election shall be held, be a conservator of the peace and shall be invested with the same powers for the preservation of the peace and the 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 in this Province, and whether the said person so presiding shall possess or not the legal property qualification of a Justice of the Peace; and that for the purpose of keeping the peace and preserving good order at any such election, it shall be lawful for the person presiding thereat to command the assistance of all Justices of the Peace, Constables and other persons present at such election, to assist him in doing so, and also to swear in as many Special Constables as he shall deem necessary and expedient; and it shall be lawful for the person presiding to commit any person for a breach of the peace or violation of good order to the charge and custody of any Constable or Constables, person or persons, on view, for such time as he shall deem expedient, or by writing under his hand, to commit such offender to the Common Gaol of the District in which such Municipality is situated, for any period not exceeding ten days.

Persons presiding at elections of Councillors to be conservators of the peace, during such elections.

He may command the assistance of constables and others.

May commit offenders to Gaol.

Councillors to take an oath of qualification at the same time with the oath of office. Councillors ceasing to hold the property qualification to go out of office.

Exception. Oath of qualification to be transmitted to the Secretary of the Council. Bankruptcy to disqualify.

Governor in Council to appoint Councillors for any Parish or Township failing to elect them. Councillors so appointed to be subject to the same provisions as if elected.

Councillors elected in their absence to take an oath of office within a certain time.

The oath.

XIV. And be it enacted, That each Councillor shall, at the same time that he shall take the oath of office as aforesaid, take also an oath of qualification in the form of the Schedule to this Act number one or number two as the case may require, or to the same effect; such oath being made before the same person who shall administer the oath of office, and being subscribed by the Councillor taking the same; and if at any time the property described in any such oath as forming the qualification of the Councillor taking the same shall be alienated or he shall cease to hold the property mentioned in such oath, if he shall have qualified as a Lessee, then the seat of such Councillor shall be vacated and another elected and appointed in his stead, unless he shall within one month after such time again take and subscribe an oath of qualification before some Justice of the Peace as aforesaid, describing therein other property qualifying him to be a Councillor: and each such oath of qualification shall be forthwith transmitted by the person before whom it is taken, to the Secretary of the Council to be by him kept among the records of his office, and shall be open to the inspection of all voters at all reasonable times; and the seat of any Councillor who shall become or be a Bankrupt, shall be immediately vacated and another shall be elected in his stead.

XV. And be it enacted, That if any Parish or Township shall refuse or neglect to elect Councillors in the manner hereinbefore provided, the Governor in Council shall appoint them or so many as ought to have been appointed, but were not, *ex officio* upon a statement made on oath before some Justice of the Peace by any two Electors, that no election of such Councillors has been had within the time limited by this Act; and the Councillors so appointed shall be subject to the same duties, and penalties as if they had been elected at a general meeting, and shall go out of office and be replaced as directed by this Act.

XVI. And be it enacted, That the Councillors elected at any general meeting, but not present thereat, shall within eight days after their election shall have been notified to them by the person presiding at such meeting, take before the said person or any Justice of the Peace in such County, who shall certify the same to the said person, an oath of office in the following form:

“You, *A. B.*, promise and swear (*or affirm*) that you will faithfully, and to the best of your judgment and ability, discharge the duties of Councillor of the municipality of so help you God.”

No person shall act until he has taken such oath.

And any person elected a Councillor shall, after having taken the said oath or made the said affirmation, and after having taken the oath of qualification hereinafter mentioned, and not before, be deemed to be legally appointed to the said office, and shall be bound to perform the duties thereof.

Each officer or functionary of the Council to take a like oath of office. How recorded.

XVII. And be it enacted, that a like oath (*or affirmation*) of Office shall be made before the Mayor or Secretary Treasurer of the Council, or a Justice of the Peace, (each of whom is hereby authorized to administer the same,) by each officer or functionary appointed by the Council, and a record of the taking of such oath or affirmation, shall be made in the Journal of the Council.

Within what time Councillors and functionaries must

XVIII. And be it enacted, That every person elected or appointed to the Office of Councillor as aforesaid, and every other officer and functionary appointed by the Council as herein provided, shall within eight days at farthest after receiving notice of his

his election or appointment, accept the said Office, and every such Councillor shall take the oath of Office and of Qualification hereinbefore prescribed, and every such officer and functionary shall take the oath of Office hereinbefore prescribed, under a penalty on contravention in either case, of not less than Fifty Shillings, nor more than Five Pounds Currency, which penalty, if not forthwith paid, may be forthwith sued for in the manner hereinafter mentioned, and may be levied at any time after the expiration of eight days, after such refusal or neglect, by seizure and sale of so much of the Offender's Goods and Chattels as may suffice, by virtue of a Warrant under the Hand and Seal of a Justice of the Peace, to be issued at the instance of the Secretary-Treasurer, or of any Inhabitant elector of the Municipality, upon the oath of any one competent witness, and one third of such penalty shall belong to the Prosecutor, if he be not a Public Functionary or Officer, and the remaining two thirds to the Corporation, and if the prosecutor be a Public Functionary or Officer, the whole shall belong to the Corporation: Provided always, that nothing herein contained shall subject any person elected or appointed a Councillor, to a penalty for not taking the oath of office and of qualification, if he be not qualified.

take such oath of office.

Penalty for contravention. How recovered, levied and appropriated.

Proviso as to persons not qualified.

XIX. And be it enacted, That after the refusal or neglect as aforesaid, of any person elected as Councillor, for a Parish or Township, to take the oath herein required to be taken as the case may be, or either of them, it shall be lawful for the other Councillor, having taken the oath of office and of qualification, and if there be no other Councillor, then for three qualified voters in such Parish or Township and he or they is and are hereby required to call a general meeting of the such Parish or Township, to elect another Councillor in the place of such person, by public notice given eight days previously, in the manner provided by this Act; and after such refusal by any officer or functionary appointed by the Council, such Council shall appoint another in his stead.

Councillors or functionaries refusing to serve shall be replaced by others elected or appointed in their stead.

How the meeting for the new Election shall be called.

XX. And be it enacted, That in case of a vacancy in the office of any such Councillor, functionary or officer, by reason of his death or permanent absence from the Municipality, or his absence for more than six months, or incapacity happening after his election or appointment, such vacancy shall be filled either by election at a General Meeting called as aforesaid, if for the election of a Councillor, or by the Council, if for the election of a functionary or officer as the case may require.

How vacancies occasioned by death, absence &c. shall be filled.

XXI. And be it enacted, That on the day appointed for the first meeting of the Council, the Councillors then present, having taken the requisite oath of office and of qualification shall meet and choose from among themselves a Chairman, whose place in case of absence at any time may be filled by a temporary Chairman, to be chosen by the Members present; and such Chairman shall be designated by the name of "The Mayor of the Municipality of _____," adding the name of the County and the number of the division if the County be divided, and he shall not hold office for more than one year, unless re-elected if he continue to be such Councillor; and whenever a vacancy shall occur in the Mayoralty by the Mayor going out of office as a Councillor or otherwise, the Council shall at its first meeting thereafter proceed to elect a Mayor.

Each Council shall at its first meeting elect a chairman or mayor.

His term of office.

Vacancies in the office how to be filled.

XXII. And be it enacted, That a majority of the Council shall be a *quorum* for the transaction of business; provided that a smaller number may adjourn from time to time, and the absent members may be compelled to attend in such manner and under such

Quorum of each Council fixed.

Proviso.

All questions to be decided by a majority of votes—the Mayor or Chairman to have a casting vote, but no other.

Quarterly Meetings appointed.

Council may meet at other times to be appointed by them.

Proviso: failure to meet not to dissolve the Corporation.

Councils to make rules touching their mode of proceeding, &c.

Councils to appoint certain officers.

Secretary-Treasurer.

Deputy Grand Voyer—his powers.

Three Assessors or Valuators.

One or more Collectors.

Surveyors and Overseers of Roads &c

Pound keepers Inspectors of fences, &c.

Term of office.

Inspectors and Pound keepers to be guided by

Act of L. C. 6 W. 4. c. 56. &c.

Councils may raise and assess monies for the purposes of the Municipality, on all rateable property therein, after a previous estimate.

Proviso: rates not to exceed

such penalties as may be provided by any By-law to be made by such Council; and that all questions arising in any Council shall be decided by the majority of votes; and in case of equal division, the Mayor or temporary Chairman shall have the casting vote; the said Mayor or temporary Chairman having in no other case a right to vote.

XXIII. And be it enacted, That after the first meeting as aforesaid, there shall be four regular Quarterly Sittings of each Council in every year, to be held on the second Monday in each of the months of June, September, December and March; besides which regular sittings, each Council may meet so often as they may deem it expedient so to do for the despatch of business; and they shall themselves fix the time of all except the Quarterly Sittings, and the place within the locality hereinbefore appointed for each County or division of a County, and the hour of all, and shall give public notice accordingly; and their sittings shall be public: Provided always, that if the Council of any Municipality shall not meet at any time when by Law they ought to meet, they shall not therefore be deemed to be dissolved, but such Council may thereafter hold any future Quarterly or other meetings, as if they had not failed to meet as aforesaid.

XXIV. And be it enacted, That each Council shall have power to make and from time to time alter such rules and regulations as they shall deem requisite for the conduct and good order of their proceedings.

XXV. And be it enacted, That each Council shall appoint a Secretary-Treasurer of the Council, who shall at the same time, be the Secretary and the Treasurer of the Corporation, one Deputy Grand Voyer for the County, who shall have and exercise the superintendence of roads and bridges in the municipality, and the laying out and making of the same under the direction of the said Council, and also for each Parish or Township, three Assessors who shall be also the valuers of all property liable to assessment and rates therein; one or more Collectors, and so many Surveyors and Overseers of roads and bridges, Inspectors of fences and ditches, Pound Keepers and other public officers, as they shall deem convenient, useful and necessary for the due execution of the laws relative to matters under their administration and superintendence; all which said officers and functionaries shall remain in office two years after their appointment; and such Inspectors and Pound Keepers shall be governed in the performance of duties of their offices, by the provisions of the Act of the Legislature of Lower Canada, passed in the sixth year of the Reign of King William the Fourth, and intituled, *An Act to repeal a certain Act therein mentioned, and more effectually to remedy divers abuses prejudicial to agriculture*, and of any other Act or Law having relation to their said duties, in so far as the same may not be inconsistent with this Act.

XXVI. And be it enacted, That each Council shall have power, after a previous estimate of the expenses necessary to be incurred for any purpose within their jurisdiction, to raise and assess such sum as may be necessary to cover the amount of such estimate, and cause the same to be apportioned by rate upon the owners of property liable to assessment and being within the municipality, (whether such owners be or be not resident therein) in proportion to the value of their respective rateable property in the municipality, provided that such rates shall not in any one year exceed in the whole six pence in the pound on the annual value of such property, which annual value

value shall be taken at six per centum of the actual value of such property, as ascertained by the valuation thereof, to be made by order of the Council of the Municipality as herein provided for; and provided also, that all rates imposed by any Municipal Council (whether of a City or Town, save and except the Cities of Montreal and Quebec, and Town of Three Rivers) or of a Village or Rural Municipality without such previous estimate as aforesaid, shall be null and void.

XXVII. And be it enacted, That the said rates shall be payable by and recoverable from the owner, occupant or possessor of rateable property; and if such owner, occupant or possessor be unknown, the said Secretary-Treasurer shall for the purposes of such rates and their collection only be held to be the owner, occupant or possessor of such property, and that the said rates shall, if not paid, (in default of personal property or goods or chattels, to be sold or disposed of as provided by this Act) be a special charge, bearing *hypothèque* and not requiring registration to preserve it, on all immovable property on which such rates shall be due, which said property or so much thereof as may be necessary, shall be liable to be sold after a lapse of five years, whatever be the amount due.

XXVIII. And be it enacted, That the manner of proceeding to the sale of any lands or of a portion thereof, after the rates due thereon shall have remained unpaid during five years, shall be as follows, that is to say: the Secretary-Treasurer shall, by order of the Municipal Council announce publicly during three consecutive Sundays at the door of the Church or other place of Public Worship in the Parish or Township in which such lands are situate, immediately after Divine Service in the forenoon, or by advertisement affixed during the same space of time at two of the most public places in such Parish or Township if there be no place of Public Worship therein, and also by advertisement published three several times in the Canada Gazette, that so many acres or arpents or other quantity of such lands, as the case may be (describing such property by its number if known, or by its metes and bounds) will, on the day appointed for the purpose in the said advertisements, and which shall not be before the expiration of two months from the date of the first advertisement in the said Gazette, be sold by public auction, as shall be sufficient to pay the said rates with interest at six per cent per annum from the time they became due, together with the costs of advertising and sale; and a deed of sale to the purchaser, executed and signed by the Mayor and Secretary-Treasurer, shall be a legal title for the portion so sold, and shall confer on the said purchasers the same rights with regard to the same, as a judgment of confirmation of title confers by law, and cancelling also the mortgage or *hypothèque* created by this Act on the remainder of the lands for the non-payment of rates; Provided always, that the condition of such sale shall be, that the purchaser shall pay at the time of adjudication the amount of his purchase, and in default thereof he shall have no right whatsoever to the property so bought, but the same shall immediately and without further notice be put up for sale *de novo* and adjudged to the highest bidder.

XXIX. And be it enacted, That where lands have been originally granted by the acre, not more than eleven rods and a half of the front by the whole depth of the lot and where they have been so granted by the arpent, not more than ten perches in front also by the whole depth of the lot, shall be offered for sale in the first instance; and if the proceeds be not sufficient to cover the amount of rates, interest and costs as above mentioned, another eleven and a half rods, or another ten perches, in front by the

six pence in the pound of the yearly value, to be calculated at six per cent. on the actual value.

Proviso: previous estimate indispensable.

By whom the rates shall be payable and from whom recoverable.

To be a special charge on the real property, on which they are due.

And after five years non-payment the property may be sold for such rates.

Mode of selling lands for such rates.

Notice to be given.

Effect of a deed of sale by the Mayor or Secretary-Treasurer, to the purchaser of lands sold for rates.

Proviso: sales to be for cash only, and land to be immediately resold if the price be not paid down.

What portion of the land shall be put up to sale at once.

whole

Proviso; any surplus of the price, to be paid into the Circuit Court or Court of Q. B., in inferior Term, to be distributed according to law.

Money not claimed within twelve calendar months.

Proviso: as to the case where no other rateable property of the party shall remain in the municipality.

The owner of the property sold for rates, may redeem it during one year after the sale; and on what conditions.

Consequences of such redemption.

Assignments to be laid equally on all immoveable property: including private domains and Mill property of Seigniors.

Proviso: unconceded lands not to be assessed, but Seigniors to pay a certain portion of the whole sum assessed in the Municipality in which their seignories lie. Proviso as to mode of calculating such proportion. Proviso: certain property exempted from assessment.

Rates or assessments imposed before 1st June, 1846, declared valid.

whole depth of the lot, shall then and there be offered for sale by the Secretary-Treasurer, and so on until the whole amount due shall be levied: Provided always if there be any surplus of the price remaining, it shall be returned into the Circuit Court for the place in which the land which shall be sold is situated, and in case the same shall not be within the limits of any Circuit Court, then such surplus of price shall be returned into the Court of Queen's Bench sitting in the inferior term for the District in which the municipality is situate, to the end that it may be distributed amongst the Creditors of the Debtor according to Law, and such Creditors are hereby required to file their oppositions upon the surplus of the said price at the office of the Clerk or Prothonotary of the Court within ten days after such sale and not afterwards, and if there be no oppositions filed, or if the claims of the Creditors be declared unfounded by the Court, the said surplus price shall be returned to the owner or proprietor or his Attorney for him when called for within twelve months after the sale, and if not called for during twelve months after such sale, the said surplus shall be kept by the Municipal Council to cover the rates which may thereafter become due by the owner of the remainder of the same land; Provided that if the whole lot of land be sold and no other rateable property remains to the party within the Parish or Township, the surplus shall be returned as above mentioned when demanded even after six months as aforesaid

XXX. And be it enacted, That during the whole year next following such sale, the original owner or proprietor of the land so sold, or his Attorney for him, shall have the right of taking back the said land or portion of land on his re-imbursing the principal, interest, costs and ten per cent. above the whole amount, to the purchaser; and in that case the mortgages or *hypothèques* existing previously on the land so sold, otherwise than under the provisions of this Act, shall revive and be re-established and shall have their effect as if such sale had not taken place.

XXXI. And be it enacted, That the Councils of the several Municipalities shall cause the necessary assessments to be equally rated upon all the immoveable property within their jurisdiction in proportion to the value of such property respectively, in which shall be included for rate all private domains and mill property belonging to Seigniors, though unconceded by such Seigniors; Provided that unconceded lands in the Seignories shall be free from assessment, but that all Seigniors shall pay on account of their lucrative rights one-fortieth part of the sum assessed in the Municipalities (paying in proportion to their Seignory in the same, that is to say, one fortieth if the Seignory extends over the whole Municipality, and a proportionately-less sum if it extends only over a portion of the Municipality,) of which they are Seigniors; Provided that in the sum total of assessment of which such fortieth part shall be taken, shall not be comprised the sum which the Seignior shall have paid or been assessed for on his domain and mill property; Provided that all buildings set apart for the use of the Civil Government, or for Military purposes, or for purposes of Education or of religious worship, parsonage houses and all charitable institutions or hospitals incorporated by Act of Parliament, and the lot of ground or land on which such buildings are or shall be erected, and also all burial grounds, shall be exempt from all rates to be imposed for the purposes of this Act.

XXXII. And be it enacted, That any rate or assessment imposed before the first day of June, one thousand eight hundred and forty-six, shall not be deemed invalid on account of its having been imposed after the time limited by the first above recited Act,

nor shall the repeal by this Act of any Act or law under which the same shall have been imposed affect any arrears of such rates or assessments which shall remain unpaid after this Act shall come into force, but such arrears and all fines and penalties incurred under any such repealed law before the repeal thereof, shall and may be received, recovered and levied by the Council and proper officers of the Municipality within the limits of which the same shall have been imposed or incurred, as if the same had been imposed or incurred under the provisions of this Act.

Repeal of former acts not to affect rates imposed under them.

By whom the same, and also penalties under former acts may be recovered, &c.

XXXIII. And be it enacted, That the powers and authority of each Council shall extend to the following objects :

Powers of the several Councils.

First. The opening, constructing, widening, altering and removing of highways and public bridges within the County, conformably to law, and for indemnifying the owners for any land taken for the same for which they are or may be by law entitled to be indemnified.

Roads and Bridges.

Secondly. The division of each Parish or Township into Surveyor's and Overseer's Districts.

Establishment of Overseers and Surveyors Districts.

Statute labour.

Thirdly. The direction of the labour required by Law for the making, repairing and gradual improvement of the highways and public bridges.

Fourthly. The establishment of Public Pounds for the safe keeping of animals found astray or doing damage on the highways or public bridges, or on the land of others than the owners of such animals.

Public Pounds.

Fifthly. The establishment and construction, erection and keeping in order of Toll Roads and Toll Bridges, within their local limits, and the fixing of the Tolls to be paid, which Tolls shall not be levied until they shall be sanctioned and approved by the Governor in Council : Provided always, that the powers hereby given to the said Councils, respectively shall not be construed to extend to any Road on which Tolls are by an Act, Ordinance, or Law authorised to be collected by Trustees or any Private Party, by whom the same may have been made or improved, nor shall this Act in any wise affect the Law relative to such Roads.

Toll-roads and Toll bridges. Tolls to be approved by the Governor in Council.

Proviso : Roads vested in Trustees, or private parties not to be affected.

Sixthly. The borrowing and giving security, for any sum of money to be applied to any of the purposes for which the said Councils are constituted, subject to the restrictions contained in this Act.

Borrowing money.

Seventhly. The requiring of sufficient security from all persons accountable for the Municipality monies, and from all contractors with the Councils, and the fixing of the amount of such security.

Taking security from Contractors, &c.

Eighthly. The making of all contracts relative to matters under their control, which after being duly considered by the Council, shall be signed by the Mayor, and countersigned by the Secretary-Treasurer.

Entering into Contracts.

Ninthly. The imposing of any rate payable in money, produce or work, which may be required for the purposes of the Corporation.

Imposing rates payable in money, work or produce.

Tenthly. The fixing and altering, as occasion may require, the times at which the contributions of rates are to be paid by the parties liable, and the mode of levying them.

Time of paying and mode of levying rates.

Eleventhly.

Superintending the rating of assessments.

Eleventhly. The superintendence of the due rating or apportionment of all sums or contributions assessed or imposed by them.

Licensing of Ferries.

Twelfthly. The sole granting of Licenses for Ferries and fixing the levying of Tolls at such Ferries, as well as making such rules, regulations and by-laws for the Government of persons plying as Ferrymen across any river, stream, lake or water from and to any place or places, within the limits of the power and authority of each Council respectively, and for the fixing and regulating landing places within such limits.

Acquiring and managing the requisite real property, roads and bridges.

Thirteenthly. The purchasing and acquiring of immoveable property, and the management thereof, and the acquisition from the Province gratuitously, or for consideration and on condition of keeping the same in proper repair, of any portion of a highway or of a public bridge made or erected by the Province, within the limits of the Municipality, whenever the Governor in Council may deem the said purchase and acquisition advantageous to the interests of the Province.

Investment of monies belonging to the municipality.

Fourteenthly. The advantageous investment or deposit either in Savings Banks or in Public Securities or otherwise, so as to create income for the Corporation of any balance of monies which at any time may be in their hands.

Paying their Officers.

Fifteenthly. The determining what officers it may be expedient to pay, and the fixing the amount of their salaries and the time and mode of paying them: Provided always, that the said Mayor and Councillors shall not receive any such salary.

Proviso: Councillors to serve gratuitously.

Fines and hours of sittings.

Sixteenthly. The fixing and determining, as occasion may require, the times and hours of their sittings, in addition to the Quarterly sittings hereinbefore prescribed.

Causing rateable immoveable property to be valued once in five years.

Use of such valuation.

Seventeenthly. The causing to be made by the Assessors or other proper persons, a valuation of the rateable immoveable property of the inhabitants of the Municipality once in every five years, such valuation to be considered as the basis of assessments, rates and contributions to be levied in the Municipality under the provisions of this or any other law whatsoever.

Officers for taking the Census.

Eighteenthly. The causing the said Assessors or other fit and proper persons to be appointed by the Council, to take the Census of the Municipality at the periods and in the manner provided by law, which persons may, with their own consent, be taken from without the limits of the Municipality.

Making regulations for giving effect to laws.

Limitation of penalties.

Nineteenthly. The making of rules and regulations for ensuring the due execution of all laws which it may be their duty to carry into effect, and the imposing of fines and penalties on persons contravening such rules and regulations, no such penalty exceeding in any case two pounds ten shillings, currency.

Licenses to showmen, traders, &c.

Twentiethly. The obliging each Circus Company, or Showman, or Exhibitor of Wild Beasts coming into the Municipality to pay to the Secretary-Treasurer, for the use of the Municipality, a duty of not less than five pounds nor more than ten pounds under penalty of twenty pounds on contravention thereof; and any wholesale or retail Trader to take out a license for keeping his store or shop for the sale of any goods excepting spirituous liquors, and the proportioning the sums to be paid for the same, which shall not be less than twenty shillings nor more than one hundred shillings, currency; and the augmenting the amount to be paid on Tavern-keepers' licenses to any sum not exceeding seven pounds ten shillings, currency: Provided always, that no

Augmenting the duty on Tavern Licenses.

such

such Trader or Tavern-keeper shall sell or trade without such license, under a penalty of not less than ten pounds, currency, to be levied as hereinafter provided.

Twenty-firstly. The granting of licenses to keep Temperance Houses of public entertainment, or for the general accommodation of Travellers, the sum to be paid for which shall not be less than twenty shillings, nor more than seventy-five shillings currency, and on contravention and non payment thereof by any such keepers of a Temperance House, he shall be subjected to a penalty of not less than ten pounds currency, to be levied as hereinafter provided.

Licensing and regulating Temperance houses.

Twenty-secondly. The causing proper accounts to be rendered to the Council at fixed periods, by any Justice of the Peace, or by the proper officer of any Court of Civil Jurisdiction, of all penalties imposed by the Council and recovered before such Justice or Court within the Municipality and payable for the uses thereof or for the use of other Municipalities, and for causing the amount to be paid over to the Secretary-Treasurer.

Requiring accounts from Justices receiving penalties payable to the Municipality.

Twenty-thirdly. The making rules and regulations for trying contested elections of members of their own body, and the trying of the said contested elections.

Trying contested elections of Councillors.

Twenty-fourthly. The making of By-laws for the prevention of fires, by regulating the mode of placing stoves and stove pipes, flues, furnaces and ovens in any house or other building, or the safe keeping of ashes.

Regulations for the prevention of fires.

Twenty-fifthly. The giving out by contract, to the lowest bidder, the keeping in repair the summer and winter roads in any District or Township or portion thereof, or in any village or section thereof, in any Municipality, and the imposing and levying of any sum or sums of money at any time, in any such Parish, Township or portion thereof, or village or section thereof, at the discretion of the Council of the Municipality, provided that such sum shall be applied and expended only in such Parish or Township or portion thereof, or village or section thereof, in and to which they shall have been respectively levied, and they shall be applied towards the building, repairing or reconstruction of any bridge, the entertaining or improving of any By-road, or the making of any improvement within the intent and meaning of this Act in any such Parish, Township or portion thereof, or village or section thereof, and that after the passing of this Act any person contributing to any such work or improvement shall be assessed according to the value of his, her or their property, and not according to its extent in front or superficies as heretofore; any law, usage or custom to the contrary in any wise notwithstanding.

Giving out the keeping of roads in repair in any particular portion of the Municipality, to the lowest bidder. Imposing local rates for local purposes. Proviso as to the purposes for which such rates shall be raised. Mode of assessing for certain local works after the passing of this Act.

XXXIV. And be it enacted, That it shall be discretionary in the Council of each Municipality to procure a snow plough or other machine or contrivance sufficient to keep the roads opened and beaten as hereunder mentioned, for each Overseer's division, and to place the same in the custody and under the charge of the several Overseers of roads in each Parish or Township, who shall cause the same to be worked and used by such a number of the inhabitants of his division, as he shall judge sufficient for its use, and in rotation, after each and every fall of snow, so as to keep the road open and beaten to the width of at least eight feet, and the cost of such snow ploughs shall be defrayed out of the funds at the disposal of the Council, or by a rate to be imposed for that purpose equally on the whole Parish or Township.

Councils may in their discretion cause a snow plough or other like contrivance to be provided for and used in each overseer's district.

Cost how to be defrayed.

Penalty on Councillors not causing valuation to be made and rates to be levied as herein provided.

How such penalty shall be recovered and applied.

Councils in the District of Gaspé to have certain powers for regulating the fisheries.

Former powers of the *Grand Voyers* vested in the Councils, in so far as may not be inconsistent with this Act.

Councils may cancel or alter existing *Procès-Verbaux*.

Procès-Verbaux not to be necessary hereafter.

Nor the intervention of any Court of Quarter Sessions.

But the exercise of the said powers to be subject to the Courts of Review hereinafter constituted.

By-laws for the purposes aforesaid to have effect from the time of their passing.

XXXV. And be it enacted, That if any Municipal Council shall refuse or neglect for the space of four months after their first meeting as aforesaid, to cause the taxable property in their Municipality to be valued in the manner required by this Act, or to cause such sums as they are hereby required to raise to be rated and levied as herein provided, each and every Councillor, (except such as shall have recorded their vote for making such valuation and levy as aforesaid) shall incur a penalty of not less than fifty shillings and not more than one hundred shillings currency, to be recovered by and for the use of any person who shall sue for the same in any Court having jurisdiction in civil matters to the amount of such penalty, and one moiety of such penalty shall belong to the Municipality, and the other moiety to the person who shall sue for the same.

XXXVI. And be it enacted, That in the District of Gaspé each such Council shall in addition to the powers and authority hereby given, have also power and authority to provide rules and regulations for the Salmon Fisheries and other local fisheries carried on upon the shore, or upon any River Stream adjacent to or passing through the Municipality, and subject to its jurisdiction.

XXXVII. And be it enacted, That all and every the powers and authorities which by any Act or Acts, Ordinance or Ordinances, of the Legislature of Lower Canada, or By-law, were formerly vested in and might have been legally exercised by the *Grand Voyers* of the said Province, with regard to any highways or bridges or water courses for other than agricultural purposes (except in so far as the same are inconsistent with or repugnant to any of the provisions of this Act) shall from and after the first election or appointment of Councillors under the provisions of this Act, become and be vested in the several Municipal Councils hereby established within their respective limits; which Councils shall have full power and authority to cancel and alter all or any existing *Procès-Verbaux* in which the said municipality shall be interested, and to apportion and distribute the public work to be done on the roads and bridges within the said Municipality, as the said Council thereof may deem expedient; and the Council shall have power to have the said highways and bridges examined by the Deputy *Grand Voyer* who shall report thereon to them; and in the exercise of such powers and authorities it shall in no case be requisite that a *Procès-Verbal*, for turning an old or opening a new highway or a new by-road, or to change an old bridge, or mark out a new one, or for any other purpose whatsoever, should be drawn up or that the same should be confirmed or homologated by any Court of Quarter Sessions: Nor shall the intervention of any such Court or the exercise of its powers, be in any manner required for or in respect of the legal and effectual exercise of the said powers and authorities by the said Municipal Councils respectively as aforesaid; any law, usage or custom to the contrary notwithstanding; but the said exercise of such powers and authorities shall, in certain cases hereinafter specified, be subject to the approval of the Courts of Review hereinafter established.

XXXVIII. And be it enacted, That every by-law of the Council of any Municipality for changing the place of an old highway or by-road (*route*) or opening a new one, changing the place of, or reconstructing an old bridge or building a new one, annulling an old apportionment of work (*répartition*) or establishing a new one, with regard to any of the objects aforesaid, shall have force and effect after the same shall have been passed by the Council of the Municipality; provided that it shall be competent for any

any person interested in the matter of such By-law, and deeming himself aggrieved thereby, to appeal therefrom within fifteen days after the passing thereof to the proper Court of Review hereby constituted for such purpose, notice whereof shall be given to the said Council within the said fifteen days.

Saving the right of any party to appeal within a certain time to the proper Court of Review.

XXXIX. And be it enacted, That such Court of Review is hereby constituted of the Circuit Court sitting in each Municipality or nearest thereto, or the Court of Queen's Bench for the District in Inferior Term if the Municipality be within the local jurisdiction of such Inferior Term, and shall have power and is hereby required to hear and finally determine all matters of difference or reference submitted to the same under the provisions of this Act; and the Court shall assign the reasons of its judgments, and such reasons shall be entered with the judgment in the register of the proceedings of the Court, by the Clerk of the said Circuit Court or Court of Queen's Bench in Inferior Term, as the case may be.

Such Court of Review to be the Circuit Court, or the Court of Q. B. in Inferior Term as the case may be.

Court to assign the reasons of its judgments, and cause them to be entered.

XL. And be it enacted, That it shall be the duty of the Clerks of such Courts, to keep a register of the judgments of the said Courts, in matters heard and determined therein under the provisions of this Act, and of the reasons assigned for the judgment, when any By-law shall be rejected, to enter such By-laws at full length if homologated, and to keep minutes of the proceedings of the Court; and the mode of proceeding of the said Courts of Review shall be, as nearly as may be, similar to that in the Circuit Courts or Court of Queen's Bench in Inferior Term, and the Clerk of each said Circuit Court or Court of Queen's Bench in Inferior Term, shall be also the Clerk of the said Court of Review.

Duties of the Clerks of such Courts as to proceedings on By-laws rejected or confirmed.

Form of proceeding in each case.

XLI. And be it enacted, That the said Clerk shall be entitled to demand and receive for all fees and emolument on each appeal one shilling for each one hundred words of the original judgment, to be paid by the Councils of the Municipalities interested, and six pence for every hundred words in each subsequent copy of the same, when such copy shall be applied for by any party, to be paid by the party so applying.

Fees to the Clerk on such proceedings.

XLII. And be it enacted, That there shall be delivered to the several municipalities interested therein, to be deposited among the records thereof—the registers, papers and documents of the heretofore municipal Districts established in virtue of the Ordinance of the Governor and Council of the late Province of Lower Canada, passed in the Fourth year of Her Majesty's Reign, and the registers, papers and documents of the Parish and Township, Municipalities now subsisting and the several *Procès-Verbaux* heretofore made and homologated at any time in reference to any roads and bridges within the said respective Municipalities; and in all cases where two or more Municipalities shall be interested in the same road or bridge, the documents and *Procès-Verbal* in relation thereto shall be deposited with the municipality containing, according to the last census return, the largest amount of population, and such municipality shall be held and is hereby required at its own expense, to furnish and deposit with the other municipality or municipalities interested in the road or bridge mentioned in the said *Procès-Verbal* a true copy of the said documents and original *Procès-Verbal* thereof, which copy shall be signed by the Mayor and Secretary-Treasurer of the said municipality having such original in deposit, and the said copy shall be held and considered authentic and have like force and effect as if the same were the said original *Procès-Verbal*; any thing to the contrary notwithstanding.

Registers, papers and documents belonging to former Municipalities, to be delivered to the Councils of the new Municipalities, and also all *Procès-Verbaux* concerning roads, &c.

Case where two Municipalities shall be interested in the same road or bridge, provided for.

Copies to be delivered to the Municipalities interested and not having the original documents—their effect in law.

XLIII.

Secretary-Treasurer to keep minutes of all proceedings of the Council.

And to demand and receive money, property, books, documents, &c., of former Municipalities, which are hereby assigned to the Council of which he is an officer.

Parties having the custody thereof shall deliver such monies, papers, &c.

Penalty for refusal. Minutes and documents on which the Council shall take action to be signed and countersigned. Certified Copies to be evidence.

Officers and functionaries to deliver up papers entrusted to or prepared by them, when called upon by the Council to do so.

Persons having money, papers, &c., belonging to former Municipalities may be compelled to deliver the same to the proper Council established under this Act.

Action given to recover the same.

Court may impose a penalty in addition.

Proviso: account to be rendered to other Municipalities interested.

Application of monies so recovered by any Municipality.

XLIII. And be it enacted, That the Secretary-Treasurer of the Council shall keep a book, in which shall be entered the minutes of proceedings of the Council and the By-laws, Rules and Regulations made by the same; and shall also receive for the said Council from the Parish or Township Councillors or Officers, or other person or persons whomsoever having charge thereof, all money, property, books, documents, plans, maps, manuscripts or records of whatsoever kind pertaining to the said Parish or Township Councils within the municipality—and he shall cause the provisions of this Act in respect of such municipalities, and the rules and regulations established by the Councils thereof, and every matter or thing required to be done or performed under the authority of this Act, or of any of the said recited Acts or parts thereof, to be enforced against and executed by the parties subject thereto—and the said Councillors or Officers of such Parish or Township Councils having charge of the same shall be and are hereby required to deliver up the same on demand to the Secretary-Treasurer of the Council of the County or municipality constituted under this Act under the penalty of fifty pounds, currency, to be awarded by the Court on application thereto, and shall also keep a register of all papers and documents on which any action shall have been taken by the Council, and such minutes and registers shall be signed at each sitting by the Mayor or temporary Chairman of the Council, and countersigned by the Secretary-Treasurer, and copies of such documents, so signed as aforesaid, shall be received in evidence in all Courts of Justice in this Province.

XLIV. And be it enacted, That every officer or functionary appointed by the Council shall be bound to return to them, at the time they shall prescribe, all papers and documents which shall have been furnished to him, or which he shall have prepared or caused to be prepared in the performance of his duties, under such penalty as the Council, or the Court before whom any prosecution shall be brought against him for neglect or refusal to return the same, shall in its discretion inflict upon him, under the provisions of the next following section.

XLV. And be it enacted, That any officer or person having in his hands at the time this Act shall come into force, any money, property, papers or documents which before that time belonged to any former Municipal District or to any Municipality which by the operation of this Act shall cease to exist, shall forthwith pay over and deliver the same to the Secretary-Treasurer of the Council of the Municipality within the local limits whereof the former Municipal District or the Municipality which shall so cease to exist, or the greater portion of either according to population by the last census, shall be included, shall appoint to receive the same; and that any such Council may, by action before any competent Court compel any party having any papers or documents, or any money or property moveable or immoveable belonging or which ought to belong to the Corporation, to restore the same; and the Court may further in its discretion, condemn any defendant who shall have wilfully or negligently refused to restore the same, to pay a fine not exceeding twenty-five pounds currency; Provided always, that the Council receiving any sum of money from any such Municipal District or Municipality ceasing to exist in manner aforesaid, shall account to any other Municipality for such proportion of the same as such other Municipality may be entitled to claim in proportion to the amount of population therein, and such proportion shall be paid to the said Municipality entitled to claim the same as aforesaid, and all such monies so received shall be applied first to the payment of debts due by such Municipal Districts or Municipalities ceasing to

to exist, and if any balance remain after payment of such debts, such balance shall be applied to the general purposes of the Municipality established by this Act.

XLVI. And be it enacted, That every Court of Commissioners for the trial of Small Causes held within the Parish or Township, or if there be no such Court then the Justice of the Peace in such Parish or Township residing nearest to the residence of the party contestant, shall be and is hereby declared a competent tribunal to take cognizance of, hear and determine any contest which may arise relative to any sum of money or thing claimed by any Municipal Council, or any officer or person acting for or by the order of such Council under this Act, or any part thereof, whatever be the nature or amount of the claim preferred, or of the fine or penalty to be imposed, and to enforce the same, eight days after judgment, by seizure and sale of so much of the goods and chattels of the defendant as may suffice, saving always the right of appeal, as provided for in the next following section.

Commissioners' Court, or in default the nearest Justice of the Peace to the party contestant, to be competent to decide on any claim of a Municipal Council, whatever be the amount of the sum claimed or of the penalty incurred. Right of appeal saved.

Appeal given to the Circuit Court or to the Court of Q. B. in Inferior Term, as the case may be. Security to be given.

XLVII. And be it enacted, That an Appeal shall lie from such Judgment to the nearest Circuit Court, or to the Court of Queen's Bench for the District in inferior Term, if the municipality be not within some Circuit, on the Appellant's giving security that if the Appeal be dismissed, the costs incurred on the original contest aforesaid, and on the said Appeal, and the sum or thing touching which the Appeal is brought, shall be paid, delivered or re-imbursed.

Notice of appeal to be given, within six days after the judgment. Mode and time of proceeding on such appeal.

XLVIII. And be it enacted, That the Appellant shall give notice of his intention to appeal within six days after the rendering of the Judgment, to the Court who shall have rendered it, by service of such notice on the Commissioners of the said Court, and such Appeal shall be begun by a summary Petition to, and prosecuted before such Circuit Court or Court of Queen's Bench in inferior Term, at its then first sitting, provided there shall intervene at least fifteen days before the said sitting, and if less than fifteen days shall intervene, then at the next sitting of the said Circuit Court or Court of Queen's Bench; and the Judgment of the said Court of Appeal shall carry costs or not at the discretion of the said Court, and as to justice may appertain.

Application of penalties imposed by or under the authority of this Act.

XLIX. And be it enacted, That all fines and penalties imposed by this Act, or by any By-laws made or in force by the authority thereof, shall belong to the municipality in which or with respect to which the offence shall have been committed, unless it be otherwise herein specially provided.

L. And be it enacted, That nothing in this Act shall extend to those portions of the Parishes of Quebec, St. Roch and Montreal which are within the limits of the Cities of Quebec and Montreal respectively as incorporated by Law; but the Councillors of the said Parishes shall be elected by the inhabitants of those portions thereof which shall be out of the limits of the said Cities; Provided always, that wherever a Parish or Township shall extend into two municipalities, then the qualified voters in each portion thereof shall severally elect Councillors for each such portion, to wit, two Councillors for the more populous portion according with last Census, and one Councillor for the less populous portion, who shall represent the said Parish or Township in the Council of the municipality within * such portions shall be respectively situate.

Certain parts of the Parishes of Quebec, Montreal and St. Roch, not to be affected by this Act.

Proviso: case where a Parish or Township shall extend into two Municipalities provided for.

* Sic.

Wilful false swearing or affirming to be perjury.

LI. And be it enacted, That any person who shall wilfully swear or affirm falsely in any matter in which an Oath or Affirmation is required by this Act, shall be deemed guilty of wilful and corrupt perjury, and shall be liable to be punished accordingly.

Until first January, 1849, this Act shall not affect any *Procès-Verbal* under which any persons may be bound to perform work out of their own municipality— Powers of the Council consequent upon such *Procès-Verbal*.

LII. And be it enacted, That until the first day of January one thousand eight hundred and forty-nine, nothing in this Act contained shall have the effect of delaying, annulling or preventing the operation of any *Procès-Verbal* or By-law of a Municipal Council obliging the inhabitants of one or of several Municipalities, or any of them, to perform labour on any public road, bridge or watercourse out of their respective Municipalities, but that such public road, bridge or watercourse shall be kept up, maintained, repaired and constructed anew in such manner as may be directed in such *Procès-Verbal* or By-law, and that for this purpose the Council of the Municipalities wherein the public road, bridge or watercourse on which such non-resident inhabitants may be obliged by such *Procès-Verbal* or By-law to perform labour, may be situate, shall have jurisdiction over such non-resident inhabitants, and is hereby authorized to oblige them by all lawful means to perform their respective portions of labour, as if they were resident inhabitants, until it be otherwise ordered.

Effect of any such *Procès-Verbal* to cease on first Jan., 1849, and roads and bridges to be made and repaired solely by the inhabitants of the Municipality in which they lie. Proviso: Tolls may be levied on such roads or bridges formerly made or repaired by inhabitants of another Municipality. Proviso as to watercourses. Inhabitants of a Village having a certain number of houses within a certain area, may address the Council of the Municipality to have limits assigned to it.

LIII. And be it enacted, That upon, from and after the first day of January one thousand eight hundred and forty-nine, the next preceding section shall cease to have force and effect; and that upon, from and after the said day, all the roads and public bridges in any Municipality shall be opened, made and kept in repair by the inhabitants thereof alone, but the Council of any Municipality may, before or after the said day, make a turnpike or toll road or a toll bridge, of any road or bridge, which before the said day shall have been, under any *Procès-Verbal*, By-law or Law, made or kept in repair by the inhabitants of some other Municipality: Provided always, that nothing in this section shall extend to the making, changing or cleansing of any watercourse.

SECOND PART.

VILLAGES, TOWNS OR BOROUGHS.

LIV. And be it enacted, That the inhabitants qualified as aforesaid to vote at elections of Municipal Councillors in each Village or Town not already incorporated, containing forty houses or upwards, within a space of thirty superficial arpents or acres, shall be entitled to hold a meeting, at which the Senior Justice of the Peace or Senior Officer of Militia shall preside, on being thereunto requested by any three land-holders in such Village or Town, and may at such meeting determine whether a requisition shall or shall not be made to the Council of the Municipality, praying them to fix limits and boundaries for such Village or Town for the purposes of this Act.

How a Meeting shall be called for determining whether such address shall be presented. Notice. Of whom the Meeting shall be composed.

LV. And be it enacted, That it shall be the duty of the Senior Justice of the Peace, on being thereto requested by any thirty land-holders in any Village or Town containing forty houses within a space of thirty superficial arpents or acres, to call, by public notice to be given at the door of the Parish Churches and places of public worship, (and if there be no places of public worship, then at two of the most frequented places in the Municipality in which the Village or Town shall be situate,) a meeting of the land-holders and of the tenants paying respectively a rent of not less than

than five pounds, currency, resident in the Village or Town, to consider whether it be or be not expedient to apply to the Council of the Municipality to fix limits and boundaries to such Village or Town.

LVI. And be it enacted, That in the first session of the Council held after the presentation of the said petition, (provided such session be not held before the expiration of eight days after such presentation,) it shall be the duty of the Council of the Municipality to fix the limits and boundaries of the Village or Town so applying, and to describe the same in writing, and the Governor in Council shall have power, on receipt of a duly attested record of the proceedings had by such Council of the Municipality, and after ascertaining the sufficiency of the description of the limits and boundaries therein set forth, by proclamation to declare the same to be such limits and boundaries, and copies of such Proclamation shall be posted up during two consecutive weeks at the door of the Church or place of public worship of the most numerous religious denomination in the Parish or Township in which such Village or Town shall lie, or at two of the most frequented places therein, if there be no place of public worship; and a further copy thereof shall be transmitted to the Justice of the Peace or Officer of Militia who shall have presided at the meeting in the Village or Town, to be by him delivered to the Mayor thereof, whenever the Council of such Village or Town shall be constituted in the manner hereinafter provided: Provided always, that nothing herein contained shall authorize the Council of any Municipality to diminish the limits of any Town, Borough, or Village already fixed by competent authority. And provided also, that if upon petition and enquiry the Governor in Council shall deem the limits so assigned to be insufficient, the said Council of the Municipality may alter such limits and establish others in their stead.

Petition to be forthwith acted upon by the Council of the Municipality.

Governor in Council may confirm such limits by proclamation.

Proviso: limits of Villages already incorporated not to be disturbed.

Proviso: Governor in Council may upon petition alter the limits first assigned by the Municipal Council.

LVII. And be it enacted, That within eight days after the publication of the limits assigned to any Village, Town or Borough, by the Council of the Municipality, one of the Councillors of the Parish or Township in which such Village or Town shall lie, shall call a public meeting of the land-owners and tenants in such Village or Town, by a public notice to be posted up during eight days before the meeting, at two of the most frequented places in the Village or Town, and shall preside at such meeting, at which seven persons resident therein, and being electors, shall be elected to be Councillors for such Village or Town: Provided always, that no elector for any Village or Town shall, after the Incorporation thereof, vote at any election under this Act, for the Municipality in which such Village or Town may lie, nor shall any elector for the Municipality thereafter vote at any election, for such Village or Town, nor shall any person vote at any election under this Act, for any place within which he shall not be resident.

Public meeting of the qualified inhabitants of the Village to be called and held for the election of seven Councillors.

Proviso: who shall afterwards vote at elections for the Municipality or for the Village.

LVIII. And be it enacted, That forthwith after such election shall have been completed by the taking of the oath of office by the Councillors elected, the inhabitants of such Village or Town shall be, and are hereby constituted a body politic and corporate, by the name of "The Corporation of the Village (or Town) of _____," as the case may be; and such Corporation shall, within the limits of the Village or Town, have the same privileges and powers as the Corporation of any Municipality hath within the limits thereof, and shall be represented by the Council elected in conformity with the next preceding section; and such Village or Town shall thereafter be wholly detached from the Municipality, the Council whereof shall have thereafter

After such election the inhabitants shall be a body corporate.

Name. To have, within the Village or Town, the same powers as the Council of the Municipality within the limits thereof.

Proviso: No Turnpike or Toll Road to be established within any Village or Town.

Order and time in and at which the Councillors shall go out of office.

Councillors to elect a Mayor, and also an Inspector.

Duties of the Inspector.

Powers of the Village or Town Council.

Also to organize Companies of Firemen and to establish and regulate markets.

Mayor to be elected in each year.

Quorum of the Council fixed.

Further powers of the Council as to Public streets and places.

Proviso as to private property.

Further powers of the Council.

Prevention of fires.

no jurisdiction in such Village or Town: Provided always, that the Council of such Village or Town shall have no power to establish any Toll or Turnpike Road within the limits of such Village or Town.

LIX. And be it enacted, That three of the Councillors to be determined by lot of each Village or Town shall go out of office at the end of the first year, and shall be replaced or may be re-elected at a General Meeting, for two years; and the three remaining Councillors and the Councillor who in the first year shall have been elected as Mayor shall go out at the end of the second year; and after so going out, those elected in their stead, or themselves if re-elected, shall remain respectively two years in office.

LX. And be it enacted, That forthwith after having taken the oath of office, the Councillors for such Village or Town shall meet and choose from among themselves a Chairman, who shall be the Mayor of the Village or Town, and shall continue to act as such for one year; and an Inspector in and for the said Village or Town who shall cause to be executed the provisions of this Act in reference to such Village or Town, and all such rules, regulations and By-laws as may by the said Councillors be duly made and established from time to time for such Village or Town under the provisions hereof; and from that time the said Councillors shall have within the limits of such Village or Town the same powers and functions, in so far as they may be applicable, as the Councils of Municipalities have within the limits thereof, and shall, moreover, have power to form one or more organized companies of firemen for extinguishing or arresting the progress of fires, and to make regulations for the internal Police of such Village or Town, and the right ordering, establishment or construction of Markets; any law or custom to the contrary notwithstanding.

LXI. And be it enacted, That the election of a Mayor shall take place once in each year; and in case of his absence from the Council, his place shall be filled by a Temporary Chairman elected by the Members of the Council then present; and the *quorum* of any such Council shall be an absolute majority of the total number of Councillors, including the Mayor.

LXII. And be it enacted, That the Council of any Village or Town shall also have power to make By-laws for the laying out, making, straightening, levelling, draining, repairing or gradually widening of the Streets, and the draining of any lot of land therein, as they shall deem expedient or necessary for the health and embellishment of the Village or Town; Provided they oblige no party, without his consent, to pull down any building without compensation, or to furnish without compensation the ground which may be deemed requisite for making such streets or for any public squares.

LXIII. And be it enacted, That the Council of each Village or Town shall also have power to make By-laws for the following purposes, that is to say:

First. For the prevention of fires, either by regulating the mode of placing stoves or stove pipes, flues, furnaces or ovens in any house, or the mode of keeping ashes.

Secondly.

- Secondly.* For prescribing the manner in which any vacant lots in the Village or Town shall be enclosed, and fixing the direction and width of any streets to be made on such vacant lots in the Village or Town. Vacant lots and streets upon them.
- Thirdly.* For obliging proprietors of houses to have ladders from the ground to the roofs of their houses, and from such roofs to the tops of the chimnies. Ladders to roofs of houses.
- Fourthly.* For obliging such proprietors to provide themselves with proper fire-buckets. Fire buckets.
- Fifthly.* For preventing persons from entering stables, barns, or out-houses with a candle or lamp without having the same well enclosed in a lantern, or entering the same with a lighted cigar or pipe, or carrying into the same any fire not properly secured. Entering stables, &c., with lights not properly inclosed.
- Sixthly.* For preventing any person from lighting or having any fire in any wooden out-house or building, unless the same be in a chimney or in a stove of iron or metal, or from conveying fire through any street, or public place, garden or yard, without confining the same in some metal vessel. Lighting fires in out-houses without proper chimnies, &c.
- Seventhly.* For preventing persons from putting hay, straw or fodder in any dwelling house. Keeping hay or straw in dwelling houses.
- Eighthly.* For preventing any baker, potter, blacksmith, brewer, manufacturer of pot or pearl ashes, or other manufacturer, or other person, from building, making, having or using any oven or furnace, unless the same adjoin and open into some chimney of stone or brick, which shall rise at least three feet higher than the top of the house or building in which such oven or furnace shall be. Regulating furnaces of bakers, potash makers, &c.
- Ninthly.* For providing for the safe keeping of gun-powder in boxes of copper, tin or lead, and for preventing the sale thereof after sun set. Safe keeping and sale of Gun powder.
- Tenthly.* For preventing persons from passing along the streets or public places in or with any vehicle or on horse back at any faster pace than an ordinary trot. Fast Riding or Driving.
- Eleventhly.* For preventing the throwing of any filth, rubbish or ordure into any street or public place, and for enforcing the removal thereof. Throwing filth into streets, &c.
- Twelfthly.* For preventing the erection of any furnace for making charcoal of wood. Making Charcoal.
- Thirteenthly.* For preventing the lighting of any fire in any street or public place. Lighting fires in Streets.
- Fourteenthly.* For regulating the mode in which quick lime may be kept or deposited. Keeping quick lime.
- Fifteenthly.* For preventing hogs, sheep, goats, horses, cattle, poultry or other animals from straying at large in any street or public place. Preventing animals from straying in streets, &c.
- Sixteenthly.* For preventing, punishing and removing all encroachments and nuisances on streets and public places. Preventing encroachments or nuisances.
- Seventeenthly.* For empowering their Inspector or other officer to visit houses, out-houses and buildings in which they may suspect offences against such By-laws are committed, (such officer, first obtaining a Warrant from some Justice of the Peace, who is hereby empowered to grant it,) and for punishing all persons who shall refuse admittance into

into such house, out-house or building, to any Inspector or other officer having such Warrant, between the hours of nine in the forenoon and four in the afternoon.

Making rules for ensuring executions of By laws, and imposing penalties, not exceeding £2 10s.

Eighteenthly. For making rules and regulations for ensuring the due execution of all such By-laws, as it may be their duty to carry into effect, or as may be required to be observed, and the imposing of fines and penalties on persons contravening the said By-laws, rules and regulations; no such penalty in any case to exceed the sum of fifty shillings currency.

Rates imposed by the Council of the Municipality to be paid until repealed or altered by the Village or Town Council.

LXIV. And be it enacted, That the proceeds of all assessments or taxes theretofore laid upon the Village or Town by the Council of the municipality shall be paid by the parties liable thereto to the Treasurer of the Village or Town, until repealed or altered by the Council thereof.

Until any Village or Town is made a separate Corporation, the Council of the Municipality to have the powers aforesaid.

LXV. And be it enacted, That until any Village or Town shall be actually separated from the municipality under the provisions of this Act, the Council of the municipality shall have in such Village or Town the same powers and authority, and for the same purposes, as are conferred on the Council of any Village or Town when so separated.

This Act not to affect the incorporation of any Village or Town under former Acts.

LXVI. Provided always, and be it enacted, That nothing herein contained shall be construed to alter or affect the limits or invalidate the incorporation of any Village or Town incorporated and made a municipality under the provisions of any Act hereby repealed or any other Law, or to affect the constitution of the Village or Town Council or the tenure of office of any Mayor, Councillor or Officer, the incorporation, elections and appointments of all of which shall remain valid as if incorporated, had, appointed and elected under this Act, save and except that on the day hereinbefore appointed for the first General Election of Councillors for the municipalities hereby established, the Councillors and Mayor of each such Village or Town shall go out of office, and a new election of all the Councillors shall be had on such day, and not before, at whatever time they may have been elected, and the proceedings at, previous or subsequent to such election shall be governed by the provisions of this Act; and on whatever day the first election of Councillors shall be had for any Village or Town incorporated after the passing of this Act, the Councillors who are next to retire from office shall so retire on the day of general election of Councillors next after the expiration of one year from such first election; anything hereinbefore contained to the contrary notwithstanding, it being the intention of this Act that after the first election in any Village or Town, the election of Councillors therein shall be on the day of the General election of Councillors.

Or the elections of Councillors, &c.

Exception: Councillors to be elected on the same day as for the Municipalities, and under the same provisions.

The like as to Villages and Towns hereafter incorporated.

All elections after the first to be on the same day.

GENERAL PROVISIONS.

This Act to be printed and distributed without waiting for the other Acts.

LXVII. And be it enacted, That it shall be the duty of the Provincial Secretary forthwith after the passing of this Act, to cause to be printed a sufficient number of copies of the same, and to cause them to be distributed to all the Parishes or Townships, without waiting for the ordinary printing and distributing of other Acts.

To extend only to Lower Canada.

LXVIII. And be it enacted, That this Act shall extend only to Lower Canada.

LXIX. And be it enacted, That the words " Lower Canada " whenever they occur in this Act, shall mean all that part of this Province which formerly constituted the Province of Lower Canada ; the word " Town " shall include any Borough in Lower Canada ; and words importing the singular number or the masculine gender only, shall include more persons, matters or things than one of the same kind, as well as one person, matter or thing, and females as well as males, unless it be otherwise expressly provided, or there be something in the subject or context inconsistent with or repugnant to such construction ; and generally all words and expressions herein used shall receive such fair and liberal interpretation as will best ensure the attainment of the objects for which this Act is passed, according to the true spirit, intent and meaning thereof.

Interpretation clause.
Lower Canada.
Town.
Singular number, &c.

General Rule.

LXX. And be it enacted, That no Councillor or Assessor shall be elected or appointed or enabled to act under the provisions of this Act, unless he shall be a qualified voter resident in the Municipality for which the election shall be, and holding real property therein to the value of one hundred and fifty pounds, currency, over and above every charge or incumbrance thereon if such Councillor or Assessor be for a Municipality formed of a County or division of a County, and one hundred pounds for a Village or Town Councillor ; and that all buildings used by the Civil Provincial Government, or for Military purposes, for any Religious, Charitable or Educational purpose, and all burial grounds shall be exempt from rates and assessments under this Act.

Property qualification of Councillors and Assessors.

Certain property exempted from assessment.

LXXI. And be it enacted, That the penalties and forfeitures appointed by this Act, or to be established under the provisions thereof, shall be sued for by and in the name of the Corporation by the Secretary-Treasurer thereof, within one month from and after the offence for which they shall have been incurred shall have ceased, and not afterwards, and shall be prosecuted by the Secretary-Treasurer of the several Municipalities established under this Act, before any one Justice of the Peace, residing in or nearest to such Municipality where the offence shall have occurred, who shall hear and determine the suit in a summary manner, and upon the oath of one credible witness other than the Inspector or any of the Councillors of the said Municipality ; and shall cause such penalty or forfeiture to be levied by distress and sale of the goods of the offender, and the whole of such penalty or forfeiture shall go and be applied to the general purposes and uses of the said Municipality ; Provided that such Justice of the Peace be not connected or of kin within the degrees prohibited by law either to the Secretary-Treasurer or to the opposite party.

Limitation of time for suing for penalties and forfeitures under this Act.

By whom, before whom and on what proof such suits shall be brought.

Appropriation of penalties and forfeitures. Proviso

LXXII. And be it enacted, That all and every the real property and estate belonging to or possessed by such Municipal Districts and Parish or Township Municipalities as shall cease to exist after this Act shall come into force, shall by the effect of this Act be vested in and belong to and be possessed by the Municipalities established by this Act, and within the local extent whereof such Municipal Districts, Parish or Township Municipalities are respectively situate, and the rents and profits of such property, or the proceeds thereof if disposed of, shall be specially applied to the purposes of such Municipal Districts, Parishes and Townships ; and that all orders, rules and regulations lawfully made in and directed to be carried into effect in any Parish or Township Municipality, shall continue and be enforced and executed within the limits thereof by the Municipalities established by this Act until revoked, repealed or amended by competent authority under this Act.

How the real property of Municipalities ceasing to exist by virtue of this Act shall be afterwards vested.

Proceeds of such property how to be applied.

By laws of former Municipalities continued until revoked or altered.

SCHEDULES.

SCHEDULES.

NUMBER ONE.—OATH OF A PROPRIETOR.

You swear (*or* affirm) that your name is, _____ that your addition, (profession *or* trade) is _____ that you are an inhabitant householder resident in the Municipality of _____ (or as the case may be) that you have been so resident during the year next preceding the election, that you are seized and possessed to your own use of a land (or tenement,) held in free and common soccage (*franc aleu, fief* or *à titre de cens*, as the case may be,) in the said Municipality, (or as the case may be) adjoining on the one side to the property of _____ and on the other side to the property of _____ and that such land (or tenement) so possessed by you is of the clear annual value of forty shillings currency, over and above all rents and charges payable out of or affecting the same; that you have paid all rates and local taxes due by you before this election; that you are of the full age of twenty-one years, and that you have not already voted at this election: So help you God.

NUMBER TWO.—OATH OF TENANT OR LESSEE.

You swear (*or* affirm) that your name is _____, that you are an inhabitant householder resident in the Municipality of _____ (or as the case may be) that you have been there resident during the year next preceding this election; that you hold, as tenant or lessee, a land or tenement yielding you (or for which you pay) a yearly income (*or* rent) of five pounds currency, in money or produce, which said land or tenement is bounded on the one side by the property of _____, and on the other side by the property of _____; that you have paid all rates and local taxes due by you before this election; that you are of the full age of twenty-one years, and that you have not already voted at this election: So help you God.

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Law Printer to the Queen's Most Excellent Majesty.



ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. VIII.

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

[28th July, 1847.]

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, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Act of the Legislature of the Province of Canada, passed in the seventh year of Her Majesty's Reign, and intituled, *An Act to repeal an Ordinance of Lower Canada, intituled, 'An Ordinance concerning Bankrupts and the administration and distribution of their estates and effects, and to make provision for the same object throughout the Province of Canada,'* as amended and extended by the Act passed in the ninth year of Her Majesty's Reign, and intituled, *An Act to continue and amend the Bankrupt Laws now in force in this Province*, and the said last mentioned Act shall remain in force until the first day of January which will be in the year of Our Lord one thousand eight hundred and forty-eight, and thence until the end of the then next Session of the Provincial Parliament, and no longer.

Preamble.

7 Vict. c. 10,
as amended
and extended
by 9 Vict. c.
30, continued.

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

8 Vict. c. 6,
continued.

III. And be it enacted, That the Act of the said Legislature, passed in the eighth year of Her Majesty's Reign, and intituled, *An Act to amend the Act and Ordinance therein mentioned, relative to the Registration of Titles to and Incumbrances upon Real Property in Lower Canada*, shall remain in force until the first day of January, which will be in the year of Our Lord one thousand eight hundred and forty-eight, and thence until the end of the then next Session of the Provincial Parliament, and no longer.

8 Vict. c. 27,
continued.

IV.

8 Vict. c. 40,
continued.

But this Act is
repealed by c. 7
of this Session.

IV. And be it enacted, That the Act of the said Legislature, passed in the eighth year of Her Majesty's Reign, and intituled, *An Act to repeal certain Ordinances therein mentioned, and to make better provision for the establishment of Local and Municipal Authorities in Lower-Canada*, shall remain in force until the first day of January, one thousand eight hundred and forty-eight, and thence until the end of the then next Session of the Provincial Parliament, and no longer.

8 Vict. c. 48
continued.

V. And be it enacted, That the Act of the said Legislature passed in the eighth year of Her Majesty's Reign, and intituled, *An Act for the relief of Insolvent Debtors in Upper Canada, and for other purposes therein mentioned*, shall remain in force until the first day of January, which will be in the year of Our Lord one thousand eight hundred and forty-eight, and thence until the end of the then next Session of the Provincial Parliament, and no longer.

L. C. 2 Geo.
4, c. 8. con-
tinued.

VI. And be it enacted, That the Act of the Legislature of the late Province of Lower Canada, passed in the second year of the Reign of His Majesty King George the Fourth, and intituled, *An Act for better regulating the Common of the Seigneurie of La Prairie de la Magdeleine*, shall remain in force until the first day of January, which will be in the year of Our Lord one thousand eight hundred and forty-eight, and thence until the end of the then next Session of the Provincial Parliament, and no longer.

L. C. 2 Geo.
4 c. 10, as ex-
tended by
4 Geo. 4. c. 26,
continued.

VII. And be it enacted, That the Act of the said Legislature, passed in the year last aforesaid, intituled, *An Act to enable the Inhabitants of the Seigneurie of La Baie Saint Antoine, commonly called La Baie du Febvre, to provide 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 Seigniorie of the Baie Saint Antoine, commonly called The Baie du Febvre, to terminate certain disputes relating to the limits of the said Common, and for other purposes appertaining to the same*, and the said last mentioned Act shall remain in force until the first day of January, which will be in the year of Our Lord one thousand eight hundred and forty-eight, and thence until the end of the then next Session of the Provincial Parliament, and no longer.

L. C. 3 Will.
4, c. 14, con-
tinued.

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

Ordinance of
L. C. 2 Vict.
(3) c 7, con-
tinued.

IX. 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, Chapt r nine, commonly called the Road Act*, shall remain in force (except in so far as it may be affected by any subsequent Act or Ordinance whether passed during the present or any other Session,) until the first day of January, which will be in the year

year of Our Lord one thousand eight hundred and forty-eight, and thence until the end of the then next Session of the Provincial Parliament, and no longer.

X. And be it enacted, That the Act 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 first day of January, which will be in the year of Our Lord one thousand eight hundred and forty-eight, and thence until the end of the then next Session of the Provincial Parliament, and no longer.

Ordinance of
L. C., 2 Vict.
(3) c. 19, con-
tinued.

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

Ordinance of
L. C., 2 Vict.
(3) c. 29, as
extended by 4
Vict. c. 23,
continued.

XII. 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 provide for the Inspection of Fish and Oil*, shall remain in force until the first day of January, which will be in the year of Our Lord one thousand eight hundred and forty-eight, and thence until the end of the then next Session of the Provincial Parliament, and no longer.

Ordinance of
L. C., 2 Vict.
(3) c. 65, con-
tinued.

XIII. Provided always, and be it enacted, That this Act may be amended or repealed by any Act passed during the present Session, and nothing herein contained shall in any way be construed to prevent the full effect of any Act passed during the present Session, and amending, altering, repealing or continuing any Act or Ordinance hereinbefore mentioned.

Proviso: this
Act may be
amended du-
ring this ses-
sion, and shall
not prevent
the effect of
any other Act.





ANNO DECIMO ET UNDECIMO

VICTORIÆ REGINÆ.

CAP. IX.

An Act to consolidate and amend the laws, and to repeal certain Acts relating to the crime of Forgery.

[28th July, 1847.]

WHEREAS it is desirable that the laws concerning offences relating to forged writings and to other forged and counterfeit matters, and to divers false personations, false oaths, false entries, and other false matter, should be amended and consolidated into this Act, and that none of those offences shall be hereafter punishable with death: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That if any person shall forge or counterfeit, or shall utter, knowing the same to be forged or counterfeited, the Great Seal of this Province, or of the late Province of Upper Canada, or of the late Province of Lower Canada, every such offender shall be guilty of felony, and being convicted thereof, shall be liable to be kept confined at hard labour in the public Penitentiary of this Province, for any time not less than seven years.

Preamble.

Forging the Great Seal of Canada or of Upper or Lower Canada, to be felony, and how punishable.

II. And be it enacted, That if any person shall forge or counterfeit, or shall utter, knowing the same to be forged or counterfeited, the Seal at Arms of any Governor, Lieutenant Governor, or Person administering the Government of this Province, to any commission, grant, appointment, license, warrant, order, or other instrument of a public nature appertaining or relating to the affairs of this Province, or to any instrument purporting to be a commission, grant, appointment, license, warrant, order, or other instrument of a public nature appertaining or relating to the affairs of this Province, or shall forge any public register book, appointed by law to be made or kept, or shall wilfully certify or utter any writing as and for a true copy of such public register or book, or of any entry therein, knowing such writing to be counterfeit or false, every such offender shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be kept confined at hard labour, in the public Penitentiary of this Province, for any term not less than five nor more than fourteen years.

Forging Seal at Arms of the Governor, Public Register, &c.

Punishment.

Forging De-
bentures, as-
signments of
Debentures,
Scrip, &c.

Bank notes,
wills, Licen-
ses of mar-
riage, &c.

Bills or notes,
or indorse-
ments thereon.

Punishment.

III. And be it enacted, That if any person shall forge or alter, or shall offer, dispose of or put off, knowing the same to be forged or altered, any debenture issued under the authority of any Act of the Legislatures of the late Provinces of Upper Canada or of Lower Canada, or of any Act passed or to be passed hereafter by the Legislature of this Province, or any stamp or endorsement on or assignment of any such debenture, or any scrip issued by the Commissioner of Crown Lands for the time being, in lieu of or in satisfaction of any right or claim to a grant of land from the Crown in this Province or any part thereof, or any bank note, or any will, testament, codicil, or testamentary writing, or any license of marriage, or any bill of exchange, or any promissory note for the payment of money, or any indorsement on or any assignment of any bill of exchange or promissory note for the payment of money, or any acceptance of any bill of exchange, or any undertaking, warrant or order for the payment of money, with intent in any of the cases aforesaid to defraud any person whatsoever, every such offender shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be kept confined at hard labour in the public Penitentiary of this Province, for any term not less than four years, nor more than ten years.

Where by any
other law the
forgery of any
instrument or
writing is
made punish-
able with
death, and the
same is in law
a will, note,
bill, &c. within
the meaning of
this Act, the
offender may
be punished
under this Act.

IV. And be it enacted, That where by any law now in force in any part of this Province, any person is made liable to the punishment of death for forging or altering, or for offering, uttering, disposing of, or putting off, knowing the same to be forged or altered, any instrument or writing, designated in such law by any special name or description, and such instrument or writing, however designated, is in law a will, testament, codicil or testamentary writing, or a bill of exchange, or a promissory note for the payment of money, or an endorsement on or assignment of a bill of exchange, or promissory note for the payment of money, within the true intent and meaning of this Act, in every such case the person forging or altering such instrument or writing, or offering, uttering, disposing of or putting off such instrument or writing, knowing the same to be forged or altered, may be indicted as an offender under this Act, and punished in the manner provided in the next foregoing section thereof.

Forging Let-
ters Patent, or
enrollment or
registration
thereof. &c.

Punishment.

V. And be it enacted, That if any person shall forge or alter, or shall in any way publish, put off or utter as true, knowing the same to be forged or altered, any copy of letters patent, or of the enrollment or enregistration of letters patent, or of any certificate thereof now or hereafter to be made or given, or purporting to be or to have been made or given by virtue of any Statute of Upper Canada or of Lower Canada, or of this Province, every such offender shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be kept confined at hard labour in the public Penitentiary of this Province, for any term not less than three years nor more than seven years, or to be imprisoned in any Common Gaol for any term not more than two years.

Forging trans-
fers of stock or
power of attor-
ney to transfer
&c. or personat-
ing the owner
thereof, in or-
der to transfer
the same, &c.

VI. And be it enacted, That if any person shall forge or alter, or shall utter, knowing the same to be forged or altered, any transfer of any share or interest of or in the Capital Stock of any Body Corporate, Company or Society, which now is or hereafter may be established by Charter or Act of Parliament in any part of this Province, or shall forge or alter, or shall utter, knowing the same to be forged or altered, any power of attorney or other authority to transfer any share or interest of or in any such Capital Stock, or to receive any dividend or profit payable in respect of any such share or interest,

interest, or shall demand or endeavour to have any such share or interest transferred, or to receive any dividend or profit payable in respect thereof, by virtue of any such forged or altered power of attorney or other authority, knowing the same to be forged or altered, with intent in any of the several cases aforesaid, to defraud any person whatsoever; or if any person shall falsely and deceitfully personate any owner of any such share, interest, dividend or profit as aforesaid, and thereby transfer any share or interest belonging to such owner, or thereby receive any money due to such owner, as if such person were the true and lawful owner, every such offender shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be kept confined at hard labour in the public Penitentiary of this Province, for any term not less than four years nor more than ten years.

Punishment.

VII. And be it enacted, That if any person shall falsely and deceitfully personate any owner of any share or interest of or in the Capital Stock of any Body Corporate, Company or Society, which now is or hereafter may be established by Charter or Act of Parliament in any part of this Province, or any owner of any dividend or profit payable in respect of any such share or interest as aforesaid, or any person having a claim for a grant of land from the Crown in this Province, or for any scrip or other payment or allowance in lieu of such grant of land, and shall thereby endeavour to transfer any share or interest belonging to any such owner, or thereby endeavour to receive any money due to any such owner as if such offender were the true and lawful owner, or to obtain any such grant of land, or any scrip or other payment or allowance in lieu thereof, as if such offender were entitled thereto, every such offender shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be kept confined at hard labour in the public Penitentiary of this Province, for any term not less than three years nor more than seven years, or to be imprisoned in any Common Gaol for any term not exceeding two years.

Personating owners of stock, land scrip, &c.

Punishment.

VIII. And be it enacted, That if any person shall forge the name or handwriting of any person as or purporting to be a witness attesting the execution of any power of attorney or other authority to transfer any share or interest of or in any Capital Stock as is in this Act before mentioned, or to receive any dividend or profit payable in respect of any such share or interest, or to assign or transfer any right to obtain a grant from the Crown of lands in this Province, or to obtain any scrip or other payment or allowance in lieu of such grant of land, or shall utter any such power of attorney or other authority with the name or handwriting of any person forged thereon as an attesting witness, knowing the same to be forged, every such offender shall be guilty of felony, and being convicted thereof, shall be liable at the discretion of the Court, to be kept confined at hard labour in the public Penitentiary of this Province, for any term not less than three years nor more than seven years, or to be confined in any Common Gaol for any term not exceeding two years.

Forging signature of witnesses to power of attorney, or other authority to transfer stock, &c.

Punishment.

IX. And be it enacted, That if any person shall forge or alter, or shall offer, utter, dispose of or put off, knowing the same to be forged or altered, any notarial Act or instrument or copy purporting to be an authenticated copy thereof, *procès verbal* of any Surveyor, or like copy thereof, any judicial record, writ, order, return, exhibit, report, certificate or other document or entry made or filed in any suit or proceeding civil or criminal in any Court of Justice, or with any officer of such Court, or any copy or paper purporting to be an exemplification or authenticated or certified copy of any such

Forging deeds, bonds, memorials, receipts, notarial instruments, *procès verbaux* or any judicial proceeding, or exemplification &c.

such judicial record, writ, order, return, exhibit, report, certificate, or other such document or entry as aforesaid, deed, bond, writing obligatory or any assignment of a right to land, certificate of registration or affidavit of execution, or any memorial of any deed, will or other instrument, that may now or hereafter be registered by virtue of any Statute in force in this Province or any part thereof, or any acquittance or receipt either for money or for goods, or any accountable receipt either for money or goods, as for any note, bill or other security for payment of money, or any warrant, order or request for the delivery or transfer of goods, or for the delivery of any note, bill or other security for the payment of money, or any contract, promise or agreement with intent to defraud any person whatsoever, every such offender shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be kept confined at hard labour in the public Penitentiary of this Province, for any term not less than four years nor more than ten years.

Punishment.

Personating
parties giving
recognizances
cognovit &c.

X. And be it enacted, That if any person shall knowingly and wilfully before any Court, Judge or other person lawfully authorized to take any recognizance or bail, acknowledge any recognizance or bail in the name of any other person not privy or consenting to the same, whether such recognizance or bail in either case be or be not filed, or if any person shall in the name of any other person not privy or consenting to the same, acknowledge any *cognovit actionem* or judgment, or any deed to be registered or enrolled, every such offender shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be kept confined at hard labour in the public Penitentiary of this Province, for any term not less than four years nor more than ten years.

Punishment.

Having forged
Bank-notes in
possession, &c.

XI. And be it enacted, That if any person shall, without lawful excuse, the proof whereof shall lie upon the party accused, purchase or receive from any other person, or have in his custody or possession, any forged bank-note or blank bank-note, knowing the same respectively to be forged, every such offender shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be kept confined at hard labour in the public Penitentiary of this Province, for any term not less than three years nor more than seven years, or to be imprisoned in any Common Gaol for any term not exceeding two years.

Punishment.

Engraving
Bank-notes,
&c. without
permission;

XII. And be it enacted, That if any person shall engrave or in any wise make upon any plate whatever, or upon any wood, stone or other material, any bank-note, bill of exchange or promissory note for the payment of money, purporting to be the bank-note, bill or promissory note, or part of the bank note, bill or promissory note of any person or persons, body corporate or company carrying on the business of bankers in this Province, without the authority of such person or persons, body corporate or company, the proof of which shall lie on the party accused; or if any person shall engrave or make upon any plate whatever, or upon any wood, stone or other material, any word or words resembling or apparently intended to resemble any subscription subjoined to any bank note, bill of exchange or promissory note for the payment of money, issued by any such person or persons, body corporate or company carrying on the business of bankers, without such authority to be proved as aforesaid; or if any person shall, without such authority, to be proved as aforesaid, use, or shall, without lawful excuse, to be proved by the party accused, knowingly have in his custody or possession, any plate, wood, stone or other material upon which any such bank-note, bill

Or having
plates of such
Bank-notes
&c., so
engraved, in
possession.

bill of exchange or promissory note, or part thereof, or any word or words resembling or apparently intended to resemble such subscription shall be engraved or made; or if any person shall, without such authority, to be proved as aforesaid, knowingly offer, utter, dispose of or put off, or shall without lawful excuse, to be proved as aforesaid, knowingly have in his custody or possession, any paper upon which any part of such bank-note, bill of exchange or promissory note, or any word or words resembling or apparently intended to resemble any such subscription, shall be made or printed, every such offender shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be kept confined at hard labour in the public Penitentiary of this Province, for any term not less than three years nor more than seven years, or to be imprisoned in any Common Gaol for any term not exceeding two years.

Offering or uttering the same.

Punishment.

XIII. And be it enacted, That if any person shall forge or alter, or shall offer, utter, dispose of or put off, knowing the same to be forged or altered, any bill of exchange, promissory note, undertaking or order for payment of money, in whatever language or languages the same may be expressed, and whether the same shall or shall not be under seal, purporting to be the bill, note, undertaking or order of any foreign Prince or State, or of any minister or officer in the service of any foreign Prince or State, or of any body corporate or body of the like nature constituted or recognized by any foreign Prince or State, or of any person or company of persons resident in any country not under the dominion of Her Majesty; or if any person shall engrave or in any wise make upon any plate whatever or upon any wood, stone or other material, any bill of exchange, promissory note, undertaking or order for payment of money in whatever language or languages the same may be expressed, and whether the same shall or shall not be intended to be under seal, purporting to be the bill, note, undertaking or order of any foreign Prince or State, or of any minister or officer in the service of any foreign Prince or State, or of any body corporate or body of the like nature constituted or recognized by any foreign Prince or State, or of any person or company of persons resident in any country not under the dominion of Her Majesty, without the authority of such foreign Prince or State, Minister or officer, body corporate or body of the like nature, person or company of persons, the proof of which authority shall lie on the person accused; or if any person shall without such authority, to be proved as aforesaid, use, or shall without lawful excuse, to be proved by the party accused, knowingly have in his custody or possession any plate, stone, wood or other material upon which any such foreign bill, note, undertaking or order or any part thereof shall be engraved or made; or if any person shall without such authority, to be proved as aforesaid, knowingly utter, dispose of or put off, or shall, without lawful excuse to be proved as aforesaid, knowingly have in his custody or possession any paper upon which any part of any such foreign bill, note, undertaking or order shall be made or printed, every such offender shall be guilty of felony, and being convicted thereof shall be liable at the discretion of the Court to be kept confined at hard labour in the public Penitentiary of this Province for any term not less than three years, nor more than seven years, or to be imprisoned in any Common Gaol for any term not exceeding two years.

Forging or uttering foreign bills, notes, undertakings, &c.

Engraving such notes &c.

Having plates &c. of such foreign bills notes, &c. in possession.

Punishment.

XIV. And whereas by an Act passed in the fifth year of the Reign of Queen Elizabeth, intituled, *An Act against forgers of false deeds and writings*, it is amongst other things provided, that every person convicted of any of the offences first enumerated in that Act shall pay to the party grieved his double costs and damages, and shall forfeit

English statute 5 Elizabeth, c. 14, recited.

to

Other punishments substituted for those in the said Act.

Punishment.

to the Crown the whole issues of his lands and tenements during his life, and shall also suffer imprisonment during his life; And whereas there are certain Acts in force in this Province or in some parts thereof, by which persons convicted of certain offences mentioned in those Acts are subjected to the same pains and penalties as are imposed by the said Act of Queen Elizabeth for the offences first enumerated in that Act; And whereas it is expedient to substitute other punishments in lieu of the punishments of that Act so far as the same have been adopted by any other Act: Be it therefore enacted, That every person who shall after the commencement of this Act be convicted of any offence which is now subjected by any Act or Acts to the same pains or penalties as are imposed by the said Act of Queen Elizabeth for any of the offences first enumerated in that Act, shall be guilty of felony, and shall in lieu of such pains and penalties be liable, at the discretion of the Court, to be kept confined at hard labour in the public Penitentiary of this Province for any term not less than three years nor more than seven years, or to be imprisoned in any Common Gaol for any term not exceeding two years.

Forging, uttering, &c., to be an offence within this Act, whosoever the thing forged may purport to be made expressed.

Or in what language soever.

Abettors.

Writings for payment of money, and for some other purpose;

And whosoever the money be made payable or in what language soever couched.

Punishment.

XV. And be it declared and enacted, That where the forging or altering any matter whatsoever, or the offering, uttering, disposing of or putting off any writing or matter whatsoever, knowing the same to be forged or altered, is in this Act expressed to be an offence, if any person shall in this Province forge or alter or offer, utter, dispose of or put off, knowing the same to be forged or altered, any such writing or matter, in whatsoever place or country out of this Province, whether under the dominion of Her Majesty or not, such writing or matters may purport to be made or may have been made, and in whatever language or languages the same or any part thereof may be expressed, every such person and every person aiding, abetting or counselling such person shall be deemed to be an offender within the meaning of this Act, and shall be punishable thereby in the same manner as if the writing or matter had purported to be made or had been made in this Province; and if any person shall in this Province forge or alter or offer, utter, dispose of or put off, knowing the same to be forged or altered, any bill of exchange or any promissory note for the payment of money, or any endorsement on or assignment of any bill of exchange or promissory note for the payment of money, or any deed, bond, writing obligatory for the payment of money (whether such deed, bond or writing obligatory shall be made only for the payment of money or for the payment of money together with some other purpose) in whatever place or country out of this Province, whether under the dominion of Her Majesty or not, the money payable or secured by such bill, note, undertaking, warrant, order, deed, bond or writing obligatory may be or may purport to be payable, and in whatever language or languages the same, respectively or any part thereof may be expressed, and whether such bill, note, undertaking, warrant or order be or be not under seal, every such person and every person aiding, abetting or counselling such person shall be deemed to be an offender within the meaning of this Act, and shall be punishable thereby in the same manner as if the money had been payable or had purported to be payable in this Province.

Persons convicted of forging, uttering fraudulently, personating others, &c. after this Act shall be in

XVI. And be it enacted, That when by any law now in force in any part of this Province, any person falsely making, forging, counterfeiting, erasing or altering any matter whatsoever, or uttering, publishing, offering, disposing of, putting away or making use of any matter whatsoever, knowing the same to be falsely made, forged, counterfeited, erased or altered, or any person demanding or endeavouring to receive or

have

have any thing, or to do or cause to be done any act upon or by virtue of any matter whatsoever, knowing such matter to be falsely made, forged, counterfeited, erased or altered, or where by any law now in force as aforesaid, any person falsely personating another or falsely acknowledging any thing in the name of another, or falsely representing any other person than the real party to be such party, or demanding or receiving any money or other thing by virtue of any probate or letters of administration, knowing the will on which such probate shall have been obtained to have been false or forged, or knowing such probate or letters of administration to have been obtained by means of any false oath or false affirmation, would be guilty of felony and be liable to any other punishment than is provided by this Act; then and in each of the several cases aforesaid, if any person shall after the commencement of this Act be convicted of any such felony as hereinbefore mentioned, or of aiding, abetting, counselling or procuring the commission thereof, and no other provision is made for the punishment of any such offender under any other clause of this Act, such offender shall be liable at the discretion of the Court, to be kept confined at hard labour in the public Penitentiary of this Province for any term not less than three nor more than ten years, or to be imprisoned in any Common Gaol for any term not exceeding two years: Provided always, that nothing herein contained shall affect or alter any law relating to any coin lawfully current in this Province.

force, under some other Act and no other punishment being assigned by this Act, how to be punished.

Punishment.

Proviso—this Act not to affect any law relating to current coin.

XVII. And be it enacted, That if any person shall commit any offence against this Act, or shall commit any offence of forging or altering any matter whatsoever, or of offering, uttering, disposing of or putting off any matter whatsoever, knowing the same to be forged or altered, whether the offence in any such case shall be indictable at Common Law or by virtue of any statute or statutes made or to be made, the offence of every such offender may be dealt with, indicted, tried and punished and laid and charged to have been committed in any district or place in which he shall be apprehended or be in custody, as if his offence had been actually committed in that district or place; and every accessory before or after such offence, if the same be a felony, and every person aiding, abetting or counselling the commission of any such offence if the same be a misdemeanor, may be dealt with, indicted, tried and punished, and his offence laid and charged to have been committed in any district or place in which the principal offender may be tried.

Offenders may be tried in the District in which they shall be apprehended or in custody.

And accessories in the same place.

XVIII. And be it enacted, That in the case of every felony punishable under this Act, every principal in the second degree and every accessory before the fact shall be punishable in the same manner as the principal in the first degree is by this Act punishable; and every accessory after the fact to any felony punishable under this Act shall on conviction be liable to imprisonment in any Common Gaol for any term not exceeding two years.

Accessories and principals in the second degree, how punished. Accessories after the fact.

XIX. And in order to prevent justice being defeated by clerical or verbal inaccuracies, Be it enacted, That in all informations or indictments for forging, altering or in any manner uttering any instrument or writing, it shall not be necessary to set forth any copy or *fac simile* thereof, but it shall be sufficient to describe the same in such manner as would sustain an indictment for stealing the same.

Fac simile not required in indictments.

What description shall be sufficient.

XX. And be it declared and enacted, That when the having any matter in the custody or possession of any person is in this Act expressed to be an offence, if any person shall

What shall be a having any thing in possession shall

Session under this Act.

Word "person," how interpreted in this Act.

What allegation as to party intended to be defrauded shall be sufficient in an indictment.

Persons interested in the forged document not incompetent as witnesses.

Proviso: their evidence must be supported by other proof.

Repealing clause.
7th sect. of 4 & 5 Vict. c. 28.
3rd sect. 4 & 5 Vict. c. 33.

Part of 13th sect. 4 & 5 Vict. c. 93.

21st, 22d and 23rd sects. 4 & 5 Vict. c. 94.
43d, 44th and 45th sects. 4 & 5 Vict. c. 96.

32d 33d and 34th sects. 4 & 5 Vict. c. 97.

35th, 36th and 37th sects. 4 & 5 Vict. c. 98.

shall have any such matter in his personal custody or possession, or shall knowingly or wilfully have any such matter in any dwelling house or other building, lodging, apartment, field or other place, open or inclosed, whether belonging to or occupied by himself or not, and whether such matter shall be so had for his own use or for the use or benefit of another, every such person shall be deemed and taken to have such matter in his custody or possession within the meaning of this Act; and where the committing of any offence with intent to defraud any person whatsoever is made punishable by this Act, in every such case the word "person" shall throughout this Act be deemed to include Her Majesty or any foreign Prince or State, or any body corporate or any company or society of persons not incorporated, or any person or number of persons whatsoever who may be intended to be defrauded by such offence, whether such body corporate, society, person or number of persons shall reside or carry on business in this Province or elsewhere in any place or country, whether under the dominion of Her Majesty or not; and it shall be sufficient in any indictment to name one person only of such company, society or number of persons and to alledge the offence to have been committed with intent to defraud the person so named and another or others, as the case may be.

XXI. And be it enacted, That in all prosecutions by indictment or information against any person or persons for any offence punishable under this Act, no person or persons shall be deemed to be an incompetent witness or incompetent witnesses, in support of any such prosecution by reason of any interest which such person or persons may have or be supposed to have in respect of any deed, writing, instrument or other matter given in evidence on the trial of any such indictment or information: Provided always, that the evidence of any person or persons so interested or supposed to be interested shall in no case be deemed sufficient to sustain a conviction for any of the said offences unless the same be corroborated by other legal evidence in support of such prosecution.

XXII. And be it enacted, That the seventh section of the Act of the Legislature of this Province, passed in the Session held in the fourth and fifth years of Her Majesty's Reign, and intituled, *An Act to appropriate certain sums of money for Public Improvements in this Province, and for other purposes therein mentioned*,—and the third section of the Act of the said Legislature, passed in the said Session, and intituled, *An Act to facilitate the negotiation of a loan in England, and for other purposes therein mentioned*,—and the thirteenth section of the Act of the said Legislature, passed in the same Session, and intituled, *An Act to regulate the currency of this Province*, except in so far as the said section applies to any offence relative to any coin current in this Province,—and the twenty-first, twenty-second and twenty-third sections of the Act of the said Legislature, passed in the same Session, and intituled, *An Act to extend the Charter of the Quebec Bank*,—and the forty-third, forty-fourth and forty-fifth sections of the Act of the said Legislature, passed in the same Session, and intituled, *An Act to incorporate sundry persons under the style and title of the President, Directors and Company of the Bank of the Niagara District*,—and the thirty-second, thirty-third and thirty-fourth sections of the Act of the said Legislature, passed in the same Session, and intituled, *An Act to extend the Charter of the City Bank, and to increase the Capital Stock thereof*,—and the thirty-fifth, thirty-sixth and thirty-seventh sections of the Act of the said Legislature, passed in the same Session, and intituled, *An Act to renew the Charter of the Bank of Montreal, and to increase its Capital Stock*,—and the fourth section

section of the Act of the said Legislature, passed in the sixth year of Her Majesty's Reign, and intituled, *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*,—and the thirty-third, thirty-fourth and thirty-fifth sections of the Act of the said Legislature, passed in the said year, and intituled, *An Act to extend the Charter of the Commercial Bank of the Midland District, and to increase its Capital Stock*,—and the thirty-second, thirty-third and thirty-fourth sections of the Act of the said Legislature, passed in the same year, and intituled, *An Act to extend the Charter of the Bank of Upper Canada, and to increase the Capital Stock thereof*,—and the thirty-third, thirty-fourth and thirty-fifth sections of the Act of the said Legislature, passed in the seventh year of Her Majesty's Reign, and intituled, *An Act to incorporate certain persons carrying on the business of Banking in the City of Montreal, under the name of La Banque du Peuple*,—and so much of the seventeenth section of the Act of the said Legislature, passed in the ninth year of Her Majesty's Reign, and intituled, *An Act to Consolidate and Amend the Registry Laws of that part of this Province which was formerly Upper Canada*, as relates to the forging or counterfeiting of any certificate, affidavit or memorial therein mentioned,—and the Act of the said Legislature, passed in the said year, and intituled, *An Act to amend the Law in Cases of Forgery*, and the third section of the Act of the said Legislature, passed in the said year, and intituled, *An Act to authorize the Issue of Debentures for the crection of a Lunatic Asylum at Toronto*,—and the twenty-eighth section of the Act of the said Legislature, passed in the said year, and intituled, *An Act for enabling Her Majesty to direct the Issue of Debentures to a limited amount, and for giving relief to the City of Quebec*,—and the fourth section of the Act of the said Legislature, passed in the said year, and intituled, *An Act to provide for the payment of certain Rebellion Losses in Lower Canada, and to appropriate the proceeds of the Marriage License Fund*,—and the third section of the Act of the said Legislature, passed in the said year, and intituled, *An Act for raising on the credit of the Consolidated Revenue Fund, a sum of money required for certain Public Works*,—and the tenth section of the Act of the said Legislature, passed in the said year, and intituled, *An Act for Lighting the City of Quebec with Gas*,—and the Act of the Legislature of the late Province of Upper Canada, passed in the fiftieth year of the Reign of King George the Third, and intituled, *An Act for preventing the Forging and Counterfeiting of Foreign Bills of Exchange, and of Foreign Notes and Orders for the payment of money*,—and so much of the twenty-fifth and twenty-sixth sections of 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 reduce the number of cases in which Capital Punishment may be inflicted: to provide other punishments for offences which shall no longer be Capital after the passing of this Act: to extend the privilege and benefit of Clergy, and to make other alterations in certain criminal proceedings before and after conviction*, as relates to the offence of forgery or to any offence concerning which provision is made by this Act,—and the eighth section of the Act of the said Legislature, passed in the seventh year of the said Reign, and intituled, *An Act to supply by a General Law certain forms of enactment in common use, which may render it unnecessary to repeat the same in Acts to be hereafter passed*,—and the tenth section of the Act of the Legislature of the late Province of Lower Canada, passed in the thirty-fifth year of the Reign of King George the Third, and intituled, *An Act for granting to His Majesty duties on Licenses to Hawkers, Pedlars and Petty Chapmen, and for regulating their trade, and for granting additional duties on Licenses to persons for keeping houses of public entertainment, or for retailing*

4th sect. 6.
Vict. c. 8.33d., 34th and
35th sects. 6
Vict. c. 26.32d, 33d. and
34th sects. 6
Vict. c. 27.33d, 34th and
35th sects. 7
Vict. c. 66.Part of 17th
sect. 9 Vict.
c. 34.

9 Vict. c. 3.

3d sect. 9
Vict. c. 61.
28th sect. 9
Vict. c. 62.4th sect. 9
Vict. c. 65.3d sect. 9
Vict. c. 66.10th sect. 9
Vict. c. 74.U. C. 50 Geo.
3, c. 4.Part of 25th
and 26th sects.
U. C. 3 Will.
4, c. 3.8th sect. U. C.
7 Will. 4, c.
14.10th sect. L.
C. 35 Geo. 3,
c. 8.

6th sect. L. C.
36 Geo. 3, c. 3.

L. C. 51 Geo.
3, c. 10.

19th sect. L.
C. 3 and 4
Vict. c. 31.

34th sect. L.
C. 4 Vict. c.
16.

30th sect. L.
C. 4 Vict. c.
17.

And part of
51st sect. L.
C. 4 Vict. c.
30.

To continue in
force until 31st
December
1847, and
thereafter to
be repealed.
Exception.

Proviso: as to
punishment of
persons con-
victed after
this Act of
offences
against Acts
repealed where
under such
repealed Act
the punish-
ment is death.

Commence-
ment of this
Act.

*retailing wine, brandy, rum or other spirituous liquors in this Province, and for regulat-
ing the same, and for repealing the Act or Ordinance therein mentioned,—and the
sixth section of the Act of the said Legislature, passed in the thirty-sixth year of the
same Reign, and intituled, An Act for the safe custody and registering of all Letters
Patent, whereby any grant of the waste or other lands of the Crown, lying within this
Province, shall hereafter be made,—and the Act of the said Legislature, passed in the
fifty-first year of the said Reign, and intituled, An Act for preventing the Forging and
Counterfeiting of foreign Bills of Exchange, and of foreign Promissory Notes and
orders for the payment of money,—and the nineteenth section of the Ordinance of the
said Legislature, 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 of the
Roads in the neighbourhood of and leading to the City of Montreal, and to raise a
fund for that purpose,—and the thirty-fourth section of the Ordinance of the said
Legislature, passed in the fourth year of Her Majesty's Reign, and intituled, An Ordi-
nance for establishing and maintaining better means of communication between the City
of Montreal and Chambly,—and the thirtieth section of the Ordinance of the said
Legislature, passed in the same year, and intituled, An Ordinance to provide for the
improvement of certain roads in the neighbourhood of and leading to the City of Quebec,
and to raise a fund for that purpose,—and so much of the fifty-first section of the
Ordinance of the said Legislature, passed in the said year, and intituled, An Ordinance
to prescribe and regulate the registering of Titles to Lands, Tenements and Heredi-
taments, Real or Immoveable Estates, and of Charges and incumbrances on the same,
and for the alteration and improvement of the Law in certain particulars in relation
to the alienation and hypothecation of real estates and the rights and interest acquired
therein, as relates to the forging or counterfeiting of any memorial, certificate or en-
dorsement therein mentioned,—and all other Acts or parts of Acts or Laws now in
force, at variance with the provisions of this Act, or respecting matters for which
this Act provides, shall continue in force until and throughout the thirty-first day of
December in the present year, one thousand eight hundred and forty-seven, and shall
from and after that day be repealed, except so far as any of the said Acts may repeal
the whole or any part of any other Acts, and except as to offences committed before
or upon the said thirty-first day of December, which shall be dealt with and punished
as if this Act had not been passed: Provided always, that if any person who shall
before or upon the said thirty-first day of December, have committed any offence
against any of the several Acts hereby declared to be no longer in force or repealed as
aforesaid, shall after the commencement of this Act be convicted of the same, and such
offence shall have been made heretofore punishable with death, in every such case the
person convicted of such offence shall not suffer the punishment of death, but shall in
lieu thereof be liable at the discretion of the Court, to be kept confined at hard labour
in the public Penitentiary of this Province, for any term not less than three nor more
than ten years, or to be imprisoned in any Common Gaol for any term not exceeding
two years.*

XXIII. And be it enacted, That this Act shall commence and take effect on the
first day of January, one thousand eight hundred and forty-eight.



ANNO DECIMO ET UNDECIMO

VICTORIÆ REGINÆ.

C A P. X.

An Act for the better protection of Merchants and others who may hereafter receive Assignments and enter into Contracts and Agreements in relation to Goods and Merchandize entrusted to Agents.

[23th July, 1847.]

WHEREAS it is expedient to afford better protection to Merchants and others who may hereafter enter into Contracts or Agreements in relation to goods, wares and merchandize entrusted to Factors and Agents ; and whereas advances on the security of goods and merchandize have become an usual and ordinary course of business, and it is advisable and necessary that reasonable and safe facilities should be afforded thereto : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of the same*, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, it shall and may be lawful for any person to contract with any agent who shall thereafter be entrusted with the possession of any goods or merchandize or to whom the same may be consigned, for the purchase of any such goods or merchandize, and to receive the same of and pay for the same to such agent, and such contract and payment shall be binding upon and good against the owner of such goods and merchandize notwithstanding such person shall have notice that the person making and entering into such contract or on whose behalf such contract is made or entered into is only an Agent.

Preamble.

Contracts for the sale of goods made with agents entrusted with the possession thereof to be valid, although the purchaser may know the seller to be only an agent.

II. And be it enacted, That any such agent who shall be entrusted with the possession of goods and merchandize or of the documents of title to goods and merchandize shall be deemed and taken to be owner of such goods and merchandize and documents for the purposes of such sale or contract of sale as in the first clause mentioned, and also so as to entitle the consignee of such goods and merchandize to a lien thereon in respect of any money or negotiable security advanced or given by such consignee to and for the use of such agent, or in respect of any money or negotiable security received by him to the use of such consignee in the like manner to all intents and purposes, as if such person was the true owner of such goods and merchandize, and so far as to give validity to any contract or agreement by way of pledge (*gage*) lien or security *bonâ fide* made by any person with such agent so entrusted as aforesaid, as well for

Agents to be deemed the owner of goods entrusted to them, for the purpose mentioned in the section one, and so as to entitle a consignee thereof to a lien for monies, &c., advanced to the agent : and also so as to make valid

any

contracts of
pledge.

Contracts of
pledge.
Notice of
ownership not
to affect such
contracts.

Case where
the pledge or
lien shall be in
consideration
of the delivery
of other goods,
&c., on which
the party de-
livering them
hath a lien,
provided for.

Proviso as
to amount of
lien in such
case.

Act not to
extend to cases
when the
party advan-
cing, &c., has
notice that the
agent has
no power to
pledge, or is
acting *malâ*
fide.

Nor to antec-
edent debts of
the agent, or to
justify his act-
ing against ex-
press instruc-
tions of the
owner.

But the owner
to be bound
only to a cer-
tain extent.

What shall
be deemed do-
cuments of
title.

Agent posses-
sed of such
document to
be deemed in
possession of
the goods to
which it re-
lates.

any original loan, advance or payment made upon the security of such goods and merchandize or documents, as also for any further or continuing advance in respect thereof, and such contract or agreement shall be binding upon and good against the owner of such goods and merchandize, and all other persons interested therein, notwithstanding the person claiming such pledge or lien may have had notice that the person with whom such contract or agreement is made is only an agent.

III. And be it enacted, That where any such contract or agreement for pledge (*gage*) lien or security shall be made in consideration of the delivery or transfer to such agent of any other goods or merchandize or document of title or negotiable security, upon which the person so delivering up the same had at the time a valid and available lien and security for or in respect of a previous advance by virtue of some contract or agreement made with such agent, such contract and agreement, if *bonâ fide* on the part of the person with whom the same may be made, shall be deemed to be a contract made in consideration of an advance within the true intent and meaning of this Act, and shall be as valid and effectual to all intents and purposes and to the same extent as if the consideration for the same had been a *bonâ fide* present advance of money: Provided always, that the lien acquired under such last mentioned contract or agreement upon the goods or documents deposited in exchange, shall not exceed the value at the time of the goods and merchandize which, or the documents of title to which, or the negotiable security which shall be delivered up and exchanged.

IV. Provided always, and be it enacted, That this Act and every matter and thing herein contained shall be deemed and construed to give validity to such contracts and agreements only as in this Act mentioned and to protect only such loans, advances and exchanges as shall be made *bonâ fide* and without notice that the agent making such contracts and agreements as aforesaid has no authority to make the same or is acting *malâ fide* in respect thereof against the owner of such goods and merchandize; and nothing herein contained shall be construed to extend to or protect any lien (*gage*) or pledge for or in respect of any antecedent debt owing from any agent to any person with or to whom such lien (*gage*) or pledge shall be given, nor to authorize any agent entrusted as aforesaid, in deviating from any express orders or authority received from the owner; but that for the purpose and to the intent of protecting all such *bonâ fide* loans, advances and exchanges as aforesaid, (though made with notice of such agent not being the owner, but without any notice of the agent's acting without authority,) and to no further or other intent shall the owner and all other persons interested in such goods and merchandize be bound.

V. And be it enacted, That any bill of lading, warehouse-keeper's or wharfinger's receipt or order for delivery of goods, or any bill of inspection of pot or pearl ashes, or any other document used in the ordinary course of business, as proof of the possession or control of goods, or authorizing or purporting to authorize either by endorsement or by delivery the possessor of such document to transfer or receive goods thereby represented, shall be deemed and taken to be a document of title within the meaning of this Act; and any agent entrusted as aforesaid and possessed of any such document of title, whether derived immediately from the owner of such goods and merchandize or obtained by reason of such agent's having been entrusted with the possession of the goods and merchandize or of any other document of title thereto, shall be deemed and taken to have been entrusted with the possession of the goods and merchandize represented by such document of title as aforesaid; and all contracts pledging

pledging or giving a lien upon such document of title as aforesaid shall be deemed and taken to be respectively pledges (*gages*) of and lien upon the goods and merchandize to which the same relates, and such agent shall be deemed to be possessor of such goods and merchandize or documents of title whether the same shall be in his actual custody or shall be held by any other person subject to his control or for him or on his behalf; and when any loan or advance shall be *bonâ fide* made to any agent entrusted with and in possession of any such goods and merchandize or documents of title as aforesaid on the faith of any contract or agreement in writing to consign, deposit, transfer or deliver such goods and merchandize or documents of title as aforesaid, and such goods and merchandize or documents of title shall actually be received by the person making such loan or advance, without notice that such agent was not authorized to make such pledge or security, every such loan or advance shall be deemed and taken to be a loan or advance upon the security of such goods and merchandize or documents of title, within the meaning of this Act, though such goods and merchandize or documents of title shall not actually be received by the person making such loan or advance till the period subsequent thereto: and any contract or agreement whether made direct with such agent as aforesaid or with any clerk or other person on his behalf shall be deemed a contract or agreement with such agent; and any payments made whether by money or bills of exchange or other negotiable security shall be deemed and taken to be an advance within the meaning of this Act; and an agent in possession as aforesaid of such goods and merchandize or documents shall be taken for the purposes of this Act to have been entrusted therewith by the owner thereof, unless the contrary can be shewn in evidence.

VI. Provided always, and be it enacted, That nothing herein contained shall lessen, vary, alter or affect the civil responsibility of an agent for any breach of duty or contract or non-fulfilment of his orders or authority, in respect of any such contract, agreement, lien or pledge (*gage*) as aforesaid.

VII. Provided always, and be it enacted, That if any Agent entrusted as aforesaid shall, contrary to, or without the authority of his principal in that behalf, for his own benefit and in violation of good faith, make any consignment, deposit, transfer or delivery of any goods and merchandize or documents of title so entrusted to him as aforesaid, as and by way of a pledge, (*gage*) lien and security, or shall, contrary to or without such authority, for his own benefit and in violation of good faith, accept any advance on the faith of any contract or agreement to consign, deposit, transfer or deliver such goods and merchandize or documents of title as aforesaid, every such agent shall be deemed guilty of a misdemeanor, and being convicted thereof shall be sentenced to suffer such punishment by fine or imprisonment in the Common Gaol for any term not exceeding two years, or by both as the Court having jurisdiction in such cases shall award; and every clerk or other person who shall knowingly and wilfully act and assist in making any such consignment, deposit, transfer or delivery, or in accepting or procuring such advance as aforesaid, shall be deemed guilty of a misdemeanor, and being convicted thereof shall be liable at the discretion of such Court to any of the punishments which such Court shall award as hereinbefore last mentioned: Provided nevertheless, that no such agent shall be liable to any prosecution for consigning, depositing, transferring or delivering any such goods and merchandize or documents of title, in case the same shall not be made a security for or subject to the payment of any greater sum of money than the amount which at the time of such consignment, deposit

Pledging of such documents to be a pledging of the goods.

Also contracts to deliver, &c., such goods or documents, if the same be afterwards received without notice of non-authority of Agent.

Contracts with the Clerk and with the Agent.

Payments in bills of exchange, &c., Possession of Agent to be deemed with consent of owner, unless the contrary be shewn.

Act not to impair the responsibility of the Agent to his principal.

Agent pledging goods, &c., for his own benefit, in bad faith and contrary to instructions, to be guilty of a misdemeanor. Punishment for such offence.

The like of any Clerk aiding or abetting in such offence.

Proviso: Agent not liable to prosecution for pledging goods to an amount not exceeding that due him by the owner.

Proviso:
Conviction not
to be evidence
against Agent
in any civil
proceedings.
Agent not
liable to be
convicted, af-
ter having dis-
closed the act
on oath in cer-
tain civil pro-
ceedings.

Act not to
impair the
rights of the
owner to re-
deem the
goods, &c.,
pledged.

Or to prevent
his recovering
any balance
from the party
to whom they
were pledged.

Proviso as
to the case
of the Bank-
ruptcy of the
Agent.

Interpretation
clause.

Act not to ex-
tend to things
done before
the passing
thereof.

Nor to affect
any right not
inconsistent
with this Act.

deposit, transfer or delivery, was justly due and owing to such agent from his principal, together with the amount of any bills of exchange drawn by or on account of such principal, and accepted by such agent: Provided also, that the conviction of any such agent so convicted as aforesaid, shall not be received in evidence in any action at law or suit in equity against him; and no agent entrusted as aforesaid shall be liable to be convicted by any evidence whatsoever in respect of any act done by him, if he shall at any time previously to his being indicted for such offence, have disclosed such act on oath, in consequence of any compulsory process of any Court of Law, Equity or Admiralty in any action, suit or proceeding which shall have been *bonâ fide* instituted by any party aggrieved, or if he shall have disclosed the same in any examination or deposition before any Commissioner of Bankrupts.

VIII. Provided always, and be it enacted, That nothing herein contained shall prevent such owner as aforesaid from having the right to redeem such goods and merchandize or documents of title pledged as aforesaid, at any time before such goods and merchandize shall have been sold, upon repayment of the amount of the lien thereon or restoration of the securities in respect of which such lien may exist, and upon payment or satisfaction to such agent, if by him required, of any sum of money for or in respect of which such agent would by law be entitled to retain the same goods, merchandize or documents, or any of them, by way of lien as against such owner; or to prevent the said owner from recovering of and from such person with whom any such goods and merchandize or documents may have been pledged, or who shall have any such lien thereon as aforesaid, any balance or sum of money remaining in his hands as the produce of the sale of such goods and merchandize after deducting the amount of the lien of such person under such contract or agreement as aforesaid: Provided always, that in case of the bankruptcy of any such agent, the owner of the goods and merchandize which shall have been so redeemed by such owner as aforesaid shall, in respect of the sum paid by him on account of such Agent for such redemption, be held to have paid such sum for the use of such agent before his bankruptcy, or in case the goods and merchandize shall not be so redeemed, the owner shall be deemed a creditor of such agent for the value of the goods so pledged at the time of the pledge, and shall if he shall think fit, be entitled in either of such cases to prove for or set off the sum so paid or the value of such goods and merchandize, as the case may be.

IX. And be it enacted, That in construing this Act, the word "person" shall be taken to designate a body corporate or company as well as an individual; and that words in the singular number shall, when necessary to give effect to the intention of the said Act, import also the plural, and *vice versâ*; and words used in the masculine gender shall, when required, be taken to apply to a female as well as a male; and that the words "goods and merchandize" shall be taken to include all personal property of whatever nature or kind soever, and the word "shipped" shall be taken to mean the carriage of goods, whether by land or by water.

X. Provided always, and be it enacted, That nothing herein contained shall be construed to give validity to, or in any wise to affect any contract, agreement, lien, pledge, (*gage*) or other act, matter or thing made or done before the passing of this Act; Provided also, that nothing in this Act contained shall be held to destroy or diminish any other right recourse or remedy not contrary or repugnant to this Act which might be enforced according to the Laws of Upper or Lower Canada.



ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. XI.

An Act to repeal a certain Act therein mentioned, and to make better provision for the Limitation of Actions in Lower Canada.

[28th July, 1847.]

WHEREAS by an Act passed in England in the twenty-first year of the Reign of King James the First, and intituled, *An Act for Limitation of Actions, and for avoiding of Suits in Law*, it is among other things enacted, that all actions of account and upon the case, other than such accounts as concern the trade of merchandize between merchant and merchant, their factors or servants, and all actions of debt grounded upon any lending or contract without specialty, shall be commenced and sued within six years next after the cause of such actions or suits and not after: And whereas, under the law of Lower Canada, whereby it is provided that in proof of all facts concerning commercial matters, recourse shall be had in all Courts of Civil Jurisdiction to the rules of evidence laid down by the Laws of England, doubts have arisen whether the enactment above cited is applicable in Lower Canada as a rule of evidence, and if it be so applicable what acknowledgment or promise within the said period of six years is sufficient to take out of the operation of the said enactment any case which would otherwise be within the same; for the removal of such doubts, Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That no action of account or upon the case, nor any action grounded upon any lending or contract without specialty, shall be maintainable in or with regard to any commercial matter, unless such action be commenced within six years next after the cause of such action; any law, custom or usage to the contrary notwithstanding.

II. And be it enacted, That no acknowledgment or promise by words only, shall be deemed sufficient evidence of a new or continuing contract, whereby to take any case out of the operation of the next preceding section, or to deprive any party of the benefit thereof, unless such acknowledgment or promise shall be made or contained by or in some writing to be signed by the party chargeable thereby; and that where there shall be two or more joint contractors, or executors or administrators of any contractor, no such joint contractor, executor or administrator shall lose the benefit of

Preamble.

English Act.
21st James I,
cap. 16, cited.

Doubts re-
cited.

No actions of
account, &c.
in commercial
cases main-
tainable unless
commenced
within six
years after
cause of ac-
tion.

No verbal pro-
mise to be suf-
ficient evi-
dence of a
new contract
to take the
case out of
the reach of
sect. 1.

the

Case of joint contractors, &c.

Proviso as to effect of payment.

Proviso: in case of joint contractors, &c. plaintiff may recover as against some, though he may fail as against others.

the said section so as to be chargeable in respect or by reason only of any written acknowledgment or promise made and signed by any other or others of them: Provided always, that nothing herein contained shall alter or take away or lessen the effect of any payment of any principal or interest made by any person whatsoever: Provided also, that in actions to be commenced against two or more such joint contractors or executors or administrators, if it shall appear at the trial or otherwise that the plaintiff though barred by this Act as to one or more of such joint contractors or executors or administrators, shall nevertheless be entitled to recover against any other or others of the defendants, by virtue of a new acknowledgment or promise, or otherwise, judgment may be given and costs allowed for the plaintiff, as to such defendant or defendants against whom he shall recover, and for the other defendant or defendants against the plaintiff.

Provision when defendant shall plead that others ought to be sued with him, who are not liable under this Act.

III. And be it enacted, That if any defendant or defendants, in any action on any simple contract in or with regard to any commercial matter, shall plead any matter in abatement, to the effect that any other person or persons ought to be jointly sued, and issue be joined on such plea, and it shall appear at the trial or otherwise, that the action could not by reason of this Act be maintained against the other person or persons named in such plea or any of them, the issue joined on such plea shall be found against the party pleading the same.

No indorsement of payment on a promissory note, &c. by the party to whom such payment is made shall take the case out of this Act. This Act to apply to debts pleaded by way of set-off.

No action to be maintained against a person for a promise made to pay a debt contracted while a minor, unless such promise be in writing.

Cases of guarantee in which a written memorandum shall be necessary.

IV. And be it enacted, That no indorsement or memorandum of any payment written or made upon any promissory note, bill of exchange or other writing, by or on behalf of the party to whom such payment shall be made, shall be deemed sufficient proof of such payment so as to take the case out of the operation of this Act.

V. And be it enacted, That this Act shall apply to the case of any debt of a commercial nature, alleged by way of set-off on the part of any defendant, either by plea, notice, or otherwise.

VI. And be it enacted, That in or with regard to any commercial matter, no action shall be maintained whereby to charge any person upon any promise made after full age to pay any debt contracted during infancy, or upon ratification after full age of any promise or contract in any such matter made during infancy, unless such promise or ratification shall be made by some writing signed by the party to be charged therewith.

VII. And be it enacted, That in or with regard to any commercial matter, no action shall be maintainable whereby to charge any person upon or by reason of any representation or assurance made or given concerning or relating to the character, conduct, credit, ability, trade or dealings of any other person, to the intent or purpose that such other person may obtain credit, money or goods thereupon, unless such representation or assurance be made in writing, signed by the party to be charged therewith.

Recital.

English Statute 29th Carol. II., c. 3, cited.

VIII. And whereas it hath been doubted whether the enactments of the Act passed in England in the twenty-ninth year of the Reign of King Charles the Second, and intituled, *An Act for prevention of Frauds and Perjuries*, do extend in Lower Canada to certain executory contracts for the sale of goods which nevertheless are within the mischief intended to be remedied by the said Act, and it is expedient to extend the same

same to such executory contracts: Be it therefore enacted, That the provisions of the said Act shall extend to all contracts for the sale of goods of the value of ten pounds sterling and upwards, notwithstanding the goods may be intended to be delivered at some future time, or may not at the time of such contract be actually made, procured or provided, or fit or ready for delivery, or some act may be requisite for the making or completing thereof, or rendering the same fit for delivery.

Provisions of the said Act to extend to contracts for goods to the value of £10 sterling.

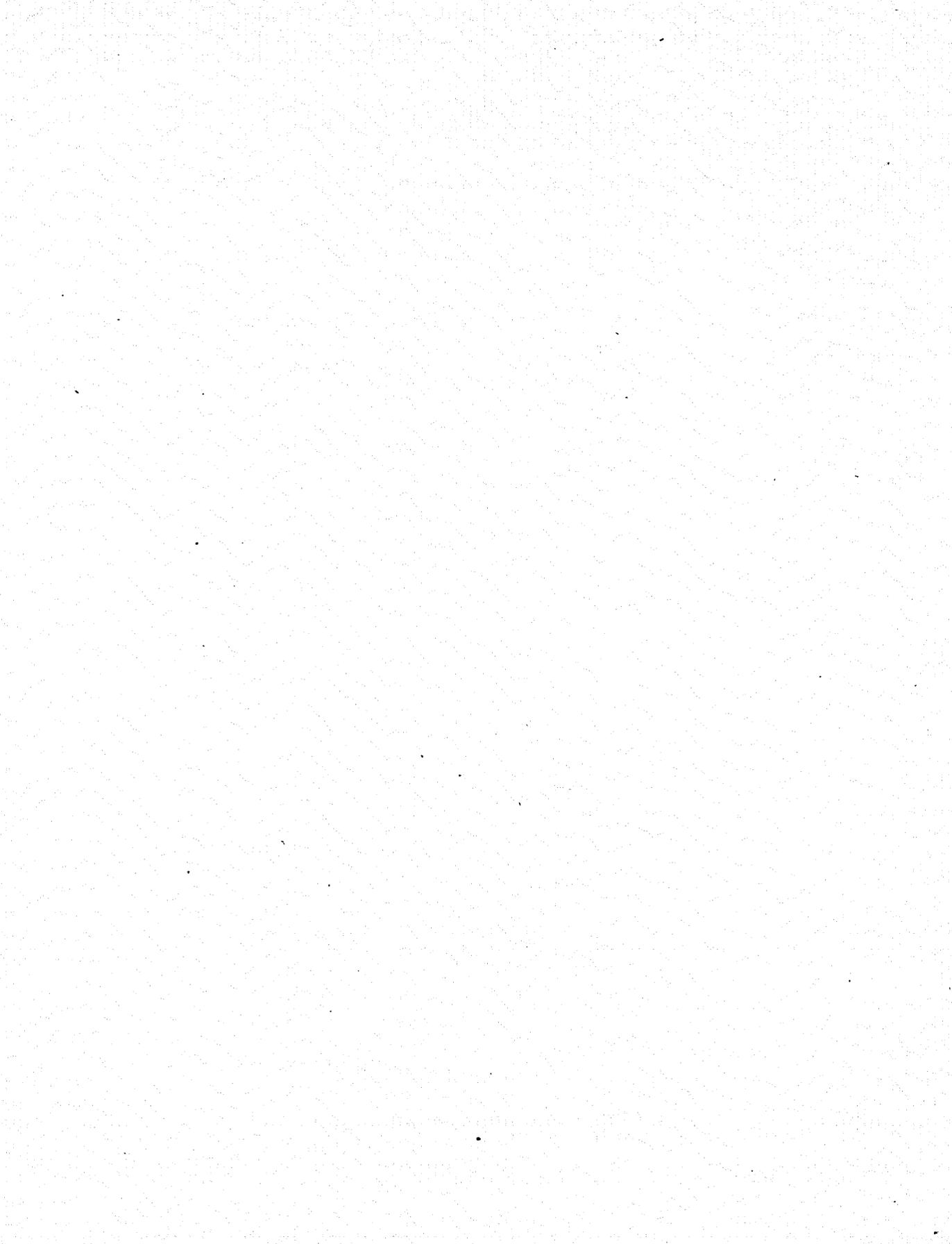
IX. And whereas divers errors have crept into the Act passed in the eighth year of Her Majesty's Reign, and intituled, *An Act for the Limitation of Actions, for avoiding Suits at Law, and for rendering a written memorandum necessary to the validity of certain promises and engagements, in that part of the Province which heretofore constituted the Province of Lower Canada*, whereby the sense and intent of the said Act have been marred: Be it therefore enacted, that the said Act shall be and is hereby repealed.

8 Vict. c. 31, repealed.

X. And be it enacted, That this Act shall apply only to "Lower Canada," which words in this Act shall be understood to mean all that portion of this Province which formerly constituted the Province of Lower Canada.

This Act shall apply to Lower Canada only.

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Law Printer to the Queen's Most Excellent Majesty.





ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. XII.

An Act to amend the Laws relative to the appointment of Special Constables, and for the better preservation of the Peace.

[28th July, 1847.]

WHEREAS it is expedient to amend the laws relative to the appointment of Special Constables, and to make other provisions for the better preservation of the public peace in that part of this Province formerly Upper Canada: Be it therefore enacted by the Queen's Most excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That in all cases where it shall be made to appear to any two or more Justices of the Peace of any District, City or Town in this Province, upon the oath of any credible witness, that any tumult, riot or felony has taken place or is continuing, or may be reasonably apprehended in any Parish, Township, Town or place situate within the limits for which the said respective Justices usually act, and such Justices shall be of opinion that the ordinary officers appointed for preserving the peace are not sufficient for the preservation of the peace and for the protection of the inhabitants and the security of the property in any such Parish, Township, Town or place as aforesaid, then and in every such case such Justices or any two or more Justices acting for the same limits are hereby authorized to nominate and appoint, by precept in writing under their hands, so many as they shall think fit of the householders or other persons (not legally exempt from serving the office of Constable) residing in such Parish, Township, Town or place as aforesaid, or in the neighbourhood thereof, to act as Special Constables for such time and in such manner as to the said Justices respectively shall seem fit and necessary, for the preservation of the public peace and for the protection of the inhabitants and the security of the property in such Parish, Township, Town or place; and the Justices of Peace who shall appoint any Special Constables by virtue of this Act, or any one of them, or any other Justice of the Peace acting for the same limit, are and is hereby authorized to administer to any person so appointed the following Oath, that is to say:

Preamble:

Any two or more Justices of the Peace empowered to appoint Special Constables in certain cases of apprehension of riot, felony, &c.

Who may be appointed.

Such Justices may administer an oath of office to the persons so appointed.

" I, A. B., do swear that I will well and truly serve our Sovereign Lady the Queen
 " in the office of Special Constable for the _____ of _____, without
 " favour

Form of the oath.

“favour or affection, malice, or ill will ; and that I will to the best of my power cause the peace to be kept and preserved, and will prevent all offences against the persons and properties of Her Majesty’s subjects ; and that while I continue to hold the said office, I will to the best of my skill and knowledge discharge all the duties thereof faithfully according to law : So help me God.”

Proviso :
Notice of such
appointment
to be sent to
the Provincial
Secretary.

Provided always, that whenever it shall be deemed necessary to nominate and appoint such Special Constables as aforesaid, notice of such nomination and appointment, and of the circumstances which have rendered such nomination and appointment expedient shall be forthwith transmitted by the Justices making such nomination and appointment, to the Secretary of the Province.

Justices may
make regula-
tions touch-
ing such Special
Constables.

II. And be it enacted, That the Justices of the Peace who shall have appointed any Special Constables under this Act, or any two of them, or the Justices acting for the limit within which such Special Constables shall have been called out, at a Special Session of such last-mentioned Justices, or the major part of such last-mentioned Justices at such Special Session, shall have power to make such orders and regulations as may, from time to time, be necessary and expedient for rendering such Special Constables more efficient for the preservation of the public peace, and shall also have power to remove any such Special Constable from his office for any misconduct or neglect of duty therein.

And may re-
move any of
them.

Powers of
such Special
Constables,
and local ex-
tent of such
powers.

III. And be it enacted, That every Special Constable appointed under this Act shall, not only within the Parish, Township, Town or place for which he shall have been appointed, but also throughout the entire jurisdiction of the Justices so appointing him, have, exercise and enjoy all such powers, authorities, advantages and immunities, and be liable to all such duties and responsibilities, as any Constable duly appointed now has by virtue of any law or statute whatsoever.

Such Special
Constables
may act in an
adjoining Dis-
trict in certain
cases, and
upon a cer-
tain order.

IV. And be it enacted, That where any Special Constables appointed under this Act shall be serving within any District, and two or more Justices of the Peace of any adjoining district shall make it appear to the satisfaction of any two or more Justices of the Peace acting for the limits within which such Special Constables are serving, that any extraordinary circumstances exist which render it expedient that the said Special Constables should act in such adjoining District, then and in every such case the said last mentioned Justices are hereby authorized (if they shall think fit) to order all or any of the said Special Constables to act in such adjoining District, in such manner as to the said last mentioned Justices shall seem meet ; and every such Special Constable, during the time that he shall so act in such adjoining District, shall have, exercise and enjoy all such powers, authorities, advantages and immunities, and be liable to all such duties and responsibilities, as if he were acting within the Parish, Township, Town or place for which he was originally appointed.

Their powers
in such adjoining
District.

Penalty on
persons ap-
pointed and
refusing to
take the oath.

V. And be it enacted, That if any person being appointed a Special Constable as aforesaid, shall refuse to take the oath hereinbefore mentioned when thereunto required by the Justices of the Peace so appointing him, or by any two of them, or by any other two Justices of the Peace acting for the same limits, he shall be liable to be convicted thereof forthwith before the said Justices so requiring him, and to forfeit and pay such sum of money not exceeding five pounds as to the said Justices so requiring him shall seem

seem meet; and if any person being appointed a Special Constable as aforesaid shall neglect or refuse to appear at the time and place for which he shall be summoned for the purpose of taking the said oath, he shall be liable to be convicted thereof before the Justices so appointing him or any two of them, or before any other two Justices of the Peace acting for the same limits, and to forfeit and pay such sum of money not exceeding five pounds as to the convicting Justices shall seem meet, unless such person shall prove to the satisfaction of the said Justices that he was prevented by sickness or such other unavoidable accidents as shall in the judgment of the said Justices be a sufficient excuse.

Or to appear at the place appointed for taking such oath.

Sufficient excuse may be allowed.

VI. And be it enacted, That if any person being appointed a Special Constable as aforesaid, and being called upon to serve, shall neglect or refuse to serve as such Special Constable, or to obey such lawful orders or directions as may be given to him for the performance of the duties of his office, every person so offending shall, on conviction thereof before any two Justices of the Peace, forfeit and pay for every such neglect or refusal such sum of money not exceeding five pounds, as to the said Justices shall seem meet, unless such person shall prove to the satisfaction of the said Justices that he was prevented by sickness or such other unavoidable accident as shall in the judgment of the said Justices be a sufficient excuse.

Penalty for refusing to act, or to obey orders.

Sufficient excuse may be allowed.

VII. And be it enacted, That the Justices who shall have appointed any Special Constables under this Act, or the Justices acting for the limits within which such Special Constables shall have been called out, at a Special Session to be held for that purpose, or the major part of such last mentioned Justices at such Special Session, are hereby empowered to suspend or determine the service of all or any of the Special Constables so called out as to the said Justices respectively shall seem meet; and notice of such suspension or determination of the services of all or any of the said Special Constables shall be forthwith transmitted by such respective Justices to the Secretary of the Province.

Justice may suspend or determine the services of Special Constables.

Notice to be sent to the Provincial Secretary.

VIII. And be it enacted, That every such Special Constable shall, within one week after the expiration of his office, or after he shall cease to hold or exercise the same pursuant to this Act, deliver over to his successor (if any such shall have been appointed, or otherwise to such person and at such time and place as may be directed by any Justice of the Peace acting for the limits within which such Special Constable may have been called out) every staff, weapon and other article which shall have been provided for such Special Constable under this Act; and if any such Special Constable shall omit or refuse so to do, he shall on conviction thereof before two Justices of the Peace forfeit and pay for such offence such sum of money not exceeding two pounds as to the convicting Justices shall seem meet.

Special Constables to deliver up their staves &c. when discharged.

Penalty for refusal or neglect.

IX. And be it enacted, That if any person shall assault or resist any Constable appointed by virtue of this Act while in the execution of his office, or shall promote or encourage any other person so to do, every such person shall, on conviction thereof before two Justices of the Peace, forfeit and pay for such offence any sum not exceeding ten pounds, or shall be liable to such other punishment upon conviction on any indictment or information for such offence, as any persons are by law liable to for assaulting any Constable in the execution of the duties of his office.

Punishment of persons assaulting Special Constables or encouraging others to do so.

Special Constables may be allowed a certain sum *per diem* for their services.

To be paid by the Treasurer of the Municipality.

X. And be it enacted, That the Justices of the Peace acting for the limits within which such Special Constables shall have been called out to serve, at a Special Session to be held for that purpose, or the major part of the Justices at such Special Session, are hereby empowered to order from time to time such reasonable allowances for their trouble, loss of time and expenses (not however to exceed five shillings per diem) to be paid to such Special Constables who shall so have served or be then serving, as to such Justices or to such major part of them shall seem proper; and the Justices so ordering shall make every order for the payment of such allowances and expenses upon the Treasurer of the District or other Municipal division within which such Special Constables shall have been called out to serve, who is hereby required to pay the same out of any monies in his hands at the time; and the said Treasurer shall be allowed the same in his accounts, and the sum shall be provided for by the Council of the District or other Municipality wherein the expense shall arise.

Special Sessions may be adjourned.

They shall be held legal until the contrary be proved.

XI. And be it enacted, That the Justices of the Peace assembled at any Special Session for any of the purposes mentioned in this Act, shall have power to adjourn the same from time to time as they shall think proper; and that every Special Session which shall have been actually holden for any of the purposes mentioned in this Act, shall be deemed and taken to have been legally holden until the contrary be proved,

Limitation of prosecutions under this Act. Application of penalties. Inhabitants of Municipalities to be competent witnesses.

XII. And be it enacted, That the prosecution for every offence punishable upon summary conviction by virtue of this Act, shall be commenced within two calendar months after the commission of the offence; and that every penalty or forfeiture for any offence against this Act shall be paid to the Treasurer of the District or other Municipal Division within which the offence shall have been committed; and no inhabitant of any such District or other Municipal Division shall, by reason of the payment of such forfeiture or penalty to the Treasurer of such District or other Municipal Division, be deemed an incompetent witness in proof of any offence against this Act.

How penalties may be levied if not paid within the time to be appointed.

Imprisonment in default of payment.

XIII. And be it enacted, That the Justices of the Peace by whom any person shall be summarily convicted and adjudged to pay any sum of money for any offence against this Act, may adjudge that such person shall pay the same either immediately or within such period as the said Justice shall think fit; and in case such sum of money shall not be paid at the time so appointed, the same shall be levied by distress and sale of the goods and chattels of the offender, together with the reasonable charge of such distress; and for want of sufficient distress such offender shall be imprisoned in the Common Gaol for any term not exceeding one calendar month when the fine to be paid shall not exceed five pounds, and for any term not exceeding two calendar months in any other case; the imprisonment to cease in every case upon payment of the sum due.

A form of conviction appointed.

The form.

XIV. And be it enacted, That the Justices of the Peace before whom any person shall be summarily convicted of any offence against this Act, may cause the conviction to be drawn up in the following form of words or to the like effect, that is to say:

To Wit: } " Be it remembered, that on the _____ day of _____ in the _____ }
" year of Our Lord _____ in the _____ of _____ in the Dis-
" trict of _____, J. N. is convicted before us A. B. and C. D., two of Her
" Majesty's

“ Majesty’s Justices of the Peace for the said District of _____ for that he the
 “ said J. N. did (*here specify the offence, and the time and place, when and where the*
 “ *same was committed, as the case may be*), and we do adjudge that the said J. N. shall
 “ for the said offence forfeit the sum of _____ and shall pay the same immediately
 “ (*or shall pay the same on or before the* _____ *day of* _____) to the Treasurer
 “ of the _____

“ Given under our hands the day and year first above mentioned.

“ A. B.
 “ C. D.”

XV. And be it enacted, That no conviction for any offence against this Act shall be quashed for want of form, or be removed by *certiorari* or otherwise into any of Her Majesty’s Superior Courts of Record; and that no Warrant of Commitment shall be held void by reason of any defect therein, provided it be therein alleged that is is founded on a conviction, and there be a good and valid conviction to sustain the same; and that when any distress shall be made for levying any monies by virtue of this Act, the distress itself shall not be deemed unlawful, nor the party making the same, be deemed a trespasser on account of any defect or want of form in the summons, conviction, warrant, distress, or other proceedings relating thereto, nor shall the party distraining be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him; but the person aggrieved by such irregularity, may secure full satisfaction for the special damage, if any, in an action upon the case.

Convictions not to be removed or declared void for want of form. Nor any Warrant of commitment. Similar provisions as to distress, and proceedings under it.

XVI. And be it enacted, for the protection of persons acting in the execution of this Act, That all actions and prosecutions to be commenced against any person for anything done in pursuance of this Act, shall be laid and tried in the District where the fact was committed, and shall be commenced within six calendar months after the fact committed, and not otherwise; and notice in writing of such cause of action shall be given to the Defendant one calendar month, at least, before the commencement of the action: and no Plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into Court after such action brought, by or on behalf of the Defendant; and though a verdict shall be given for the Plaintiff in any such action, such Plaintiff shall not have costs against the Defendant, unless the Judge before whom the trial is, shall certify his approbation of the action, and of the verdict obtained thereupon.

Provisions for the protection of persons acting under this Act. Notice of action. Amends. No costs unless on certificate of the Judge.





ANNO DECIMO ET UNDECIMO

VICTORIÆ REGINÆ.

CAP. XIII.

An Act to regulate the Summoning of Jurors in Lower Canada.

[28th July, 1847.]

WHEREAS it is necessary to regulate with precision the mode of selecting and summoning Jurors in that part of this Province formerly Lower Canada, in Civil as well as in criminal matters, and to provide that Jurors may, so far as may be practicable, be taken from the locality in which the cause of action arises: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, 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 each and every male inhabitant of Lower Canada aforesaid between twenty-one years of age and sixty years of age, who shall be qualified in the manner hereinafter mentioned, (those exempted by this Act excepted) shall have a right and shall be liable to serve as a Grand Juror and as a Petit Juror in all the Courts of Lower Canada, as well for Civil as Criminal matters.

Preamble.

All male persons being duly qualified and between 21 and 60, may be Jurors.

II. And be it enacted, That from and after the passing of this Act the Sheriffs of the several districts of Lower Canada aforesaid, shall prepare or cause to be prepared, in the manner hereinafter mentioned, two lists, the first containing the names of all persons residing within the limits of their respective Districts and qualified to serve as Grand Jurors at the terms of the Courts of Queen's Bench held for the cognizance of Criminal matters, and at Courts of Oyer and Terminer and General Gaol Delivery; and the second, the names of those qualified to serve as Grand Jurors at the Courts of General Sessions of the Peace; and shall also make lists of Petit Jurors and Jurors in civil cases in the manner hereinafter provided.

Sheriffs to make lists of Grand Jurors.

And of Petit Jurors.

III. And be it enacted, That the said Sheriffs respectively shall make or cause the said lists of Grand Jurors to be made in the manner hereinafter prescribed for making the lists of Jurors for Civil matters, and for Petit Jurors in Criminal matters, and shall deposit them in the same manner in the offices of the Clerks of the Courts for which they shall have been made, and shall follow the same order of rotation in summoning the Jurors.

Mode of making lists.

And of depositing the same and order of summoning Jurors.

IV.

Who shall be entered on the lists of Grand Jurors—as proprietors or as tenants.

And at the Quarter Sessions.

IV. And be it enacted, That the said Sheriffs shall not insert in the lists of Grand Jurors for the Courts of Queen's Bench and Oyer and Terminer, the name of any person who shall not be a proprietor of real property of the yearly value of twenty-five pounds, currency, over and above all ground rents and incumbrances to which such real property may be liable, unless such person shall then occupy as tenant a house in one of the Cities of Quebec or Montreal, for which he shall *bonâ fide* pay a yearly rent of sixty pounds, currency, or upwards, or in the Towns of Three-Rivers or Sherbrooke at the rate of forty pounds currency or upwards, nor unless such person shall have resided in the said Cities or Towns during one year before the time at which such lists shall be made; and that the Sheriffs shall not insert in the lists of Grand Jurors for the Courts of General Quarter Sessions of the Peace, the name of any person not being a proprietor of real property or estate to the yearly value of fifteen pounds, currency, over and above all ground rents or incumbrances payable out of or affecting the same, unless such person shall occupy as tenant a house in one of the said Cities or Towns of Quebec or Montreal for which he shall *bonâ fide* pay a yearly rent of forty pounds, currency, or upwards, or in the said Town of Three-Rivers or of Sherbrooke at the rate of twenty pounds, currency, or upwards, and shall have resided therein for the length of time hereinabove mentioned.

Proviso as to what persons shall be deemed proprietors in Gaspé.

Proviso: this Act not to give a title to any land in Gaspé.

V. Provided always and be it enacted, That in the District of Gaspé every inhabitant who shall *bonâ fide* have been in public and peaceable possession as proprietor, by himself or by the persons from or through whom he derives his title, during the period of five years consecutively, of any immoveable property or hereditaments, the yearly value of which would qualify him to serve as a Grand Juror, (or a Petit Juror under the provisions hereinafter contained,) shall be considered in all respects to be a proprietor for the purposes of this Act: Provided nevertheless, that this Act shall not extend or be construed to extend to give to any such inhabitant a stronger title to such property than he would otherwise have had, nor to affect the rights of Her Majesty, nor those of any other person, body politic or corporate whatever.

Who shall be included in the lists of Petit Jurors in Civil or in Criminal cases as proprietors.

Proprietors between £15 and £25 to be distinguished.

VI. And whereas by reason of the great extent of several Districts of Lower Canada, the unequal distribution of the population therein, and the difficulties of communication in many places, and other obstacles of the same nature, the summoning of Petit Jurors in criminal matters, and of Jurors for the trial of Civil causes, from all parts of the said Districts respectively, would be accompanied by difficulties which are for the present insurmountable: Be it therefore enacted, That in the lists of Petit Jurors in Criminal matters, and of Jurors to attend the Superior Terms of the Courts of Queen's Bench, the Sheriffs of the several Districts in Lower Canada shall include such persons only residing within ten leagues around the place of holding the Courts in the several Districts of Lower Canada respectively, in every Municipality or place, who are proprietors of any real property the annual value of which shall be equal to ten pounds, currency, over and above any ground rent (*rente foncière*) or incumbrance to which such property shall be subject, and after the surname of every Juror shall add his Christian name, his profession and his residence; shall also indicate every Juror who is proprietor of real property or hereditaments of the annual value of not less than fifteen pounds nor exceeding twenty-five pounds, currency, the whole over and above any ground rent or incumbrance with which such real property or hereditaments may be charged.

VII. Provided always, and be it enacted, That for the District of Montreal, besides the parishes or places within the extent of ten leagues as aforesaid, it shall be the duty of the Sheriff to take the Jurors from all and every the Parishes or places lying on the banks of the St. Lawrence or Ottawa Rivers the distance whereof shall not be more than fifteen leagues from the City of Montreal; and for the District of Quebec, the Sheriff shall take the Jurors from all and every such parishes or places, lying on the banks of the River Saint Lawrence the distance whereof on the north shore of the said River shall not exceed ten leagues and on the south shore thereof fifteen leagues from the City of Quebec, and for the lists of Jurors in civil causes, to attend the Inferior Terms of the Court of Queen's Bench, the Sheriffs shall make similar lists of persons residing within that part only of the Districts within which such Court hath jurisdiction when sitting in Inferior Term.

Proviso as to certain places in the Districts of Montreal and of Quebec.

VIII. And be it enacted, That the Sheriffs of the Districts of Quebec, Montreal, Three-Rivers and St. Francis respectively, shall also inscribe on the said lists the names of every person resident in the said Cities or Towns of Quebec or Montreal, occupying any house as tenant and paying for the same a yearly rent of or above twenty-five pounds currency, and in the Town of Three-Rivers or of Sherbrooke of at least fifteen pounds per annum.

Who shall be inserted in the lists last named as tenants.

IX. And be it enacted, That in making the said lists of Jurors in each Parish, Township or place known as such and reputed to be such, the said Sheriffs shall have a right to require the Mayor, Assessors or Officers appointed to take the Census, and Senior Notary, Church-warden or Officer of Militia, or any of them, to assist in making out and preparing the lists of all persons liable and qualified, according to the provisions of this Act, to serve as Jurors and resident within the limits of every such Parish or Township, for which such Mayor or Officer shall respectively have been appointed, or wherein they shall respectively reside.

Sheriffs in making lists may require the assistance of certain Municipal officers and persons.

X. And be it enacted, That every such Mayor, Assessor, Officer appointed to take the Census, or Senior Notary, Church-warden or Officer of Militia, who shall refuse or neglect to comply with the requirements of this Act respecting the formation of the said lists, shall thereby incur a penalty not exceeding five pounds currency, for the first offence, nor ten pounds currency for any subsequent offence.

Penalty on such persons refusing their assistance.

XI. And be it enacted, That the lists of Jurors to be made as aforesaid under the provisions of this Act, shall be made in duplicate, and signed by the said Sheriffs respectively, who shall keep a duplicate deposited in their offices respectively; and the other duplicates of the said lists signed as aforesaid shall be deposited as follows, that is to say: The lists made for each Circuit Court as hereinafter directed, shall be deposited and shall remain in the keeping of the Clerk of such Circuit Court, and those of Jurors to attend the Superior and Inferior Terms of the several Courts of Queen's Bench, sitting for the cognizance of Civil matters, in the Office of the Prothonotaries or Clerks of the said Courts respectively; the lists of the Grand Jurors for the Courts of Queen's Bench sitting for the cognizance of Criminal matters or of Oyer and Terminer, and of Petit Jurors at the said Court of Queen's Bench, sitting for the cognizance of criminal matters, and Courts of Oyer and Terminer, in the office of the Clerk of the Crown; and lastly, the respective lists of Grand Jurors, and the Petit Jurors to serve at the Courts of General Quarter Sessions, with the Clerks of the Peace respectively; and

The lists shall be in duplicate and where to be deposited.

For Circuit Courts.
For Court of Q. B. in civil matters.

And in Criminal matters.

Quarter Sessions.

All persons to have access to such lists, at proper hours.

and all persons shall have free access to the lists so deposited in the Sheriff's Office, and in the offices of the said Prothonotaries or Clerks between the hours of nine in the morning and four in the afternoon of every day, without becoming thereby liable to the payment of any fee or charge whatsoever.

Mode of making up the lists for the Courts from the local lists.

XII. And be it enacted, That in making out the lists of Jurors, for the several Courts as aforesaid, the Sheriff shall successively insert therein, one after the other, the first name in every list made for the Parishes, Townships or places from which Jurors may be summoned to attend the Courts for which the list is to be made; and if any such list should contain double the number of names in another list, then the said Sheriff shall take two names from the most numerous list for every name taken from the list containing half as many, and a greater number in the same proportion, and successively from every other list, and shall insert the same in the lists for the said Courts in the order hereinbefore directed, until the local lists shall have been gone through

Lists for the Courts in Registers; form of such Registers.

Not to be altered except as herein provided.

XIII. And be it enacted, That the said lists of Jurors for the several Courts prepared in the manner hereinbefore directed, shall be written in Registers in which the names of the Jurors shall be entered one after another without interruption, and when the said lists shall have been once made and deposited, as by this Act directed, they shall not be changed or altered in any manner whatsoever, except at the time and in the manner hereinafter directed.

When the lists shall be renewed.

XIV. And be it enacted, That the said lists of Jurors shall be renewed and made in the manner hereinbefore directed, in the month of July in every second year after such list shall have been first made.

Mode of renewing the lists.

XV. And be it enacted, That the new lists shall be made by leaving out the names of all persons deceased or absent, or who shall during the preceding two years, have ceased to be qualified, and by adding the names of all new comers who shall be qualified at the time such lists shall be renewed, and without otherwise changing the order in which the first lists shall have been made.

Lists may be corrected by the Courts, on proof of error.

XVI. Provided always, and be it enacted, That nothing contained in the preceding sections of this Act shall be construed to prevent any such list from being altered or changed by order of the Judges of the Court of Queen's Bench sitting in Superior Term, or by any Judge holding any Circuit Court, whenever complaint shall have been made before them by any person, that the Sheriff hath in making the said lists, made any error and inserted therein the names of persons who were not qualified to serve as Jurors at such Court, or hath omitted to insert therein the names of persons fit and qualified to serve as such, or that the said lists have not been made in the manner herein directed; in all which cases such Court may, on proof being made in a summary manner of the truth of such allegations, order the names of all unqualified persons to be struck out of such lists, or the names of the persons duly qualified to serve as Jurors to be inserted therein, as the case may be, and as to law and justice may appertain.

Circuit Judges may hear complaints in certain cases and report the

XVII. Provided always, and be it enacted, That the Judge sitting in any Circuit Court as aforesaid, may hear all remonstrances and complaints made before him with respect to the local lists of Jurors of any class whatsoever hereinbefore mentioned, by any person within the Circuit in which he shall be so sitting, but shall, if the list be for any

any Court other than a Circuit Court, report the same to the Court of Queen's Bench, in order that the whole matter may be brought before the Court of Queen's Bench at the next Superior Term thereof, and such further proceedings had with respect to the said remonstrances or complaints, as are directed by the preceding section of this Act, and as to law and justice shall appertain.

same to the
Court of Q. B.

XVIII. Provided always, and be it enacted, That nothing herein contained shall be construed to deprive any party to any cause of the right of challenging any Juror, who shall not be qualified in the manner herein required, or for any lawful cause of challenge, nor to prevent the Judge or Judges from proceeding to determine the validity of such challenge, in the manner and according to the form prescribed by law.

This Act not
to take away
any right of
challenge, or
to prevent the
Court from
trying such
challenge.

XIX. And be it enacted, That all Grand and Petit Jurors who shall hereafter be summoned to serve at any Court of Criminal Jurisdiction, shall be taken in turn by following uninterruptedly and successively the order of the list, beginning at the name next after the names of those last summoned, and so on successively, until the number on the list shall be entirely gone through, and then beginning again and going through in like manner; and the names of the Petit Jurors so summoned shall be called over in the order in which they stand on the list, and the first twelve Jurors whose names shall be so called, and who shall be present in Court, and shall not be lawfully challenged, shall be sworn for such trial; and the said Clerk shall in every trial, begin at the name next after that of the last Juror sworn, and so on until he shall have gone through the list, when he shall begin at the top thereof again, and go through it as aforesaid, omitting the names of any Jurors who may then be engaged in trying any case: Provided always, that at every Term of the Superior Courts of Criminal Jurisdiction, or at any Court of Oyer and Terminer, no more than sixty Petit Jurors shall be summoned, nor more than thirty-six at every General Quarter Sessions of the Peace.

Jurors in
criminal
matters to be
summoned in
the order in
which their
names stand
upon the list.
First twelve
Petit Jurors
answering and
not challenged
to be sworn
&c.

Proviso as to
number of
Petit Jurors to
be summoned.

XX. And be it enacted, That the Jurors for Criminal matters, shall in every case be summoned at least ten days before the day on which they shall be enjoined to attend, and the Jurors in Civil matters at least six days before that on which they shall be enjoined to attend.

Delay between
the summon-
ing of Jurors
and the time
when they are
to attend.

XXI. And be it enacted, That from and after the passing of this Act, those who shall sue or prosecute in the Queen's name in any Criminal cause, shall not in any case challenge any Juror except for cause, and the ground of such challenge shall not be declared sufficient by the Court, unless legal proof shall be made of the truth of the fact alleged as forming the same; and that no person arraigned for murder or felony shall be admitted to any peremptory challenge above the number of twenty.

Crown not to
challenge ex-
cept for cause.

Peremptory
challenges of
the Prisoner
limited.

XXII. And be it enacted, That the members of the Legislative Council and of the Clergy, School Masters not exercising any other profession, Advocates and Attorneys practising in the Courts, the Prothonotaries or Clerks of the Courts of Queen's Bench, or of the Quarter Sessions of the Peace, or of the Circuit Courts respectively, the Coroners, Gaolers, Keepers of Houses of Correction, Physicians and Apothecaries, and Pilots duly licensed, Military Officers on full pay, persons employed in the Public Offices, Officers of the Customs, Sheriff's Officers, and Constables or Bailiffs of the said Courts, are declared exempt from service as Jurors, and their names shall not be inscribed on the said lists, nor those of all persons already exempted by any law not hereby repealed.

Certain func-
tionaries and
persons ex-
empted from
serving as Ju-
rors.

In what cases only Aliens shall be Jurors.

XXIII. And be it enacted, That aliens shall only be Jurors in cases in which a Jury *de medietate Linguae* shall be prayed for and obtained.

Persons convicted of certain crimes not to be Jurors.

XXIV. And be it enacted, That no person convicted of Treason or Felony, or who shall have been condemned to any infamous punishment, shall be inscribed on the Jury list, nor shall serve and act as a Juror.

Mode of striking a Jury in Civil cases.

XXV. And be it enacted, That whenever it shall be required that a Jury be summoned to serve in a Civil case, either from the list of Common Jurors for civil causes, or from among the Special Jurors hereinafter mentioned, the Prothonotary or Clerk of the Court shall take the forty-eight Jurors whose names are first on the list, and shall continue to take them in that order until the lists be gone through ; and it shall then be lawful for each party, Plaintiff and Defendant or their Attorneys respectively, to strike out of the said list the names of twelve of the said Jurors, and that the twenty-four Jurors remaining after such striking out shall be the Jurors to be summoned by the Sheriff, and from and among whom shall be taken the twelve Jurors who shall be sworn to hear and determine the matter at issue between the said parties, calling their names in the order in which they stand upon the lists, and swearing the first twelve who answer to their names.

Order of calling and swearing Jurors.

Recital.

XXVI. And whereas by the laws in force in this Province parties are entitled to a trial by Jury in certain Civil cases, which by reason of the amount demanded, are within the competence of the Courts of Queen's Bench sitting in Inferior Term, and of the Circuit Courts, and by the want of due provision for the summoning of Jurors in such cases, such parties are deprived of the exercise of their said right ; for remedy thereof, Be it enacted, That the Sheriff of each District shall, so soon as may be possible after completing his lists of Jurors, transmit to the Clerk of each Court of Queen's Bench sitting in Inferior Term and of each Circuit Court within that part of his District, for and over which he is hereby required to make such lists of the persons qualified to serve as Jurors in Civil cases, and residing within the jurisdiction of such Court of Queen's Bench respectively in Inferior Term, and within such Circuit respectively, with the Christian name, surname, residence and legal addition of each ; and such lists shall be kept by the said Clerks among the records of their Court respectively.

Sheriff to make from his lists, lists of Jurors residing within the jurisdiction of the Court of Q. B. in Inferior Term and of the Circuit Courts respectively.

By whom such lists shall be kept.

Clerks of the Circuit Courts to make lists of Jurors resident in their Circuits, and not within the localities to which the Sheriff's lists extend.

Clerks and Prothonotaries to summon persons to attend at Circuit Courts and at Q. B. in Inferior Term.

XXVII. And be it enacted, That the Clerks of the Circuit Courts in the several Circuits or parts of Circuits beyond the local distances for which the said Sheriffs are by this Act required to make out such lists of Jurors shall respectively for their several Circuits or parts of Circuits aforesaid, with such assistance as the Sheriffs are entitled to require as aforesaid, make lists of the persons qualified to serve as Jurors in civil cases and resident therein ; and the Clerks or Prothonotaries of the Courts of Queen's Bench in Inferior Term and the Clerks of the said Circuit Courts respectively shall alone have the power and they are hereby authorized and directed whenever thereto legally required, to summon from the lists so made by them and from such as shall be transmitted to them by the said Sheriffs for the Circuits and parts of circuits within the local distances aforesaid, the said Jurors resident in the said Circuits and within the jurisdiction of the said Courts of Queen's Bench in Inferior Term respectively, and qualified as aforesaid to serve as Jurors in civil cases within the competence of the said Courts of Queen's Bench in Inferior Term and Circuit Courts respectively, in the manner and as directed by the provisions of this Act for the summoning of Jurors by Sheriffs for the Courts of Queen's Bench in the Inferior Terms thereof.

XXVIII.

XXVIII. And be it declared and enacted, That the Court of Queen's Bench sitting in Inferior Term, and the Circuit Courts, respectively, have and shall have power to order a trial by Jury in any case where the same shall be demanded, and where by reason of the amount or value in dispute, and the nature of the case, a trial by Jury ought, according to the laws of Lower Canada, to be allowed.

Circuit Courts and Courts of Q. B. in inferior Term may allow trials by Jury in certain cases.

XXIX. And be it declared and enacted, That the Judges of the several Courts of Queen's Bench have and shall have the same power to take trials by Jury in vacation in cases pending in the Inferior Term, as in cases pending in the Superior Term, such trials being had on days fixed by the said Courts respectively in Term; and the Juries to try such cases shall be struck and summoned in the same manner, and the Prothonotary of the Court and the Sheriff of the District shall obey the orders of the Court and of the Judges thereof respectively, in like manner, and shall perform the like duties with regard to such cases in the Inferior Term as with regard to cases in the Superior Term, in which a trial by Jury is allowed.

The Court of Q. B. in inferior term shall also have power to take trials by Jury in vacation. Mode of proceeding with regard to such trials.

XXX. And be it enacted, That with regard to cases in which a trial by Jury shall be ordered in any Circuit Court, the Clerk of such Court shall perform, with regard to such case, the same duties as are assigned to the Prothonotary of the Court of Queen's Bench in cases in which a trial by Jury is allowed; and the Jurors shall be summoned by any sworn Bailiff authorized to execute the process of the Court; and the trial may be had either at any usual sitting of the Court, or in the vacation on some day appointed by the Court for that purpose at some sitting thereof.

Clerks and Bailiffs of Circuit Courts to have certain powers in jury cases. Trials may be taken in vacation.

XXXI. And be it enacted, That there shall be allowed in all cases in which a trial by Jury shall be had in any such Inferior Term or Circuit Court, in addition to all other fees lawfully chargeable in the case, the Fees following, three shillings and four pence to the Crier, and one shilling and three pence to the Tipstaff.

Fees to be taken by the Crier and Tipstaff.

XXXII. And whereas it is expedient to make provision for enabling the parties to obtain Special Juries in cases where they are by law entitled to the same, Be it enacted, That such and every person who shall be party to any suit wherein a trial by a Special Jury may, according to law, be had, may, if he shall deem it expedient, demand that the issue or issues in the said suit be tried by a Special Jury, taken from among those qualified as hereinafter mentioned, and in the manner hereinafter provided.

Special Juries how to be obtained.

XXXIII. And be it enacted, That the Sheriffs of the said Districts respectively, shall make lists of the Special Jurors qualified under this Act, by taking from the proper local lists, and in the order in which they occur therein, the names of all the persons residing as aforesaid, qualified to serve as Grand Jurors in the Courts in Criminal matters, or at the Courts of Oyer and Terminer, or at the Sessions of the Peace, and the name of every Notary inserted in such local lists of Jurors.

Sheriffs to make lists of Special Jurors and how.

XXXIV. And be it enacted, That in all the Civil causes to be tried by a Jury, whenever the capacity assigned to or assumed by either of the parties of the suit, shall be put in issue, the Court shall hear and determine the issue so raised, before the issues raised upon the merits shall be submitted to the Jury for their verdict.

Certain issues to be tried first.

One half the Jury to be merchants or traders in cases of a commercial nature.

XXXV. And be it enacted, That in all suits between Merchant and Merchant, and Trader and Trader, in commercial matters, the Court upon demand of either party, may order that one-half of the persons to be summoned on the Jury be Merchants or Traders, and taken according to the order in which they may be found in the proper list, and that one-half of the Jurors sworn be also Merchants or Traders, and on the striking of such Jury, the Prothonotary or Clerk shall accordingly call over the names of at least twenty-four Jurors being Merchants or Traders, omitting names of others, after twenty-four names of such others shall have been called.

The whole Jury may be merchants or traders by consent of both parties.

XXXVI. And be it enacted, That in all suits between Trader and Trader, and Merchant and Merchant, respecting commercial matters, the Court, by consent of all the parties, may order that the Jury be composed of Traders and Merchants whose names are inscribed in the proper list, and in the order in which they are inscribed, omitting the intermediate names of such as shall not be Traders and Merchants.

Proviso: if there be not a sufficient number of traders on the list.

XXXVII. Provided always, and be it enacted, That if in the cases mentioned in the two next preceding sections, there be not upon any such list the number of Merchants or Traders who ought to be summoned to form the Jury, the number shall be completed by taking other names from the list in the order hereinbefore prescribed; but the names of the Jurors being Merchants or Traders shall be called before those of the other Jurors at the trial.

Rules allowed for defect of Jurors by consent of parties.

XXXVIII. And be it enacted, That if a part of the Jurors summoned in any case be challenged or make default, so that twelve Jurors fit and qualified cannot be sworn, the Court or Judge presiding may with the consent of the parties, and not otherwise, order the Sheriff or Officer by whom the Jury shall have been summoned, to complete the number by forthwith taking as many persons qualified to be Jurors, from among the persons present in Court, as may be wanted to complete the required number.

Certain parts of the Ordinance 25 Geo. 3, c. 2, repealed.

XXXIX. And whereas the reasons that have led to the enactment that all Merchants or Traders of lawful age, and also persons of lawful age being householders, or occupying lodgings of the value of fifteen pounds per annum rent, shall be held and considered qualified as Jurors, and to serve on Petit Juries, are no longer applicable to the present circumstances of the country: Be it therefore enacted, That so much of the fifteenth section of the Ordinance of the Province of Quebec, made in the twenty-fifth year of the Reign of His Majesty King George the Third, and intituled, *An Ordinance to regulate the proceedings in the Courts of Civil Judicature, and establish trials by Juries in actions of a commercial nature, and personal wrongs to be compensated in damages in the Province of Quebec*, as qualifies such persons as aforesaid to be Jurors, shall be and the same is hereby repealed.

Certain other parts of the said Ordinance repealed.

XL. And whereas by means of this Act and the provisions thereof, the enactments contained in the sixteenth, seventeenth, eighteenth, nineteenth and twenty-first sections of the Ordinance herein last cited, are become useless, or cannot be carried into effect; Be it therefore enacted, That the said sixteenth, seventeenth, eighteenth, nineteenth and twenty-first sections of the Ordinance herein last cited shall be and the same are hereby repealed, except so much thereof as determines what cases and on what condition trials by Special Jury may be had: Provided always, that in any Civil case where both parties shall consent that the Jury be summoned from the Parish of Quebec, or from the Parish

Exception.

Proviso: Juries may by consent of par-

Parish of Montreal alone, it shall be lawful for the Court to order that the Jury be so summoned, and they shall be so summoned accordingly.

XXI. And be it enacted, That so much of the twentieth section of the said Ordinance as enacts that Jurors serving on Special Juries as aforesaid, and struck from the first list or Jury Book, shall have and receive two shillings and six pence each, for every verdict to be made and delivered, and before returned into Court, and Jurors struck from the second list or Jury Book, one shilling each for every verdict in manner aforesaid, shall be and the same is hereby repealed; and that, from and after the passing of this Act, each and every Juror summoned to give his verdict in any Civil matter shall have and receive the sum of five shillings currency, before giving such verdict in Court.

XLII. And be it enacted, That every Sheriff who shall wilfully or negligently offend against any of the provisions of this Act shall, for the first offence, incur a penalty not exceeding fifteen pounds currency, nor less than ten pounds currency, and, for the second offence, a penalty not exceeding twenty pounds currency, nor less than fifteen pounds currency; and, for the third or any subsequent offence, a penalty not exceeding seventy pounds currency, nor less than thirty pounds currency.

XLIII. And be it enacted, That every person summoned to serve as a Juror under the authority of this Act, who shall refuse or neglect to serve as such without assigning some lawful cause or excuse therefor, shall incur a penalty not exceeding five pounds currency, which shall be levied on a rule or order of the said Court by the Sheriff on the goods and chattels of such person, and in default thereof by imprisonment for such time not exceeding fifteen days, as the said Court may direct, with power to reduce or mitigate the said penalty or imprisonment upon good cause shewn to the said Court.

XLIV. And be it enacted, That every person who shall refuse to furnish to the persons employed to make the lists of Jurors required by this Act, the information necessary for making the same, shall incur a penalty of not less than five shillings nor exceeding twenty shillings currency, to be recovered with costs in a summary manner by complaint before one Justice of the Peace.

XLV. And be it enacted, That the penalties hereby imposed shall be sued for within six months next after the offence committed, and not afterwards; and where no other mode of recovering them is herein provided, shall be recovered, with costs, by suit in any Court having Civil Jurisdiction to the amount of the penalty, in the District within which the offence shall have been committed; and that every such penalty shall be levied with costs in the ordinary course of law: Provided always, that if any action, brought under this Act against the Sheriff, shall be declared by the judgment to be unfounded and vexatious, the Sheriff who shall be discharged therefrom shall be entitled to and shall recover full costs.

XLVI. And be it enacted, That one moiety of the penalties hereby imposed shall belong to Her Majesty, and be paid into the hands of the Receiver General, for the public uses of the Province, and make part of the Consolidated Revenue Fund thereof, and that the other moiety shall belong to and be paid to the person who shall sue for the penalty.

ties be summoned from the parish of Quebec or of Montreal, alone.

Allowance to Special Jurors for their verdict: part of the said Ordinance repealed.

Penalties on Sheriff contravening this Act.

Penalty for not attending when summoned as a Juror.

Penalty on persons refusing information.

Penalties how recovered.

Costs given. Proviso as to vexatious suits against a Sheriff.

Penalties how applied.

Accounting
clause.

XLVII. And be it enacted, That the due application of all public monies expended under 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.

Laws not in-
consistent
with this Act
to remain in
force.

XLVIII. And be it enacted, That nothing herein contained shall be construed to repeal any Act, Ordinance or provision of law, not hereby expressly repealed and not inconsistent with or repugnant to the provisions of this Act.

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



ANNO DECIMO ET UNDECIMO

VICTORIÆ REGINÆ.

CAP. XIV.

An Act for taking the Census of this Province, and obtaining Statistical Information therein.

[28th July, 1847.]

WHEREAS it is expedient to make more effectual provision for taking a Periodical Census and Enumeration of the Inhabitants of this Province, and for obtaining other Statistical Information hereinafter mentioned; as also to provide for the Registration of Births, Marriages and Deaths within that portion of this Province called Upper Canada: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, the Act passed in the Session held in the fourth and fifth years of the Reign of Her present Majesty, intituled, *An Act to repeal certain parts of an Act therein mentioned, and to provide for taking a Periodical Census of the Inhabitants of this Province, and for obtaining the other Statistical Information therein mentioned*; as also the forty-fifth and so much of the fifteenth Sections of an Act of the Legislature of the late Province of Upper Canada, passed in the first year of the Reign of Her Majesty Queen Victoria, intituled, *An Act to alter and amend sundry Acts regulating the appointment and duties of Township Officers*, as relates to the manner and form of taking the Census; and also so much of any Act or Law as may be inconsistent with or repugnant to the provisions of this Act, shall be and the same are hereby repealed.

Preamble.

45th and part of 15th Sect of Act of U. C., 1 Vict. c. 21.

And other Laws inconsistent with this Act repealed.

II. And be it enacted, That the Receiver General, the Secretary of the Province and the Inspector General shall constitute and be a Board of Registration and Statistics; and it shall be the duty of the said Board to prepare and cause to be printed and circulated as hereinafter provided, all such forms and schedules as to them shall seem best adapted for the purposes of this Act, and also such instructions as they shall deem necessary for the use and guidance of the several persons who shall be appointed to take the Census or Enumeration hereinafter provided for.

Board of Registration and Statistics constituted.

III. And be it enacted, That the said Board shall have the general supervision of the Statistics of the Province, and shall cause to be prepared annually, and laid before the

Duties of the Board.

the Legislature, a general Report of the Statistics of the Province, in such form as to them may seem fit, which said Report shall contain all such information relative to the Trade, Manufactures, Agriculture and Population of the Province as they may be able to obtain.

Governor General to appoint a Secretary to the Board.

IV. And be it enacted, That the Governor may appoint a Secretary to the said Board, or assign the duties of that office to any clerk in any one of the offices the heads of which constitute the Board.

Periods at which the census shall be taken.

V. And be it enacted, That the first General Census under this Act shall be taken in the months of February and March, one thousand eight hundred and forty-eight, and a like General Census in the same months, in the year one thousand eight hundred and fifty, and also in the same months in every fifth year thereafter.

The several Townships and Parishes, &c., to be divided into convenient Enumeration Divisions by the Local Authorities.

This Act not to make void the appointment of census officers. Municipal Divisions of Cities and incorporated Towns adopted as Enumeration Divisions.

Proviso as to powers of the local authorities.

VI. And be it enacted, That it shall be the duty of the several District Councils in Upper Canada, and of the Municipal Councils in Lower Canada, to set off and apportion each Township or Parish in their respective Districts or Counties into Enumeration Divisions, and to appoint one or more fit and proper persons as an Enumerator or Enumerators in each division so set off: Provided always, that nothing in this Act contained shall be construed to annul or make void the appointment and employment as Enumerators in any District, County, City, Town or Village of any person or persons who may now by any law in force be the proper Officer or Officers for taking the Census.

VII. And be it enacted, That for the purposes of this Act, the divisions of Cities and Incorporated Towns (if any) as adopted for Municipal purposes, shall be the Enumeration divisions of such Cities or Incorporated Towns, and it shall be the duty of the Councils of Cities and Towns and the Boards of Police of Incorporated Towns, and the Councils of Villages in Lower Canada, to appoint fit and proper persons as Enumerators therein: Provided always, that nothing herein shall be held to prevent such Councils and Boards of Police from adopting the most efficient means of procuring the required returns; nor shall it be incumbent on them unless they see fit, to appoint more than one Enumerator for any such City or Corporate Town or Village, or for any number of Divisions therein.

Enumerators how paid.

VIII. And be it enacted, That it shall and may be lawful for the several District or Municipal Councils, the Councils of Cities and Towns, and the Boards of Police of Incorporated Towns and Councils of Villages, to apportion such sum or sums of money from the General Revenues of such District, County, City, Town or Village as they shall deem sufficient for remuneration to the persons appointed to take the Census in the several Enumeration Divisions if they shall think fit so to do.

Duties of Enumerators.

IX. And be it enacted, That the several persons so appointed Enumerators as aforesaid, shall visit every house within such Enumeration Division or Divisions as shall be assigned to them respectively, and take an account in writing, according to the forms to be provided for that purpose by the Board aforesaid, of the number of persons dwelling therein, and of the age and occupation of all such persons, and also, of the number of inhabited houses and of uninhabited houses within such division, and of every particular matter and thing which may be specified in the forms or schedules to be provided for that purpose.

X. And in order to enable such Enumerators more effectually to take the said accounts: Be it enacted, That the said Enumerators may demand from the head of every family residing within their respective divisions, or from any member of such family being more than twenty-one years of age, and from the owners or managers of all factories, agents of companies and others, true answers to all such questions as shall be necessary for the purpose of taking such accounts.

Powers of Enumerators in obtaining information.

XI. And be it enacted, That any head of a family or member thereof being twenty-one years of age, any owner or manager of a factory, or any agent of any company, or any other person, who shall refuse to answer, or who shall wilfully give a false answer to any such questions as aforesaid; and any person who shall in any way wilfully obstruct any Enumerator or Enumerators in the execution of the duties required of them by this Act, shall, for every such refusal, false answer or wilful obstruction, on conviction thereof before any two Justices of the Peace for the District, City or Town in which such person shall reside, incur a penalty of not less than ten shillings nor more than fifty shillings currency, and costs, to be taxed by such Justices; and if such penalty and costs be not forthwith paid, the same shall be levied by distress and sale of the goods and chattels of the offender, under the warrant of such Justices or either of them, or in default of such goods and chattels the offender may be committed by such Justices to the Common Gaol of the District, for any period not exceeding seven days; and one half of the said penalty shall belong to the informer and the other shall be paid to the Treasurer of the District, Municipality, City, Town or Village, as the case may be, and shall form part of the funds thereof, and shall be applied towards the payment of the expenses of taking the Census.

Penalty for refusal to answer, giving false answer or obstructing any Enumerator.

Mode of levying such penalty.

Appropriation of penalty.

XII. And be it enacted, That the said Enumerators respectively shall sign and certify their returns, and make oath or solemn affirmation before any Justice of the Peace within their District, Municipality, City, Town, or Village, to the effect that the same have been truly and faithfully taken by them; and that the same are correct so far as they can ascertain, and shall lodge the same in the Office of the Clerk of the Peace of the District or City, Village or Town Clerk or Clerk of the Municipality within one month next after the account shall have been so taken.

Enumerators to testify on oath to returns;

And lodge the same with the District or County Clerk.

XIII. And be it enacted, That any Enumerator so appointed as aforesaid who shall wilfully neglect to make any return by this Act required, or shall wilfully make a false return, shall be guilty of a misdemeanor, and on conviction thereof shall be liable to punishment by fine, not exceeding twenty-five pounds, or by imprisonment in the Common Gaol or Prison of the District for any period not exceeding three calendar months, or by both, in the discretion of the Court before whom the conviction shall be had; Provided always, that any Enumerator who shall wilfully make a false return of such Census upon oath or solemn affirmation as aforesaid, shall, upon conviction thereof, be liable to all the pains and penalties of wilful and corrupt perjury.

Enumerators making a false return to be guilty of a misdemeanor.

Fine limited.

Proviso as to wilfully false returns under oath.

XIV. And be it enacted, That it shall be the duty of the Clerk of the Peace of each District, or Clerk of each City or Town Council or Board of Police, or of the Municipality or Village, to examine the returns sent to him by the Enumerators, and to cause any defect or inaccuracy that may be discovered therein to be supplied or corrected as far as may be possible; and to make therefrom an abstract in such form as shall be required by the Board aforesaid, and to transmit triplicate copies of such abstract to the said Board within one month next after his receipt of such returns, and copies thereof shall

Clerk of the peace or of the municipality to make abstracts and transmit them to the Board.

Copies to be laid before the Legislature.
 Proviso as to original notes.

shall be laid before the two Houses of the Legislature, within twenty days after their receipt by the said Board, if the Provincial Parliament be then sitting, or otherwise within the first ten days of the Session then next ensuing; and the original notes shall be kept as records of the District, City, Town, Village, or Municipality in which they shall have been taken.

Board to prepare and supply the requisite forms.

XV. And be it enacted, That it shall be the duty of the Board aforesaid, to cause a sufficient supply of the necessary forms and instructions to be forwarded to the several Wardens of Districts, Mayors of Cities, Municipalities, Towns or Villages, and Presidents of the several Boards of Police of incorporated Towns, six weeks before the time in each year appointed by this Act for taking the Census.

Clergymen in Upper Canada to keep Registry of baptisms, marriages and burials;

And to transmit the same to the Clerk of the Peace of the District, &c.

XVI. And be it enacted, That from and after the passing of this Act it shall be the duty of every Clergyman, Teacher, Minister or other person authorized by law to baptize, marry, or perform the funeral service in Upper Canada, to keep a Registry shewing the persons whom he shall have baptized or married, or who shall have died within his cure and belonging to his congregation; the said Registry to be forwarded by him to the Clerk of the Peace, of the District or Clerk of the City or Town Council or Board of Police of the City or Town, where he shall reside or officiate at the time, on or within five days after the first day of January, April, July and October in each year.

Case where there may be no Clergyman resident in any Township, provided for.

XVII. And be it enacted, That wherever in Upper Canada no Clergyman, Teacher, or Minister of any church or congregation shall be resident within a reasonable distance of any settlement, then it shall be the duty of the head of any family, belonging to such church or congregation of which a clergyman shall not be so resident, in which a birth, death, or marriage shall take place, to notify the same to the Clerk of the Township in which he may reside, or in case of there not being any such officer, then he shall notify the same to the nearest Township Clerk, and the Clerks of the several Townships shall forward the same to the Clerks of the Peace of the District, at the periods mentioned in the next preceding section.

Clerks of the Peace, &c., to forward their information to the Board.

XVIII. And be it enacted, That the returns last mentioned shall be forwarded by the respective Clerks of the Peace of the District, and Clerks of the City or Town Councils or Boards of Police, to the Board aforesaid, on or before the first day of January, in every year.

Coroners in Upper Canada to make certain returns to the Board.

XIX. And be it enacted, That in Upper Canada all Coroners shall return lists of the inquests held by them, together with the findings of the Juries, to the said Board, on or before the first day of January in every year.

Clerks of the Peace to transmit certain returns to the Board.

XX. And be it enacted, That all Clerks of the Peace shall furnish in triplicate to the said Board, and at such periods as the Board shall appoint, lists of all convictions which may be had either before Courts of Quarter Sessions or before individual Magistrates within their District.

Offences against this Act not otherwise provided for, how punishable.

XXI. And be it enacted, That any person neglecting or refusing to comply with the requirements of this Act, in any matter for which no punishment is herein specially provided, shall be guilty of a misdemeanor, and shall be liable to punishment accordingly; and all penalties incurred under this section shall be distributed and applied in the manner hereinbefore provided with regard to other penalties.



ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. XV.

An Act to amend the Law of Imprisonment for Debt, in Upper Canada.

[28th July, 1847.]

WHEREAS the Law affecting Upper Canada, relating to Imprisonment for Debt requires amendment, and it is desirable to afford additional means for the discovery and application of the property and effects of Judgment Debtors, in certain cases: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, 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 Jail limits to the respective Jails in each District of that part of this Province formerly Upper Canada, shall henceforth be and consist of the whole of each District for the Jail thereof; Provided always, that no person or persons on the limits of any Jail at the time of the passing of this Act, shall be entitled to the extended limits provided by this Act, unless such person or persons shall enter into a recognizance in accordance with the fifth section of this Act.

Preamble.

Jail limits to include the whole of the District.

Proviso: on what conditions persons now in Jail may obtain such extended limits.

II. And be it enacted, That all persons now or hereafter under arrest or on bail upon attachment or other process from any of the Courts of Law or Equity in Upper Canada, for non-payment of costs or non-payment of money pursuant to award, or for the non-payment of any claim in the nature of a demand due, and being a sum certain or capable of computation, and not in the nature of a penalty to enforce the doing of some act other than in effect the payment of a claim partaking the nature of a debt or money claim due, shall be entitled to the benefit of Jail limits, weekly allowance, and discharge for non-payment thereof, and shall be also subject to interrogatories, committal to close custody and recommittal, with all other privileges and liabilities, in like manner and by the same mode of proceeding in all respects as if in custody in execution for debt as a defendant; and for the purposes of this Act such persons are hereby declared to be in custody in execution for debt, as defendants.

Persons in Jail under process for non-payment of costs, &c., to be entitled to Jail limits &c., as if in custody in execution for debt.

III. And be it enacted, That it shall be lawful for any person either in close or other custody in execution for debt, to give to the party or the attorney of the party at whose suit or instance such person is in custody, fifteen days notice in writing of his application to be altogether discharged from custody, and upon proof of the service of the said

Persons in Jail on execution for debt and not worth more than £5 exclusive of wearing

apparel, bedding, &c., may obtain their discharge on submitting to interrogatories and complying with certain other conditions.

said notice, and upon the affidavit of the prisoner that he or she is not worth the sum of five pounds, exclusive of necessary wearing apparel of such prisoner and that of his family, and their necessary beds and bedding and implements of housekeeping for ordinary use, not exceeding in value ten pounds, it shall be lawful for the Court of Law or Chancery from which the process of imprisonment issued, or in vacation, for any Judge of such Court, upon the return of a rule or summons to shew cause, for that purpose to be granted, to order the said prisoner to be discharged from custody, provided the prisoner shall have satisfactorily answered, upon oath interrogatories which the Creditor may cause to be filed and served before the expiration of the said notice, in the same manner and to the same purport, as prisoners in execution for debt, before the passing of this Act were required to do.

Discharge to be granted on the prisoner's complying with the requirements of the Act and assigning his property.

IV. And be it enacted, That in all cases where interrogatories are satisfactorily answered by such prisoner, and a conveyance by him of any means or valuable interest of any kind, he may have or be supposed to have, excepting his said necessary beds, bedding and implements of housekeeping, not exceeding in value ten pounds, made towards paying the claim against him, and to the satisfaction of the said Court or Judge, such prisoner shall upon application to the said Court or Judge, be entitled to his discharge from custody, but such discharge shall not operate as a discharge of such prisoner's liability to pay the claim for which he was so in Custody.

Conditions and mode in which persons in custody may obtain the benefit of the Jail limits.

Recognizance to be given.

Sureties to justify.

Recognizance to be filed.

Notice to Plaintiff.

Sheriff to admit the prisoner to the limits.

V. And be it enacted, That whenever after the passing of this Act any person or persons having previously been or who shall thereafter be arrested upon any writ or process or rendered in discharge of bail, and who shall be by law entitled to the benefit of the Jail limits, and shall be desirous of obtaining the same, it shall and may be lawful for such person or persons to enter into a recognizance of bail or bail-piece with two sufficient sureties under a condition that such person or persons so arrested or being under arrest or rendered in discharge of bail, shall remain and abide within the limits of the Jail of the District where such person or persons shall or may have been arrested, and not depart therefrom unless released therefrom by due course of law, and also shall, and will, well and truly obey all notices, orders and rules of Court touching or concerning such person or persons remaining or continuing upon the said limits or being remanded or ordered to close custody therefrom; and such sureties shall immediately upon entering into such recognizance justify by affidavit in double the amount for which such person or persons were or shall have been arrested; and such recognizance shall then be filed in the office of the Clerk or Deputy Clerk of the Crown or Clerk of the District Court, as the case may be, of the District in which the arrest was or may be made, and notice of such recognizance and of the sureties therein, shall be forthwith given to the plaintiff or party at whose instance such arrest took place in the same manner as in the case of bail to the action; and upon the production to the Sheriff by whom the said arrest was made, of a certificate from the Clerk or Deputy Clerk of the Crown or Clerk of the District Court of such District, that such recognizance of bail and affidavit of the justification have been filed in his office, it shall and may be lawful for the said Sheriff, to admit such person or persons so arrested to the limits, and the said Sheriff, shall be discharged from all responsibility respecting such person or persons after such admission to the limits, unless again committed to the close custody of such Sheriff in due form of law, subject to an exception to be entered to such bail, as is now provided in cases of special bail, or by such Rules as the Court of Queen's Bench may direct and appoint.

VI. And be it enacted, That it shall and may be lawful for the Court of Queen's Bench to make such Rules for the issuing of any Warrant or Writ in such form as to such Court shall seem meet, for the levying and enforcing payment of any sum of money for which such attachment or other process as in the second section of this Act is mentioned, may have issued, as to the said Court shall appear expedient and necessary, when and so often as any person or persons shall or may be discharged from custody or bail on any such attachment or other process in that section mentioned.

Court of Q. B. to make rules for the issue of Writs or Warrants for levying the money in cases mentioned in sec. 2, when the prisoner shall be discharged from custody.

VII. And be it enacted, That the said bail to the limits shall be bound to produce the body of any prisoner on the limits, within such time as the Court or Judge may direct; provided always further time and relief may be granted to such bail as the said Court or Judge may deem equitable.

Bail to produce the body on order of the Court or Judge.
Proviso:

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ANNO DECIMO ET UNDECIMO

VICTORIÆ REGINÆ.

CAP. XVI.

An Act to explain and amend an Act passed in the ninth year of Her Majesty's Reign, intituled, *An Act to consolidate and amend the Registry Laws of that part of this Province which was formerly Upper Canada.*

[28th July, 1847.]

WHEREAS the wording of the first part of the twenty-fourth section of an Act passed in the ninth year of Her Majesty's Reign, intituled, *An Act to consolidate and amend the Registry Laws of that part of this Province which was formerly Upper Canada*, is such as to have caused doubts to arise as to whether there is not a clerical error in the said part of the said section consisting of the substitution of the word "Mortgagee" for the word "Mortgagor," and whereas there is, in reality no such clerical error, but the converse error does occur in the last line of the proviso at the end of the said section in which the word "Mortgagor" has been substituted for "Mortgagee," and it is expedient to remove such doubts and correct such error: Be it therefore declared and enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act for re-uniting the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby declared and enacted by the authority of the same, That the said section of the said Act was intended to refer and does refer to any certificate by the Mortgagee, His Heirs, Executors, Administrators or assigns of payment or performance of the condition of any Mortgage, given or registered as therein mentioned.

Preamble.
Doubts respecting section 24, of Act 9 Vict. c. 34, stated.

What certificate is intended in the first part of sect. 24 of the said Act.

II. And be it enacted, That the said proviso at the end of the said twenty-fourth section of the said Act, shall be and the same is hereby repealed; and it is hereby declared and provided that such certificate as is mentioned in the said section and in this Act, if given after the expiration of the period within which the Mortgagor had a right in equity to redeem, shall have had and shall have the effect of defeating any title remaining vested in the Mortgagee or his heirs, executors, administrators or assigns, but shall not have had nor shall have the effect of defeating any other title whatsoever.

Proviso at the end of the said section repealed.

True effect of the certificate aforesaid declared.

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VICTORIÆ REGINÆ.

CAP. XVII.

An Act to exempt the property of the Crown from Local Rates and Taxes in Lower Canada.

[28th July, 1847.]

WHEREAS by the Laws of that portion of the Province formerly the Province of Upper Canada, all property held by or in trust for the Crown is exempt from Local Taxes and Assessment, and it is expedient that such property should be so exempt in that portion of the Province formerly Lower Canada: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, so much of the sixty-second section, or of any other part of the Act of the Legislature of Lower Canada, passed in the thirty-sixth year of the Reign of King George the Third, and intituled, '*An Act for making, repairing, and altering the Highways and Bridges within this Province, and for other purposes*,' or of any other Act or Law in force in that portion of this Province formerly the Province of Lower Canada, as authorizes the imposing of any Local Rate or Tax on any property belonging to Her Majesty, or held in trust by any Officer or party for the use of Her Majesty, or the demand of any sum of money as commutation for any Statute or other labour on any highway in respect of such property, or the performance of such Statute labour, or the payment of any such Rate or Tax imposed on any such property out of the public moneys of this Province,—shall be and is hereby repealed; and hereafter all such property as aforesaid, in whatever part of this Province the same shall be situate, shall be exempt from all Local Rates or Taxes, Statute or other labour on any highway, or commutation for the same, any Act or Law to the contrary notwithstanding; Provided always, that any arrears of such Rates or Taxes accrued and payable in Lower Canada before the passing of this Act, may be paid as if this Act had not been passed.

Preamble.

So much of the Act of L. C. 36 Geo. 3, c. 6, s. 62, or of any other Act or law, as authorizes the imposition of local taxes on Crown property repealed.

Such property to be hereafter exempt from all local rates or taxes.

Provido as to rates in L. C. heretofore accrued.

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ANNO DECIMO ET UNDECIMO

VICTORIÆ REGINÆ.

CAP XVIII.

An Act to extend the Provisions of the Marriage Act of Upper Canada to Ministers of all denominations of Christians.

[28th July, 1847.]

WHEREAS divers inhabitants of that part of the Province called Upper Canada, of various Religious Denominations of Christians not enumerated in the third Section of an Act passed by the Legislative Council and Assembly of the late Province of Upper Canada, in the eleventh year of the Reign of His late Majesty, King George the Fourth, and assented to by His late Majesty, King William the Fourth, in the first year of His Reign, intituled, *An Act to make valid certain Marriages heretofore contracted, and to provide for the future solemnization of Matrimony in this Province*, have, by their Petitions, prayed that their respective Ministers may be authorized to solemnize Marriages; and it is just and expedient to grant the prayer of such Petitions: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted, by the authority of the same, That all the powers, privileges and advantages by the Act first above cited conferred upon or vested in any Clergyman or Minister of any of the several Religious Denominations mentioned in the third section of the said Act shall be and the same are hereby conferred upon and vested in any Clergyman or Minister of any Religious Denomination of Christians whatever, as fully and effectually to all intents and purposes, and on the same conditions and restrictions, and subject to all the penalties imposed by the said Act for any contravention of the provisions thereof, as if such Religious Denomination of Christians had been among the number of the Religious Denominations mentioned in the said third Section.

Preamble.
Act of U. C.
11 Geo. 4. c.
36, cited.

Powers granted by the said Act to Ministers of certain denominations, extended to Ministers of all denominations of Christians.

II. And be it enacted, That no Clergyman or Minister of any of the several Religious Denominations mentioned in the third Section of the said recited Act, or of those to whom this Act refers, shall be entitled to the benefit of either of the said Acts unless he be a subject of Her Majesty, and shall have taken the oath or affirmation of allegiance before the Registrar of the County in which he shall officiate as such Clergyman or Minister, which oath or affirmation, the said Registrar is hereby authorized and required to administer, and unless he shall also at the time of taking such oath or affirmation as aforesaid,

On what conditions Ministers shall be entitled to such powers. Oath of allegiance.

Certificate of appointment to the Ministry.

aforesaid, produce to such Registrar evidence of his being a recognized Clergyman or Minister of the Religious Denomination to which he professes to belong, which evidence shall consist of a Certificate from the Bishop, Moderator of Presbytery, Clerk of Conference, Church-wardens, Trustees or Managers, as the case may be, of the body to which such Clergyman or Minister may belong, that he is a recognized Clergyman or Minister of such Denomination, and has been set apart according to the rules and discipline of such Denomination, as a recognized Minister thereof, and the said Registrar is hereby authorized and required to grant to such Clergyman or Minister, a Certificate of his having conformed to the provisions of this Act.

Registrar to keep a record of the taking of such oath of allegiance.

III. And be it enacted, That the said Registrar shall keep a Registry of such oaths or affirmations of allegiance and certificates, and of Certificates by him granted thereupon, in which shall be entered true copies of the same, and for all of which he shall be entitled to the sum of five shillings.

This Act not to affect persons now entitled to celebrate marriage.

IV. And be it enacted, That nothing in this Act shall affect in any way the authority to celebrate Marriage now vested in any person under the provisions of the above recited Act.

It shall hereafter not be requisite for any Minister to appear before the Court of Quarter Sessions, &c.

V. And be it enacted, That from and after the passing of this Act, it shall no longer be necessary for any Clergyman or Minister of any of the Denominations mentioned in the said recited Act, to give proof of his ordination, constitution or appointment as such Minister, before any Court of Quarter Sessions according to the requirements of that Act, or to obtain any certificate from such Court, but his compliance with the provisions of this Act shall to all intents and purposes be equivalent to the same.

This Act to extend only to Upper Canada.

VI. Provided always, and be it enacted, That this Act shall extend only to that part of this Province which formerly constituted the Province of Upper Canada.

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ANNO DECIMO ET UNDECIMO

VICTORIÆ REGINÆ.

CAP. XIX.

An Act for amending the Common School Act of Upper Canada.

[28th July, 1847.]

WHEREAS it is expedient to make further provision for the better establishment and maintenance of Common Schools in the Cities and incorporated Towns, and in the several Municipal Districts of Upper Canada: Be it therefore enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*; and it is hereby enacted by the authority of the same, That each incorporated City and Town in Upper Canada shall be a Corporation for all Common School purposes, and the Council of each City and the Board of Police of each incorporated Town, shall be invested with all the authority and subject to all the obligations, in respect to all matters relating to the interests of Common Schools in such City or Town, as is now, or may be hereafter conferred by law upon the Municipal Council of each District in Upper Canada; subject to such modifications and regulations as are hereinafter provided for by this Act.

Preamble.

The Council of each City and Town corporate to have the powers of the District Council within such City or Town for Common School purposes.

II. And be it enacted, That it may and shall be lawful for the Council of each City and the Board of Police of each Town aforesaid to appoint at its next, or any ensuing meeting after the passing of this Act, by a By-law or vote of a majority of its members present at such meeting, a Board of Trustees not exceeding six in number, three of whom shall form a *quorum* for the transaction of business: Provided always, that one third of the members of such Board thus appointed shall retire from office at the end of each year; the order of their retiring to be determined by lot, and their places filled by such Council or Board of Police; so that all the members of such Board shall be changed once in three years: Provided also, that any member of such Board, on the expiration of his period of office, shall be eligible to be re-appointed: Provided also, that, in addition to the number thus appointed, the Mayor of such City, or the President or Chairman of such Board of Police, shall be, *ex-officio*, Chairman of the Board of Trustees, and shall have a vote in all the proceedings of such Board, and in case of an equality of votes shall have a second or casting vote: Provided likewise, that, in the absence of such Mayor or President or Chairman, the Board at any lawful meeting shall have authority to select from its own members a Chairman *pro tempore*, and provided

Board of Trustees to be appointed in each City or Town, by the Council thereof.

Term of office.

Members may be re-elected. President appointed.

Temporary Chairman in certain cases.

Proviso :
Members of
the Board to
act gratui-
tously.

School monies
to be expended
under the di-
rection of the
Board.

This shall not
extend to mo-
nies raised or
granted dur-
ing 1847.

School prop-
erty vested in
the Trustees.

Proviso as to
sales.

And proceeds
of sales.

Proviso: prop-
erty for the
purposes of
model Schools
to remain vest-
ed in the Dis-
trict Council.

Duties of the
Board.

Possession and
management
of School Prop-
erty.

Keeping prop-
erty in repair.

Determine the
Sites, and
description of
Schools,
Teachers, &c.

provided further that the Chairman and members of such Boards of Trustees shall perform their duties as such gratuitously.

III. And be it enacted, That all the monies which may be raised in such City or Town by assessment or rate bill, or which may be granted to such City or Town for Common School purposes, shall be paid into the hands of the Chamberlain or Treasurer of the Corporation or Board of Police of such City or Town, and shall be expended under the direction of the Board appointed as aforesaid, by cheque or order signed by the Chairman of the said Board, on such Chamberlain or Treasurer; Provided always that nothing herein contained shall extend or be construed to extend to monies so raised or granted for Common School purposes during the current year.

IV. And be it enacted, that all the lands, houses, tenements and property of every description, which have heretofore been acquired or rented for Common School purposes, and which have been vested in the hands of Trustees in any City or Town aforesaid, shall, after the passing of this Act, be vested in the Corporation of such City or the Board of Police of such Town, to be employed or disposed of as such Board of Trustees, appointed as aforesaid, shall judge expedient for the interests of Common Schools in the said City or Town: Provided always, that no lands, house, houses or other Common School property shall be sold by said Board without the express sanction of the said Corporation or Board of Police: Provided also, that the proceeds of the sales of such lands, house, houses or other Common School property shall be applied to Common School purposes in the City or Town in which such property is situated, and provided also that all lands, houses, tenements and property of every description now vested in the District Council of any District for the purposes of a model School within any such City or incorporated Town shall remain vested in such District Council.

V. And be it enacted, That it shall be the duty of the Board of Trustees for such City or Town, appointed as aforesaid:

First,—To take possession of all Common School property which may have been acquired or given for Common School purposes in such City or Town, by any title whatsoever, and which may be vested in the Corporation of such City or the Board of Police of such Town under the provisions of this Act, and to manage for the Corporation or Board of Police, all property, monies or income acquired for Common School purposes, until the power hereby given shall be taken away or modified by law, and to apply the same according to the terms of acquiring or receiving them.

Secondly,—To do whatever may be expedient with regard to building, repairing, renting, renewing or keeping in order the school house or school houses, and its or their appendages, lands, fences and moveable property, which shall be held in trust by the said Board out of whatever funds may be provided for such purpose by the Corporation or Board of Police of such City or Town.

Thirdly,—To determine the number, sites and description of Schools which shall be established and maintained in such City and Town aforesaid, and whether such school or schools shall be denominational or mixed; the teacher or teachers who shall be employed, the terms of employing them, the amount of their remuneration and the duties which they are to perform; to prepare from time to time, and lay before the Corporation

Corporation of such City or Town, an estimate of the sum or sums which they may deem expedient for paying the salaries of school teachers, for furnishing the school or schools under their charge with suitable apparatus and books, and for repairing and warming and keeping in order the school house or school houses in their possession.

Fourthly,—To appoint and remove at pleasure, prescribe the duties, and fix the compensation of a Superintendent of Common Schools in each City or Town aforesaid; which Superintendent shall be subject to the obligations which are imposed by law on District Superintendents of Common Schools, as far as is consistent with the provisions of this Act.

Appointing and removing Superintendent of Schools.

Fifthly,—To appoint, from time to time, for the special management of the affairs of each school within such City or Town, and under such rules and regulations as they may deem necessary, a Committee of not more than three persons for each school, who shall hold office for one year at a time, but may be re-appointed at the pleasure of the Board of Trustees; and which Board of Trustees shall also have authority to fill up any vacancy or vacancies which may occur in such Committee or Committees, from death, removal or otherwise: Provided always, that in denominational schools, the persons composing such Committee shall be of the religious persuasion to which such schools belong.

Appointing Committee of Management for each School.

Filling vacancies therein.

Provide as to Denominational Schools.

Sixthly,—To exercise in general all the powers, and be subject to all the obligations with which Trustees of Common Schools, generally, are invested, and to which they are subjected according to law, as far as is consistent with the provisions of this Act: Provided also, that their annual School Reports shall be made to the Superintendent of Schools for Upper Canada; and they shall likewise account each year, and oftener if required, to the Council or Board of Police of each incorporated City or Town appointing them, for the expenditure of all monies placed at their disposal.

General powers.

Provide as to reports and accounts.

VI. And be it enacted, That the teachers employed by any such Board, shall be subject to the obligations which are imposed by law upon Common School teachers generally.

Obligations of Teachers.

VII. And be it enacted, That the Members of the Council of each City, and of the Board of Police of each incorporated Town in Upper Canada, and all Clergymen or Ministers recognized by law, of whatever denomination, who shall reside or have pastoral charge in each City and incorporated Town, and no others, shall be Visitors of Common Schools in such City or Town, and shall have authority to perform all the duties imposed by law upon Visitors of Common Schools in Upper Canada, except in the case of denominational schools, which shall be visited by no other clergymen or ministers than such clergymen or ministers as are of the religious denomination to which such schools belong, unless by the consent of such last mentioned clergymen or ministers.

Who shall be visitors of Common Schools in any City or Town corporate.

And of Denominational Schools.

VIII. And be it enacted, That it may and shall be lawful for the Council of any City, and the Board of Police of any incorporated Town, and the Municipal Council of any District in Upper Canada, to impose, from time to time, such assessment upon the inhabitants, of all or any School Districts, Sections or Divisions within their respective jurisdictions, over and above the assessment which they are now authorized by law to impose, as such Council, Board of Police or Municipal Council shall judge expedient,

Municipal authorities may impose taxes for School purposes to any amount they may think proper.

expedient, for the purchasing or procuring school sites, the erecting, repairing, renting or furnishing of school houses, the payment of teachers, and for Common School purposes generally; any thing contained in any law or statute to the contrary notwithstanding.

District Superintendents may be removed by the Governor in Council for misconduct, and another appointed *pro tem*.
Notice to be given.

IX. And be it enacted, That in case of any violation or neglect of duty on the part of any District Superintendent of Common Schools, the Governor in Council shall have authority to remove him from office and appoint another person in his place, until the next meeting of the Municipal Council by which such District Superintendent may have been appointed; and a copy of the order making such removal, and specifying the causes of it shall be transmitted to the Clerk of the Municipal Council by whom such Superintendent had been appointed, to be laid before such Council.

Mayor of Toronto to be a member of the Education Board of U.C. *ex officio*.
9 Vict. c. 20.

X. And be it enacted, That the Mayor for the City of Toronto shall be, *ex officio*, Member of the Board of Education for Upper Canada; anything contained in the Act, passed in the ninth year of Her Majesty's Reign, and intituled, *An Act for the better establishment and maintenance of Common Schools in Upper Canada*, to the contrary notwithstanding.

Interpretation clause.

XI. And be it enacted, That the words "Upper Canada" wherever they occur in this Act, shall mean all that part of this Province called Upper Canada,

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ANNO DECIMO ET UNDECIMO

VICTORIÆ REGINÆ.

CAP. XX.

An Act to amend, explain and continue an Act passed in the Seventh year of the Reign of Her Majesty, intituled "*An Act to prevent Obstructions in Rivers and Rivulets in Upper Canada.*"

[28th July, 1847.]

WHEREAS doubts have arisen as to the true construction and meaning of an Act past in the seventh year of the Reign of Her Majesty, intituled, *An Act to prevent Obstructions in Rivers and Rivulets in Upper Canada*, and it is necessary that the meaning and intent of the said recited Act, should be declared, and that the same should be amended and continued: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative 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, 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 watercourse,—or any owner or occupier of a mill who shall suffer or permit to be thrown, in that part of this Province heretofore known as Upper Canada, any slabs, bark, waste stuff or other refuse of any saw-mill (except saw dust) or any stumps, roots, shrubs, tan-bark or waste wood, timber, or leached ashes,—or any person or persons who shall fell, or cause to be felled, in or across any such river, rivulet or watercourse, any timber or growing or standing tree or trees, and shall allow the same to remain in or across such river, rivulet or watercourse, shall thereby incur a penalty not exceeding five pounds and not less than one shilling for each day during which such obstruction shall remain in, over, or across such river, rivulet, or watercourse, over and above all damages which shall arise therefrom; and that such penalty and damages shall and may be respectively recovered with costs, in a summary way, before any one or more of the Justices of the Peace for the District, in the manner provided by the Act passed in the Session held in the fourth and fifth years of Her Majesty's Reign, and intituled, *An Act for consolidating and amending the Laws in this Province relative to malicious injuries to property*; Provided always that nothing herein contained shall extend or be construed to extend to any dam, weir or bridge erected in or over any such River, Rivulet or watercourse or to any thing done *bonâ fide* in the erection or for the purpose of the erection of any such dam, weir or bridge, or to any tree cut down or felled across any such River, Rivulet or watercourse for the purpose of being used as a means of passage from one side of any such River, Rivulet or watercourse to

Preamble.
7 Vict. c. 36
cited.

Penalty on
persons ob-
structing rivers
or rivulets in
U. C.

To be recover-
able in the
manner pro-
vided by 4 and
5 Vict. c. 26.

Proviso:
Act not to ex-
tend to dams,
weirs or brid-
ges, or trees
used as brid-
ges.

the

Provided such tree does not obstruct the water or the passage of Rafts, &c.
 Proviso as to obstructions not wilful.

the other : Provided always further, that such tree shall not be suffered to lie across such River, Rivulet or watercourse in such a manner as to impede the flow of water or the passing of rafts in the same ; Provided also, that no obstruction happening without the wilful default of, or in the *bonâ fide* exercise by any party of his rights, shall occasion to the party any fine or forfeiture unless upon default to remove such obstruction after notice and reasonable time afforded for that purpose.

Act amended to apply to penalties under this Act.

II. And be it enacted, That all the provisions of the Act hereby amended, shall apply to the penalties and the mode of enforcing payment and the appropriation thereof, and to all the proceedings under this Act.

Duration of this Act and of the Act amended.

III. And be it enacted, That this Act and the Act hereby amended and explained, shall be and continue and remain in force for the full term of four years from the passing hereof, and thence until the end of the then next Session of the Provincial Parliament and no longer.

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ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. XXI.

An Act for the organization of the Notarial Profession in that part of this Province called Lower Canada.

[28th July, 1847.]

WHEREAS it is of the utmost importance to the peace and welfare of families, that the Notarial Profession should be exercised by well educated and duly qualified persons, and abuses are found to have crept into the exercise of those functions, for which it is expedient to provide a remedy by constituting Boards of Notaries, and by establishing proper regulations with regard to admission to the Profession, and for the general organization of the Profession in Lower Canada: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That after the passing of this Act, there shall be established in Lower Canada, in the manner hereinafter prescribed, three Boards of Notaries, one for the District of Quebec, including the District of Gaspé, to be called, "The Quebec Board of Notaries,"—one for the District of Montreal, to be called, "The Montreal Board of Notaries,"—and one for the Districts of Three-Rivers and St. Francis, to be called, "The Board of Notaries for Three-Rivers."

Preamble.

Boards of Notaries established in the several Districts.

II. And be it enacted, That each Board of Notaries shall be composed of members elected in the manner hereinafter explained; and the number of such members shall be twelve for the Quebec and Montreal Boards respectively, and nine for the Board of Notaries for Three-Rivers; and the Quorum for the despatch of Business shall be eight for the Quebec and Montreal Boards, respectively, and six for the Board for Three-Rivers.

How they shall be composed. Quebec and Montreal.

Three Rivers.

III. And be it enacted, That the Members of each Board shall elect,

First. A President, who shall only vote when the votes are equally divided, shall call special meetings of the Board when he shall deem it expedient, or on the requisition of two members, stating the purpose of the meeting, or on that of the *Syndic* hereinafter mentioned, and shall preserve order at all meetings.

What Officers they shall have. President. His duties.

Secondly.

Secretary.
His duties.

Secondly. A Secretary, who shall draw up and enregister the proceedings of the Board, shall have custody of all Records and deliver copies thereof, shall collect the facts relative to any charge brought against a Notary, and report the same to the Board.

Treasurer.
His duties.

Thirdly. A Treasurer, who shall have charge of the Common Fund hereinafter mentioned, shall receive and pay monies upon the order of the Board, and shall account for the same as the Board shall direct.

Syndic.
His duties.

Fourthly. A *Syndic*, who shall conduct the prosecution on any charge brought against a Notary.

Proviso as to officers being also Members of the Board.

Provided always, that in addition to the special powers hereby assigned to the Officers aforesaid each of them shall, if he be a member of the Board, vote as such in the same manner as the other members, at all meetings of the Board; except that with regard to any matter relating to any charge against a Notary, the *Syndic* conducting the prosecution shall not vote; and provided also, that in case any of the Officers aforesaid shall be absent or prevented from acting, his place may be supplied by the appointment of another *pro tempore* by the majority of the members present at any meeting at which there shall be a Quorum.

Proviso as to officers absent at any time.

How such Officers shall be appointed or removed.

IV. And be it enacted, That the President shall always be chosen from among the members of the Board, but the other Officers aforesaid may be chosen either from among the members of the Board or from among the Notaries within its jurisdiction; and the Board may remove any Officer at pleasure and appoint another in his stead; but no Officer shall be so removed except by the vote of at least two thirds of the members of the Board.

Powers and functions of the Board of Notaries.
Certificates of qualification.
Summoning Notaries.

V. And be it enacted, That each Board of Notaries shall have power,—

First. To grant or to refuse, after public examination, all certificates of qualification required by applicants for admission either as Students or as Notaries.

Secondly. To summon before it when need shall be, any Notary within its jurisdiction.

Punishing Notaries for offences.

Thirdly. To cause any such Notary to be punished according to the nature of his offence, by removal or suspension from office, or by depriving him of his vote at General Meetings, or by excluding him from the Board for a time not exceeding three years for the first offence, nor six years for a second or subsequent offence; Provided always, that if the charge brought before the Board against any Notary shall appear sufficiently serious to call for his suspension from the exercise of his functions, or his removal from office in cases of fraud or corruption, the Board shall associate with it by lot, a number of Notaries equal to the number of members of the Board, from among those within its jurisdiction, who shall be bound to serve, under a penalty of five pounds currency; and the Board thus composed may by a majority of the whole, pronounce its opinion as to such suspension and the duration thereof, or as to such removal from office; but no opinion shall be pronounced unless two thirds at least of all those summoned to attend the meeting be present; and in any such case the opinion so pronounced shall be submitted to the Court of Queen's Bench for judgment thereon, in the manner provided by the twenty-first section of this Act: Provided also, that

Proviso as to cases where a Notary shall be liable to suspension or removal.

Opinion to be submitted to Q. B.
Proviso.

nothing

nothing in this section shall deprive the party injured of any remedy which he may have against the Notary.

VI. And be it enacted, That the mode of proceeding at each Board of Notaries shall be as follows, that is to say: the *Syndic* shall bring before the Board all infractions of discipline, and he shall be bound to do so either *ex officio*, if the facts be within his personal knowledge, or at the instance of the parties interested, or at that of any member of the Board, and the said complaining parties shall prove the grounds of their complaint on oath before the President of the Board of Notaries having jurisdiction within the locality, or in his absence before a Justice of the Peace, and the said President and Justice of the Peace are hereby specially authorized to administer such oath; and it shall be the duty of the *Syndic* to summon any Notary inculpated to appear before the Board within a reasonable delay, (which shall not be less than that allowed on Writs of Summons to appear before the Superior Term of the Court of Queen's Bench for the District,) by a letter stating the object of the citation, to be signed by the *Syndic* and transmitted by the Secretary, who shall keep a note thereof, and shall prove the service of the letter upon the Notary inculpated either in person or at his domicile or office (*étude*), and such service may be made by any Bailiff of the said Court: Provided always, that the Board shall not proceed on any matter concerning any individual, except after having heard or duly summoned as aforesaid, the Notary inculpated or interested and such other parties as shall desire to be heard, who in all cases may be represented or assisted by a Notary or Advocate; the minutes of the proceedings of the Board shall mention the reasons on which the same are founded, and shall be signed by the President and by the Secretary, and shall contain the names of the members present, and shall be notified, if need be, to those whom they may concern, in the manner prescribed with regard to citations, and the fact of their having been so shall in such case be notified in the margin of the minute: Provided also, that no citation shall be made except by order of the majority of a *Quorum* of the members of the Board, and such order shall be entered on the Register of the Board.

Mode of proceeding by each Board.

Duties of the *Syndic*.

Notary inculpated to be summoned.

Service of notice.

Proviso: Board not to proceed until the parties inculpated be heard or duly summoned.
Reasons of decision to be recorded.

Proviso: citations must be by order of a majority of a *Quorum*.

Times at which the Boards shall meet.

Proviso: at least one general meeting to be held in each year.
Extraordinary meetings.

Proviso: meetings may be adjourned.

VII. And be it enacted, That the meetings of the said Boards of Notaries shall be held as follows: those of the Quebec Board of Notaries at the City of Quebec, those of the Montreal Board of Notaries at the City of Montreal, and those of the Board of Notaries for Three Rivers at the Town of Three Rivers,—on such days and at such hours as shall be appointed by the said Boards respectively, and in such places as shall be selected for the purpose; but there shall not be less than three meetings in each year for the examination of applicants for admission as Students or as Notaries; Provided always, that in each year there shall be one General Meeting of the Notaries within the jurisdiction of each Board, and that extraordinary General Meetings may be held whenever circumstances shall require them, or the Board shall deem them advisable, and such meetings shall be called by advertisements in two newspapers, and inserted in both languages at least fifteen days previously; and all Notaries within the jurisdiction of the Board shall be invited to attend either for the purpose of making the appointments mentioned in the eighth section, or to advise together on matters of interest to the Profession: And provided also, that any meeting of any Board of Notaries, or any General Meeting of the Notaries within its jurisdiction, may be adjourned by consent of the majority of the Notaries present thereat, to such day and hour as may be agreed upon.

How the Members of each Board shall be elected.

First election when to be had.

Notices thereof how given.

Who shall preside at such first election.

First meeting of the Board how called.

Another day may be appointed in case of failure to meet on that first named.

If the Members of any Board of Notaries be not appointed at the proper time, the Governor may appoint them.

Annual election of Officers.

Officers to be re-eligible.

Penalty on persons appointed and refusing to act

A common Fund established for certain purposes.

VIII. And be it enacted, That the Members of each Board of Notaries shall be elected by the Notaries within its jurisdiction at a General Meeting, and the election shall be by majority of votes and by ballot, each ballot containing a number of names not greater than the number of members to be elected; and a General Meeting shall be held for the purpose of making such elections, every three years, which shall be the period during which the members shall remain in office, but the same members may be re-elected: and the first election of members of each Board shall take place during the four months next after the passing of this Act, at General Meetings of the Notaries within the jurisdiction of each Board, to be held in the Cities of Quebec and Montreal, and in the Town of Three Rivers, respectively: and such first Meetings shall be called by advertisements published in the manner hereinbefore prescribed, and within two months after the passing of this Act, by the Clerks or Prothonotaries of the Courts of Queen's Bench for the Districts of Quebec, Montreal and Three Rivers respectively, each for his own District: and the said advertisements shall mention the day, hour and the place of the meeting, at which the said Clerks or Prothonotaries shall preside each in his own District, and shall draw up and sign the minute of the proceedings thereat, and file them among the Records of the Courts of Queen's Bench for the said Districts respectively, and shall deliver true copies thereof to the Board of Notaries at whose election they shall respectively have presided on the first meeting of such Boards, which first meeting shall be called by such Clerks or Prothonotaries, within a reasonable time, by a notice served on each member of the Board either personally or at his domicile or office, (*étude*) informing him of his election and of the day, hour and place of the said first meeting of the Board, at which such Clerk or Prothonotary shall preside until the Board shall have elected its President, of which election he shall draw up a minute and deliver the same to the President elect: and if it shall happen that the meeting cannot be held on the day appointed, the Clerk or Prothonotary shall appoint a future day for holding it.

IX. And be it enacted, That if at the time appointed for the election of any Board of Notaries, such election shall not be had in conformity to this Act, it shall be lawful for the Governor of this Province, by and with the advice and consent of the Executive Council, to appoint the Members of such Board by an instrument under his hand and seal; and any Board of Notaries so appointed by the Governor, and the members thereof, shall have the same powers and duties as if elected at a General Meeting of Notaries, and the first Meeting of any such Board shall be called in the manner aforesaid by the Clerk or Prothonotary of the District, and he shall preside thereat.

X. And be it enacted, That the Members of each Board of Notaries shall elect in the manner aforesaid, the President and other officers mentioned in the third section, and such election shall be renewed yearly, the same person being nevertheless capable of being re-elected, and the senior in age having the preference in any case of equality of votes: and any Notary who shall refuse to accept the office of Member of a Board, or to perform the duties of President, Secretary, *Syndic* or Treasurer, shall thereby incur a penalty of five pounds currency, which shall go to the Common Fund of the Notaries within the jurisdiction of the Board.

XI. And be it enacted, That it shall be lawful for each Board of Notaries to establish a Common Fund, which shall not however be more than sufficient to meet the necessary expenses, to be ascertained and approved at a General Meeting and to be levied

levied equally upon all the Notaries within its jurisdiction; but no order for levying the same shall be executory against any person until it shall have been homologated, at the instance of the President, by the Court of Queen's Bench for the District of Quebec, Montreal, or Three Rivers (as the case may be) in Superior Term: and such Court is hereby authorized to hear and determine all objections.

XII. And be it enacted, That towards the formation of the said Common Fund, and for the purposes of meeting the first expenses of each Board, there shall be paid, for the first year, to the Treasurer of each of the said Boards, and within one month after the appointment of that officer, the sum of ten shillings currency, by each Notary within the jurisdiction of such Board; and such sum, if not duly paid, may be recovered by the *Syndic* of such Board, by an action to be brought in any Court having jurisdiction to the amount.

Contribution of each Notary to the Common Fund.

How recoverable.

XIII. And be it enacted, That each Board of Notaries shall have power to make such Rules and Regulations as may from time to time be found necessary for the management of the matters under its control, and for carrying this Act into effect; but such Rules and Regulations shall not be in force until they shall have been approved by a General Meeting of the Notaries interested and subsequently homologated by the Court of Queen's Bench for the District in which the Board shall hold its meetings.

Each Board may make Rules and Regulations subject to homologation by the Court of Queen's Bench.

XIV. And be it enacted, That from and after the passing of this Act, no person shall be admitted as a Notary in Lower Canada, unless he shall prove, before one of the said Boards of Notaries, that he has *bonâ fide*, served a regular Clerkship (under articles in writing, deposited among the minutes of some practising Notary,) during five consecutive years, with a Notary duly appointed, and practising as such in Lower Canada, or during four consecutive years, if such person has gone through a regular course of studies, including *Belles Lettres*, Rhetoric and Philosophy, (comprising Logic, Ethics, Mathematics and Physics,) in one or more of the Seminaries or Colleges of Quebec, Montreal, St. Hyacinthe, Nicolet, or Ste. Anne de la Pocatière, or in any other College legally established in Lower Canada or elsewhere, in which the said courses of study shall be taught, and shall produce a certificate to that effect from the principal of such Seminary or College; nor unless such person shall produce proof of his good conduct during his Clerkship, and of his qualifications, of all which the Board shall give him a certificate, which shall not be granted until after such person shall have undergone a public examination as to his knowledge of the law and of Notarial practice, to which examination he shall be bound to submit, and shall draw up upon the spot any clause, instrument or contract which shall be required of him; and in order to such examination the applicant shall give notice to the Secretary of the Board at least one month previously, to the end that such Secretary may advertise in both languages during three weeks, and in two newspapers, the day and hour when the examination shall take place, so that any person may then and there state any reasons he may have to urge against the admission of such applicant; and on giving the said notice to the Secretary, the applicant shall pay into the hands of that Officer such sum as shall be requisite to defray the cost of publishing such advertisement as aforesaid; Provided always, that it shall be lawful for the Board of Notaries to summon before it, by an order under the hand and seal of the President, and countersigned by the Secretary, any person whom the applicant, or those opposing his admission, may wish to call in support of their allegations concerning the life, morals and qualifications of the applicant

Qualifications required of persons admitted as Notaries.

Notice to be given by persons intending to be examined.

Proviso: witnesses may be summoned.

Certificate to
be in form A.

applicant, and for this purpose the President is hereby authorized to administer all necessary oaths: and if the applicant shall have complied with all the requirements of the law and be found by the Board of Notaries to be duly qualified, he shall be entitled to obtain a certificate in the form of Schedule A, which he shall cause to be registered in the office of the Registrar of this Province.

Each person
admitted as a
Notary, to take
an oath of
office, &c.

XV. And be it enacted, That after his appointment, the person who shall have obtained a certificate of admission as a Notary, shall be sworn before one of the Judges of the Court of Queen's Bench for the District, for the faithful performance of the functions of his office; and he shall not be so sworn, except on his producing the certificate of his admission; and he shall cause the whole to be registered as well in the Prothonotary's Office of the said Court as in the Board of Notaries from which he shall have received his certificate, together with his signature, which he shall not alter thereafter, unless he be thereunto authorized by the Court of Queen's Bench for his District with the consent of the Board of Notaries; Provided always, that if any person shall hereafter be admitted as a Notary, and shall practise as such without having complied with the Requirements of this section, he shall for such offence incur a penalty of not less than five pounds, nor more than twenty-five pounds currency.

Penalty on
persons prac-
tising without
complying
with this sec-
tion.

Each Notary
shall register
his office,
(*étude*)

XVI. And be it enacted, That each person obtaining a certificate of admission as a Notary, shall also, before acting as such, cause to be enregistered in the Office of the Court of Queen's Bench, and with the Board of Notaries for the District in which he is to practise, a declaration of the place therein at which he intends to establish his office (*étude*), under a penalty of twelve pounds ten shillings currency.

Qualification
of persons ad-
mitted as stu-
dents in the
profession.

XVII. And be it enacted, That from and after the passing of this Act, no person shall be admitted as a Student with any Notary, unless he shall previously have passed an examination before one of the said Boards of Notaries, as to his qualifications and ability, and have made proof of having pursued for five years a regular course of study in some one or more of the Seminaries or Colleges named in the fourteenth section of this Act, or of otherwise having received a regular classical education, and shall have obtained a certificate thereof, which shall be annexed to his articles, and an authentic copy of such articles as well as of every assignment thereof shall be filed in the office of the Secretary of such Board within eight days from the date thereof on pain of nullity: Provided always, that nothing herein contained shall extend or be construed to extend to any Student whose articles shall have been executed before the passing of this Act, or to affect the right of any such Student to obtain his admission as a Notary at the expiration of the term of such articles, subject to the requirements of the laws in force at the time such articles were executed, save and except that every such Student shall cause an authentic copy of his articles to be filed in the office of the Secretary of the Board of Notaries within whose jurisdiction his patron resides, within thirty days after the establishment of such Board.

Proviso: this
shall not ex-
tend to per-
sons being
students before
the passing of
this Act.

Exception.

All Notaries to
file a certain
declaration in
Q. B. and
with the board
of Notaries
within 6
months after

XVIII. And be it enacted, That each and every Notary in Lower Canada, shall, within six months from the passing of this Act, and under a penalty of twelve pounds ten shillings, currency, transmit to and cause to be registered in the Prothonotary's office of the Court of Queen's Bench and with the Board of Notaries for his District, a declaration containing his name, the date of his admission, the several places in which

which he has resided and practised since his admission, (mentioning the time during which he resided and practised in each,) and the District in which he then resides and intends to practise.

the passing hereof
Penalty.

XIX. And be it enacted, That from and after the passing of this Act, every Notary who shall remove from one District to reside in another shall, within one month thereafter, cause to be enregistered in the manner aforesaid, in the office of the Court of Queen's Bench and with the Board of Notaries for his District, a declaration of his new place of residence, under a penalty of twenty-five pounds, currency.

Notaries removing from a district, to give notice of such removal.
Penalty.

XX. And be it enacted, That from and after the first day of January next, it shall be the duty of each and every Notary in Lower Canada to number consecutively all deeds, contracts, or instruments which may be executed before him, and remain of record in his office (*étude*), and to note the number of each and every such deed, contract, or instrument in the margin of his repertory opposite to the entry of such deed, contract, or instrument, as well as in every copy thereof.

Instruments passed before Notaries to be numbered.

XXI. And be it enacted, That any Notary who shall be convicted of having passed any deed, contract, or instrument, without entering therein the number thereof and the day, year, and place on and at which it was passed, and the christian and surnames, additions and places of residence of the parties and witnesses thereto, or shall use abbreviations not allowed by law, or shall neglect to insert all sums and dates in words at length, or to read over the instrument to the parties, and to make mention of his having done so, and also of their having signed the same or declared themselves unable to sign, or to cause all marginal notes and additions to be approved and authenticated, or to state the number of words struck out or marginal notes added, or shall make any interlineations, erasures, or additions in the body of the instruments, or shall contravene or fail to observe any of the other forms prescribed by law with regard to Notarial instruments, or shall neglect to keep his minutes and repertory in proper order and in a good state of preservation, and shall pass any instrument to which an interdicted person shall be a party when the interdiction shall have been duly notified, shall for each such offence incur a penalty not exceeding five pounds, currency, over and above all damages, which may be recovered by any party interested; and any Notary who shall (except when authorized by law or under the order of a Judge or some other competent authority) allow any minute to go out of his possession, or shall neglect to sign any minute, shall thereby incur a penalty of not less than five pounds, nor exceeding twenty-five pounds, currency.

Notaries omitting certain formalities in instruments passed before them, to be liable to a penalty over and above all damages sustained by any party.

The Penalty.

Also for allowing minutes to leave his possession without the order of a Judge.

XXII. And be it enacted, That the suspension or removal from office of any Notary, consequent upon the opinion pronounced by any Board of Notaries, shall in all cases be adjudged by the Court of Queen's Bench for the District, on petition to that effect, and at the instance either of the parties interested or of the *Syndic* of the Board acting *ex officio*, and it shall be the duty of the said *Syndic* to transmit to the said Court with the above mentioned petition, all the proceedings on the *Enquête* taken before the Board of Notaries with relation to the suspension or removal from office of such Notary.

Suspension or removal from office of a Notary to be pronounced by a Judge.

XXIII. And be it enacted, That any Notary who shall hereafter change his residence for the purpose of residing within the jurisdiction of another Board of Notaries, shall,

Notaries changing their District, to

cause their certificate of admission to be registered.

shall, under a penalty of twelve pounds ten shillings currency, within one month after he shall have first established his office within the jurisdiction of such other Board, cause the certificate of his admission as a Notary, with that of his oath of office and the registration of the same, to be enregistered with the Board of Notaries and in the office of the Court of Queen's Bench for the District in which he shall establish his new domicile.

Provisions for the safe keeping, &c., of Notaries' papers.

XXIV. And whereas it is necessary to make more safe and effective legislative provision for the keeping, transmission and preservation of Notarial Minutes, Records and Repertories—Be it enacted—

Minutes, &c., of Notaries dying, absent or interdicted, how deposited.

Firstly. That the minutes and repertory of any Notary who shall die, or shall become incapable of acting as such, or shall have been permanently interdicted or removed from office, or shall be absent from Lower Canada for more than two years, shall be deposited by him or by the party in whose custody he shall have deposited them, or by his heirs or legal representatives, with the Board of Notaries for the District wherein such Notary shall have resided.

Notaries withdrawing from practice.

Secondly. That it shall in like manner be lawful for any Notary desirous of withdrawing from practice, to deposit his minutes and repertory with the Board of Notaries for the District wherein such Notary shall reside.

Penalty on parties neglecting so to deposit such minutes, &c.
The Penalty.

Thirdly. That the heirs or legal representatives of any Notary deceased, interdicted, or being absent from Lower Canada, for more than two years as aforesaid, who shall neglect to comply with the foregoing requirements, shall incur a penalty of ten pounds currency for each month during which such neglect shall continue, reckoning from the day on which they shall have been called upon to make such deposit as aforesaid; without prejudice to the right of any party to recover damages for any injury by him sustained by reason of such neglect: Provided that whenever any Notary so interdicted or absent shall again be admitted to practise, he shall be entitled again to obtain possession of his minutes and papers, as shall also any Notary who shall have voluntarily ceased to practise and shall have deposited his minutes and repertory as aforesaid, and shall afterwards wish again to commence practising: Provided also, that any Notary who shall have been absent from Lower Canada for ten years, without having during that time resided at least two years therein, shall not again practise on his return until he shall have passed an examination as to his character and ability, to the satisfaction of the Board of Notaries for the District in which he intends to reside.

Proviso: If such Notaries shall again practise.

Proviso: Notaries absent 10 years to be re-examined.

Minutes, &c., may be closed under seal of Q. B. in certain cases.

Fourthly. That in case of the decease of any Notary or of his absence as aforesaid, any one of the Justices of the Court of Queen's Bench for the District, may, on petition to him presented, direct that the minutes and repertories of such Notary be closed under the seal of the Court, or that the same be provisionally deposited, until proceedings can be had in the manner hereinbefore prescribed.

Duty of the Secretary of the Board of Notaries.

Fifthly. That in all cases where by this Act or by the Laws in force in Lower Canada, the minutes and repertories of the acts and instruments passed by any Notary are required to be deposited as aforesaid, it shall be the duty of the Secretary to the Board of Notaries whom the same ought to be deposited, to prosecute the deposit thereof.

Sixthly.

Sixthly. That all copies of minutes so deposited, certified as such and signed by the Secretary having the custody thereof, shall be deemed authentic, and shall be received in evidence in the same manner as copies signed by the Notary who shall have passed the minute.

What copies shall be authentic.

XXV. And be it enacted, That the Prothonotaries of the Court of Queen's Bench for the Districts aforesaid, shall be entitled to demand and receive, for entering and registering the oath of office and certificate of admission of any Notary, the sum of five shillings currency, and six pence currency per hundred words for every copy thereof; and for drawing up the minute of the proceedings at any meeting of Notaries twenty shillings currency, over and above the cost of publishing the advertisement, and the Secretary of the Board of Notaries shall be entitled to demand and receive ten shillings currency for the certificate of character and qualification delivered to any applicant, over and above the cost of the advertisement hereinbefore mentioned, and also the sum of one shilling and three pence currency for each summons (if any) and six pence for each copy thereof.

Fees to the Prothonotaries of the Courts of Q. B. in certain cases.

XXVI. And be it enacted, That so much of the Ordinance passed in the twenty-fifth year of the reign of His late Majesty, King George the Third, intituled, *An Ordinance concerning Advocates, Attornies, Solicitors, and Notaries, and for the more easy collection of His Majesty's Revenues*; or of any other Law, Statute, or Ordinance as may be inconsistent with this Act, shall be, and is hereby repealed.

So much of Ordinance 25 Geo. 3. c. 4 as is repugnant to this Act, repealed.

XXVII. And be it enacted, That so much of the said Ordinance in the next preceding Section cited, as enacts that no Notary shall hold the office of Clerk of any Court, shall be construed to apply only to the office of Clerk of any Court of Queen's Bench in Lower Canada; that no Notary shall act as such while holding the office of Registrar or Deputy Registrar of any County, or carrying on business as a Merchant, Trader, or Manufacturer; that any Notary, actually holding the office of Clerk of any Court of Queen's Bench, or Registrar or Deputy Registrar of any County, or carrying on business as a Merchant, Trader, or Manufacturer, is hereby required to elect or make choice of one of those avocations, within six months after the passing of this Act, and to transmit his declaration to that effect to the Board of Notaries, and to the office of the Court of Queen's Bench in their respective Districts: but any Notary who shall have made choice of the office of Clerk of any Court of Queen's Bench or of Registrar or Deputy Registrar of any County, or of the calling of a Merchant, Trader, or Manufacturer, may retain his minutes and repertory in his possession, and may issue copies or extracts of deeds and contracts passed before him; and may, also, after having ceased to hold the said office of Clerk or of Registrar or of Deputy Registrar, or to carry on business as a Merchant, Trader, or Manufacturer, exercise the functions of a Notary, after having transmitted his declaration to that effect in the manner hereinbefore prescribed; and any Notary who shall, after the expiration of the said term of six months, exercise the functions of a Notary while holding the said office of Clerk, or of Registrar or Deputy Registrar, or carrying on business as a Merchant, Trader or Manufacturer, shall, for the first offence, forfeit a sum of twenty pounds current money of this Province, and double that amount for any subsequent offence; and it shall be lawful for any of the said Boards of Notaries to suspend, for a time, or to dismiss from office any Notary within its jurisdiction, who shall be lawfully convicted of having carried on, at one and the same time, the profession of a Notary

How certain other parts of the said Ordinances shall be construed. Notaries not to act as such while exercising certain callings.

Those now practising must elect which they will follow within 6 months after the passing of this Act.

They may retain their minutes, &c. And may again practice when they disuse such other calling.

Penalty for contravening this Section.

Proviso : as to Registrars and deputies now appointed.

Notary and the business of a Merchant, Trader or Manufacturer; Provided always, that no Registrar or Deputy Registrar now appointed shall be affected by the provisions of this Act.

False swearing under this Act to be perjury.

XXVIII. And be it enacted, That any person who shall wilfully swear falsely, touching any matter with regard to which an oath is required by this Act, shall on conviction thereof before any Court of competent jurisdiction, be deemed guilty of wilful and corrupt perjury, and shall be liable to be punished accordingly.

Punishment of persons assaulting or obstructing Notaries.

XXIX. And be it enacted, That any person assaulting or otherwise obstructing a Notary in the due execution of his duty as such shall be guilty of a misdemeanor, and may on conviction thereof be sentenced to the same punishment as if he or they had been convicted of an assault upon a Peace Officer or a Revenue Officer in the execution of his duty.

Board of Notaries to make a Tariff of Notarial fees. Tariff to be subject to approval by Q. B.

XXX. And be it enacted, That each Board of Notaries shall make a tariff of the prices to be paid for all Notarial Deeds, Acts or instruments, and the fees to be allowed to Notaries for each sitting (*vacation*) and attendance (*transport*) which tariff shall be homologated and confirmed by the Court of Queen's Bench for the District, and any Notary contravening any of the regulations of the said tariff by demanding from parties more than the price and fees established by the said tariff, after fifteen days from the time when the said tariff shall have been homologated and published, shall for each such offence incur a penalty of five pounds currency.

Penalty for demanding higher fees.

Recovery of Penalties provided for.

XXXI. And be it enacted, That all penalties imposed by this Act may be sued for and recovered by the *Syndic* of the Board of Notaries within the jurisdiction whereof the offence shall have been committed; and being recovered shall be paid by the *Syndic* into the hands of the Treasurer of the said Board, and shall make part of the common fund thereof.

Vacancies in the Board of Notaries how filled.

XXXII. And be it enacted, That if any vacancy shall occur in any Board of Notaries, whether by the death of any member thereof or by his removal out of the jurisdiction of such Board, or otherwise, it shall be lawful for the remaining members of the Board, at the next meeting thereof, to fill such vacancy by electing another member by the votes of a majority of the members present.

Interpretation clause.

XXXIII. And be it enacted, That the word "Governor," whenever it occurs in this Act, shall be understood to mean the Governor, Lieutenant-Governor, or person administering the Government of this Province, and the words "Lower Canada," to mean and include all that part of this Province which formerly constituted the Province of Lower Canada.

SCHEDULE A.

FORM OF A CERTIFICATE OF ADMISSION AS A NOTARY.

This is to certify to all whom it may concern, that A. B. of
 in the District of _____ Esquire, hath duly passed his exa-
 mination before "The _____ Board of Notaries," and hath been
 found qualified to fill the Office and perform the duties of a Notary Public in and for
 Lower Canada, he having complied with all the requirements of the Law in that behalf.
 Wherefore the said A. B. is admitted to the said Office, and is by Law authorized to
 practice as a Notary Public in Lower Canada.

In witness whereof, we have signed this certificate, at _____ in the
 District of _____ in the Province of Canada, the _____
 day of _____ one thousand eight hundred and _____

C. D.

(Signature of the President of the Board of Notaries.)

E. F.

(Signature of the Secretary of the same.)

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





ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. XXII.

An Act to remove all doubts as to the validity of certain Instruments and Documents executed before Notaries in Lower Canada.

[28th July, 1847.]

WHEREAS since the establishment of the Notarial Profession in that part of the Province of Canada which heretofore constituted Lower Canada, divers Notarial *Actes* and other Instruments have been executed in the aforesaid part of the Province, in which *Actes* the Notaries by and before whom they were passed, have styled themselves Notaries for the Province of Quebec, Notaries for the Town and District of Montreal, or Public Notaries residing in such a Parish or the undersigned Public Notaries, or have committed other errors of style of the same nature in the introduction, title or *intitulé* of their Notarial Acts; and whereas doubts have existed as to the validity, and as to the requisite legal formalities of such Notarial *Actes* and other Instruments and Documents, and it is necessary to remove all doubts as to the validity of the same, and to secure the Rights, Titles and Interest of the persons concerned therein: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That all *Actes*, Instruments and Documents whatsoever, which, since the establishment of the Notarial Profession in that part of the Province of Canada which heretofore constituted the Province of Lower Canada, have been executed before two Notaries, or before one Notary and two witnesses in the said part of the Province, and wherein the Notaries before whom they were respectively executed, being Notaries for the part of the Province last above mentioned, have styled themselves Notaries for the Province of Quebec, Notaries for the Town and District of Montreal, or Notaries Public residing in such a Parish, or the undersigned Public Notaries, or taken any other title or description generally whatsoever in the introduction, title or *intitulé* of their Notarial *Actes*, or have omitted to specify or have incorrectly specified the part of the Province for which they were respectively authorized to act as Public Notaries, shall nevertheless be considered as valid and binding in law to all intents and purposes whatsoever, as if the said Notaries had styled themselves "Notaries Public for the Province of Lower Canada," or "Notaries Public for that part of this Province which formerly constituted the Province of Lower Canada;" and notwithstanding that

Preamble.

Certain Notarial *Actes*, Instruments and Documents declared valid although the Notaries may have wrongly stated their quality in the introductory part.

any

And notwithstanding any judgment to the contrary in any case.

No exception of *res judicata* to be founded on such judgments.

Such judgments to be annulled on memorial to Court which pronounced them.

Proviso: nothing in this Act to affect the rights of third parties, acquired by reason of any such judgment.

Nor to affect costs awarded by any such judgment.

Style to be taken by Notaries hereafter in *actes* passed before them.

Such style to be a sufficient statement of their quality.

any such *Actes*, Instruments and Documents have already been declared to be unauthentic, invalid and of none effect by reason of the aforesaid informalities, by any judgment rendered or pronounced before the passing of this Act, in any of Her Majesty's Courts of Law, or in any other Court in that part of this Province which formerly constituted the Province of Lower Canada, in any action or suit brought before any of the said Courts with regard to such *Actes*, Instruments and Documents, or on any opposition, intervention, exception or other proceeding founded on any such *Actes*, Instruments and Documents; and that no exception of *chose jugée (res judicata)* with respect to any such *Actes*, Instruments or Documents, shall in any case be pleaded against any party bringing any such action after the passing of this Act, on any such *Actes*, Instruments and Documents so declared unauthentic or invalid by any judgment already rendered in any of the said Courts; any law, usage, or custom to the contrary in anywise notwithstanding.

II. And be it enacted, That it shall and may be lawful for the parties against whom any such judgment as aforesaid shall have been rendered, or their legal heirs or representatives, to present a memorial to the Court by which any such judgment may have been rendered, pleading therein the present Act and praying that the benefit thereof be granted to such parties; and thereupon, after a reasonable notice shall have been given to all the parties interested in the matter of the said memorial, such judgment shall be considered as revoked, and shall be null and of none effect whatever, and is hereby annulled, set aside and quashed, and the said parties shall be and are hereby reinstated in all their legal rights, claims and demands, as if such judgment had never been rendered: Provided always, that nothing in this Act contained shall affect, alter or prejudice the rights of any party or parties other than the party or parties to any such *Actes*, Instruments or Documents, his, her or their legal heirs or representatives, in all or any of the cases in which such rights may have been acquired to any third party or parties, by reason of any judgment already rendered in and by any of the said Courts, and not otherwise; and nothing in this Act contained shall be considered as affecting any condemnation to pay costs by and in virtue of any judgment rendered by reason of any informalities in any of the cases mentioned in the present Act.

III. And in order to avoid all difficulties as to the title, style and addition of Notaries for the aforesaid part of this Province, Be it enacted, That the Notaries for that part of the Province of Canada which heretofore constituted the Province of Lower Canada, who shall in their Notarial *Actes* have stated or shall state their qualities of Notaries and the place in which their *Actes* have been executed, such place being within their limits for which they were or are authorized to act as Notaries, shall for all legal purposes be held and taken to have sufficiently set forth their official capacity and to have complied with all the requirements of law with regard to the statement of their qualities as Notaries in *Actes* passed by or before them.



ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. XXIII.

An Act to regulate the duties between Master and Servant, and for other purposes therein mentioned.

[28th July, 1847.]

WHEREAS no Statute is in force to regulate the duties between Masters and Servants or Labourers in that part of the Province formerly Upper Canada ; And whereas it would tend to promote the general interests of society if such duties were better defined and understood: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, 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, all agreements or bargains between Masters and Servants or Labourers, for the performance of any duties or service of whatsoever nature, whether such agreement be verbal or written, shall, upon due proof, be binding on each party for the due fulfilment thereof; Provided always, that such verbal agreement shall not exceed the term of one year.

Preamble.

Verbal as well as written agreements between master and servant to be binding.

Proviso.

II. And be it enacted, That after any such engagement as contemplated by this Act shall have been entered into, any person having thereby engaged to perform any service or work, and who shall, during the period of such engagement, and after the commencement of such employment, refuse to go to work, or who shall (without permission or discharge) leave the employ of the party whom he was engaged to serve, or who shall refuse to obey the lawful commands of the person under whose direction such services are to be performed, or who shall neglect the service or injure the property of such employer, shall (upon the complaint of such employer, or any person in charge under him) be liable to punishment for every such offence in the manner hereinafter provided

Persons leaving the employ of their master or refusing to work, &c. after entering into an engagement and contrary thereto, shall be liable to punishment.

III. And be it enacted, That if any tavern keeper, boarding-house keeper or other person, shall induce or persuade any servants or labourers to confederate for demanding extravagant or high wages, and prevent their hiring, then, upon due proof of the offence, such tavern keeper shall forfeit his license, in addition to any fine, and such boarding-house keeper or other person shall be subject to fine or imprisonment, as hereinafter provided.

Tavern keepers inducing servants to confederate for demanding higher wages, to be also subject to fine, &c.

IV.

Tavern keepers, &c. not to keep wearing apparel of servant in pledge for any amount above £1 10s. Proviso.

IV. And be it enacted, That the wearing apparel of any servant or labourer shall not be kept by any tavern keeper or boarding-house keeper in pledge for any expenses incurred to any greater amount than one pound ten shillings currency, on the payment or tender of which sum, or of any lesser sum due, such wearing apparel shall be immediately given up, whatever be the amount due by such servant or laborer: Provided always, that this shall not apply to other property of such servant or labourer.

Duty of Justices of the Peace on receiving complaints against parties for contravention of this Act.

Costs.

Proviso.

V. And be it enacted, That it shall be the duty of any one or more of Her Majesty's Justices of the Peace for that part of this Province which formerly constituted the Province of Upper Canada to receive the complaints upon oath of parties complaining of any contravention of the preceding provisions of this Act, and to cause all parties concerned to appear before him or them, and to hear and determine the same in a summary and expeditious manner, and to punish parties found guilty of the offence alleged by fine or imprisonment, allowing such costs as may be legal and just, and all fines imposed under this Act shall be paid to the Treasurer of the District, Town, or City in which such conviction may be had, to be applied to the general uses of such District, Town or City respectively: Proidved always, that no Justice or Justices shall impose any fine exceeding five pounds, and no imprisonment shall exceed one month, nor be less than one day.

Justices of the Peace may commit offenders to Jail, if the fine imposed be not paid.

VI. And be it enacted, That in every case of a summary conviction under this Act where the sum which shall be forfeited, or which shall be imposed as a penalty by the Justice, shall not be paid either immediately after the conviction or within such period as the Justice shall at the time of conviction appoint, it shall be lawful for the convicting Justice to commit the offender to the Common Jail of the District where such conviction shall have been had, there to be imprisoned for the time limited by such conviction.

Persons contravening the preceding sections may be punished in any District in which they shall be found.

VII. And be it enacted, That any person offending against the preceding provisions of this Act may be prosecuted, convicted and punished in any District in which he shall be found, and the offence shall be deemed to be committed in such District, whether such District be or be not that in which his employer resides, or in which the contract of service was entered into.

Justices of the Peace may likewise hear complaints by the servants against the employer for misuse, non-payment of wages &c. and may determine the same.

VIII. And be it enacted, That it shall and may be lawful for any one or more such Justices, upon oath of any such servant or labourer against his master or employer concerning any misuse, refusal of necessary provisions, cruelty, ill-treatment or non-payment of wages, to summon such master or employer to appear before him or them at a reasonable time to be stated in such summons, and he or they or some other Justice or Justices shall, upon proof on oath, of the personal service of such summons, examine into the matter of such complaint, whether such master or employer shall appear or not, and upon due proof of the cause of complaint, he or they may discharge such servant or labourer from his service or employment, and direct the payment to him of any wages found to be due, not exceeding the sum of ten pounds, and the said Justice or Justices shall and may make such order for payment of the said wages as to him or them shall seem just and reasonable with costs, and in case of non-payment of the same, together with the costs, for the space of twenty-one days after such order shall have been made, it shall and may be lawful for such Justice or Justices to issue his or their warrant of distress for the levying of such wages, together with the costs of conviction and of such distress.

IX. And be it enacted, That any person who shall think himself aggrieved by any such conviction or order for the payment of wages, or order for the dismissal from service or employment, may appeal to the next Court of General Quarter Sessions, which shall be holden not less than twelve days after the day of such conviction or order for the District wherein the conviction or order shall be had; Provided that such person shall give to the complainant a notice in writing of such appeal, and of the cause and matter thereof within three days after such conviction, and seven clear days at the least before such Sessions, and shall also, in the case of such conviction, either remain in custody until the Sessions, or enter into a recognizance, with two sufficient sureties before a Justice of the Peace, and in the case of such order shall enter into a like recognizance conditioned personally to appear at the said Sessions, and to try such appeal and to abide the judgment of the Court thereupon, and to pay such costs as shall be by the Court awarded; and upon such notice being given, and such recognizance being entered into, the Justice before whom the same shall be entered into, shall liberate such person if in custody; and the Court at such Sessions shall hear and determine the matter of the appeal, and shall make such order therein with or without costs to either party, as to the Court shall seem meet; and in case of the dismissal of the appeal or the affirmance of the conviction or order, shall order and adjudge the offender to be punished according to the conviction; or enforce the order for payment of wages or of dismissal from service, and to pay such costs as shall be awarded, and shall, if necessary, issue process for carrying such judgment into effect.

Persons convicted or against whom orders shall be made may appeal to the General Quarter Sessions.

Proviso. Notice and security to be given.

Court of Q. S. empowered to hear and determine on such appeal.

X. And be it enacted, That the word "party" whenever it occurs in this Act, shall include any person or persons, body or bodies politic or corporate, and that all words importing the singular number or the masculine gender only, shall include several persons, matters or things of the same kind as well as one person, matter or thing, and females as well as males, unless there be something in the subject or context inconsistent with such interpretation.

Interpretation of certain words.

XI. And be it enacted, That this Act shall apply to that part of this Province which formerly constituted the Province of Upper Canada.

To apply to Upper Canada only.

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ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. XXIV.

An Act to amend the Act, intituled, *An Act to amend the Law constituting the Board of Works.*

[28th July, 1847.]

WHEREAS it is expedient and necessary to make certain alterations and amendments in a certain Act passed in the ninth year of Her Majesty's Reign, and intituled, *An Act to amend the Law constituting the Board of Works*: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That all contracts, agreements, stipulations, bargains, arrangements, sales, covenants, or leases made or entered into with any person or persons whomsoever, or body corporate, by the Commissioners of Public Works for, or on account of, or relating to any public work, or any land or real or personal property, or hydraulic or other privilege, or any other matter or thing over or concerning which any power or authority is given to or vested in the said Commissioners, or in Her Majesty the Queen, Her Heirs and Successors, in and by the said first recited Act, or of this Act, shall be made and entered into in the name of Her Majesty, Her Heirs and Successors, and not otherwise: Provided always, that all such contracts, agreements, stipulations, bargains, arrangements, sales, covenants, or leases of or concerning any of the matters hereinbefore mentioned as shall have been made by the said Commissioners before the passing of this Act, shall be valid and effectual to all intents and purposes whatever, whether the same have been made and entered into in the name of the Commissioners of Public Works, or in the name of Her Majesty, Her Heirs and Successors.

Preamble.

Act 9, Vict. c. 37, cited.

Future contracts, &c. relating to any matter under the control of the Commissioners of Public Works, to be made in the name of Her Majesty.

Proviso: former contracts, &c. shall be valid whether made in the name of Her Majesty or of the Commissioners.

II. And be it enacted, That all writings or documents which the said Commissioners of Public Works have power or authority to make, sign or execute in the name of Her Majesty, Her Heirs and Successors, shall and may be signed and sealed by the Assistant Commissioner, and countersigned by the Secretary, and shall be as valid and effectual to all intents and purposes whatever, as if signed and sealed by the Chief Commissioner as now required by law; any thing in the said Act to the contrary notwithstanding.

The Assistant Commissioner may sign documents, &c. executed in the name of Her Majesty.

III.

If any party having a claim of any kind for damages arising from any Public Work, or out of any contract with regard to any such work, shall bring such claim before the Commissioners.

The Commissioners may within thirty days tender such amount as they may think sufficient.

If the tender be not accepted the claim shall be submitted to the arbitrators.

What shall be a tender under this Act or Section 8, of 9 Vict. c. 37.

Proviso: claimants to give security for the costs of Arbitration, to the satisfaction of the Arbitrators.

Costs how to be taxed.

Proviso: award of two Arbitrators to be valid: awards to be subject to be set aside, &c. as provided by 9 Vict. c. 37.

Arbitrators to have 20s. per diem and travelling expenses.

Claims having arisen before the passing of this Act to be made within nine months after the passing hereof.

III. And be it enacted, That if any person or persons or body corporate shall have any claim or claims for property taken, or for alleged, direct or consequent damages to property arising from the construction or connected with the execution of any public works in any part of this Province, heretofore undertaken, commenced or performed at the expense of this Province, or of either of the late Provinces of Upper or Lower Canada, or any claim or claims arising or to arise out of or connected with the execution or fulfilment, or on account of deductions made for the non-execution or non-fulfilment of any contract or contracts for the performance of any such public work as aforesaid or any part thereof, made and entered into with the said Commissioners or either of them, either in the name of Her Majesty, Her Heirs and Successors, or in any other manner whatsoever, or with any other Board, or any other Commissioners lawfully authorized to enter into the same on behalf of this Province, or either of the said Provinces of Upper or Lower Canada,—it shall and may be lawful for such person or persons or body corporate to give notice of such claim or claims to the said Commissioners of Public Works, stating the particulars thereof, and how the same has or have arisen; and thereupon the said Commissioners may at any time within thirty days after such notice, tender what they shall consider a just satisfaction for the same, with notice that the said claim or claims shall be submitted to the decision of the Arbitrators appointed under the said first recited Act, unless the said sum so tendered is accepted within ten days after such tender, which shall be deemed to be legally made by any written authority for the payment of such sum given under the hand of the said Commissioners or either of them, and notified to the person or persons or body corporate having such claim or claims; and such tender so made shall be sufficient likewise in cases of tender of compensation under the eighth clause of the said first recited Act; Provided always, that before any claim or claims either under this Act, or the eighth clause of the said first recited Act, shall be arbitrated upon, the claimant or claimants thereof shall give security to the satisfaction of the said Arbitrators or any two of them, for the payment of the costs and expenses incurred by the said arbitration, in the event of the award of the said Arbitrators being against such claimant or claimants, or not exceeding such sum so tendered as aforesaid, which costs shall in other cases when the award is in favor of such claimant or claimants be paid by the said Commissioners in addition to the sum awarded, and shall in either case be taxed by the proper officer of the Court of Queen's Bench in Upper or Lower Canada, as the case may be; And provided also, that the award of a majority of the said Arbitrators shall in all cases, either under the said first recited Act or this Act, be as binding and valid as if made by all the said Arbitrators; and that any award made under the said first recited Act or under this Act, shall be subject to all the provisions contained in the said first recited Act for the annulling or confirming awards directed to be made therein; and the remuneration of the said Arbitrators shall in all cases be fixed at the sum of twenty shillings per diem, for every day of attendance upon such arbitration, together with travelling expenses at the rate of ten shillings per diem, while engaged in going to, remaining at and returning from the places where such arbitration shall be held.

IV. And be it enacted, That no claims of any nature or kind soever according to the next preceding section hereof, which shall have arisen before the passing of this Act, shall be entertained by the said Arbitrators or any of them, unless such claim shall be brought before the said Commissioners of Public Works within nine months from the passing of this Act.

V. And be it enacted, That if any Writ of *Saisie-arrêt*, *Saisie Revendication* or Attachment shall be served upon the said Commissioners, it shall be lawful for the said Secretary in any such case to appear on the return day of such Writ before the Court from which such Writ shall issue, and then and there for the said Secretary as well as the said Commissioners to make the declaration in such case required by law, according to the exigency of each case, which said declaration shall be taken and received in all Courts of Justice in Lower Canada as and for the declaration of the said Commissioners.

If money be attached in the hands of the Commissioners, the Secretary may appear and make the proper declaration.

VI. And be it enacted, That when and so often as it shall be necessary in the prosecution of any public work or works for the said Commissioners, or their contractors, or authorized servants or agents, to pull down, take down or remove any wall or walls, fence or fences of any proprietor, owner or occupier of any lands or premises adjoining such public work or works, it shall be the duty of such Commissioners or contractors, or their authorized agents or servants, to replace the same as soon as the necessity which caused their being pulled or taken down or removed has ceased, and from and after the same shall have been so replaced, the said proprietor, owner or occupier of the said lands or premises shall maintain such wall or walls, fence or fences, in the same manner and to the same extent as such proprietor, owner or occupier should or might be by law required to do, if the same had never been taken or pulled down or removed as aforesaid.

Walls, &c., taken down in executing Public Works to be replaced by the Commissioners.

How to be kept up afterwards.

VII. And be it enacted, That for and notwithstanding any thing contained in Schedule B 4, in the said first recited Act, it shall and may be lawful for the Governor in Council from time to time, on the report of the said Commissioners, to place the toll-gates on the said roads in that Schedule mentioned at such places and such distances from each other, as shall appear to him advisable and requisite, and to vary, change and alter the said Schedule in all or any particulars in the said Schedule mentioned, so as the rates of toll shall not be increased beyond the amount in the said Schedule mentioned on each time of passing any toll-gate or gates, and to notify the same by Proclamation in the Official Gazette.

Notwithstanding Schedule B. 4 to 9 Vict. c. 37, Governor in Council may alter the place of Toll-Gates, &c. and may vary the Tolls, not exceeding the rates in the Schedule.

VIII. And be it enacted, That it shall and may be lawful for the Governor in Council, to order the Tolls at the several gates erected or to be erected on any public road now or at any time hereafter vested in the Crown, or placed under the management or control of the Commissioners of Public Works by the hereinbefore first recited Act or by any future Act or Acts of the Legislature of this Province, to be let to farm in such manner and under such regulations and by such form of lease as he may think expedient at any time to adopt, and the Lessee or Farmer of such Tolls or any other person he may authorize or appoint, shall and may demand and take such Tolls so leased or farmed, and proceed for the recovery of the same in the name of such lessee or farmer in case of non-payment or evasion thereof, in the same manner and by the same means as are now given by law to any collector of Tolls or other persons authorized to collect the same.

Tolls at the several Toll-gates may be farmed or leased and the Lessees shall have certain rights.

IX. And be it enacted, That it shall be lawful for the collector or person appointed to collect the tolls, rates and dues on Timber passing any slide now or at any time hereafter to be vested in the Crown or placed under the management or control of the Commissioners of Public Works, to detain any timber which shall have passed over such slide

Timber passing slides may be detained until the Tolls thereon be paid.

And a penalty to be incurred by the person in charge.

And if the Tolls, &c., be not paid within ten days, the Timber may be sold.

slide until all tolls, rates and dues thereon shall have been paid, or to refuse to permit any Timber to pass the slide until the tolls, rates and dues payable thereon for passing such slide shall have been paid ; and the owner, conductor or person in charge of any Timber which shall have passed any such slide, who shall refuse or neglect forthwith to pay the rates, tolls and dues thereon, shall incur a penalty of ten shillings for each day he shall refuse or neglect to pay the same,—and such penalty shall be payable with such rates, tolls or dues, and before the Timber so detained shall be released ; and if such rates, tolls and dues, with the said penalty, be not paid within ten days after the timber shall have been so detained, such timber, or so much thereof as may be required to produce the sum payable, shall and may be sold by the collector or person appointed as aforesaid, who shall retain out of the proceeds a sum equal to the said rates, tolls and dues and the said penalty, and shall pay over the surplus and deliver the remainder of the said Timber (if any) to the owner thereof, or to the conductor or person in charge of the same when it was so detained as aforesaid.

Part of Sect. 16, of 9 Vict. c. 37, repealed, and larger limits of deviation allowed to the Commissioners.

X. And be it enacted, That so much of the sixteenth section of the said first recited Act as provides that it shall not be lawful for the Commissioners of Public Works to depart in any case more than five hundred yards from such line or lines as shall have been delineated on the maps or plans of any Public Work submitted to and approved of by the Legislature, be and the same is hereby repealed, and that it shall and may be lawful for the Commissioners of Public Works to deviate from any line or lines in any map or plan as aforesaid for a distance not exceeding one mile.

Sect. 25, and part of Sect. 30, of 9 Vict. c. 37, repealed.

XI. And be it enacted, That the twenty-fifth section and so much of the thirtieth section of the said first recited Act as relates to the time of bringing forward claims which had arisen before the passing of the said first recited Act, be and the same are hereby repealed.

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ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

C A P. XXV.

An Act for regulating the Shipping of Seamen.

[28th July, 1847.]

WHEREAS great frauds have been practised and much inconvenience felt from the system of shipping Seamen at the Port of Quebec, in that part of the Province which heretofore constituted the Province of Lower Canada: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*; and it is hereby enacted by the authority of the same, That from and after the passing of this Act, it shall be lawful for the Governor, or the Person administering the Government of this Province for the time being, to constitute and appoint during pleasure a fit and proper person to be Shipping Master for the said Port of Quebec, and who shall previously to entering upon his duties as such Shipping Master, himself, with two responsible sureties, enter into bonds to Her Majesty, Her Heirs and Successors in the penal sum of five hundred pounds currency each, for the faithful discharge of his duty, (which bonds shall enure to the benefit of all parties who may be damnified by the misfeasance, malfeasance or nonfeasance of the said Shipping Master, and all parties damnified shall be entitled to recover from him and his sureties before any Court of competent jurisdiction to the amount to which they may have been so damnified): and the said Shipping Master shall, before entering upon the duties of his office, take and subscribe the following oath, before any of Her Majesty's Justices of the Court of Queen's Bench for the District in which the Shipping Master shall reside:

Preamble.

A shipping master to be appointed for the Port of Quebec.

He shall give security.

And take an oath of office.

His oath of office.

“ I, A. B. do solemnly swear that I will faithfully and truly perform the office and duty of Shipping Master according to the true intent and meaning of an Act passed by the Legislature of this Province, in the tenth and eleventh year of Her Majesty's Reign, intituled, *An Act for regulating the Shipping of Seamen*; 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 whatsoever, by reason of any function of my office as Shipping Master, except such as are allowed to me by the said Act; and I will not directly or indirectly accept of any bill or draft, bon or note, from any Seaman whatsoever; and that I will act without partiality, favor or affection, and to the best of my knowledge; So help me God.”

Which

Oath to be recorded.

Which oath and bond shall be fyled and kept among the records of the office of the Registrar of this Province.

He may appoint Deputies.

II. And be it enacted, That the said Shipping Master shall be, and he is hereby authorized and empowered to appoint such and so many Deputies for the said Port, as shall by the Council of the Board of Trade at the said Port of Quebec be in the first place judged to be necessary, which said Deputy or Deputies shall have the power and authority given to him or them by this Act, and shall take and subscribe the above oath before any of Her Majesty's Justices of the Peace, and the same shall be fyled in the office of the Clerk of the Peace for the District of Quebec; and any Deputy so appointed, shall himself, with two responsible sureties, enter into bond to Her Majesty, Her Heirs and Successors, in the penal sum of two hundred pounds each, for the faithful discharge of his duties, which bond shall enure to the benefit of all parties who may be damnified by misfeasance; malfeasance, or nonfeasance of the said Deputy, and all parties damnified shall be entitled to recover from the said Deputy and his sureties before any Court of competent jurisdiction, upon such bond, by suit or action, to the amount to which they may have been so damnified.

They shall give security and take the oath of office.

Certain persons may not be Shipping Master or Deputy.

III. And be it enacted, That no person selling or vending any spirituous liquors or groceries, tavern keepers or boarding-house keepers, or bailiffs, shall be eligible to the situation of Shipping Master or Deputy.

Fee for shipping seamen.

IV. And be it enacted, That for each Seaman shipped, the Shipping Master shall be entitled to take and receive the sum of five shillings currency, and for every certificate of shipment, if required, the sum of two shillings and six pence from the Master of the Ship or Vessel on board of which such Seaman shall be shipped or to which he shall belong.

Shipping Master to keep a registry of seamen shipped.

V. And be it enacted, That the said Shipping Master shall keep a Registry of all Seamen shipped, which shall be open for public inspection.

Seamen to exhibit their registry tickets before being shipped.

VI. And be it enacted, That every Seaman desirous of shipping shall first exhibit his Registry Ticket to the Shipping Master or Deputy, previously to being shipped, and unless the Seaman shall exhibit such ticket or shew to the satisfaction of the said Shipping Master or Deputy why he does not exhibit the same, such Seaman shall not be shipped.

Certain persons only, authorized to hire seamen, for Merchant Ships.

VII. And be it enacted, That no person not being such Shipping Master or Deputy as aforesaid, or not being the owner, part owner, master or person in charge of a Merchant Ship, or the Ship's Husband, shall hire, engage, supply or provide a Seaman to be entered on board any Merchant Ship; and no person whatever other than the owner, part owner, master or person in charge of a Merchant Ship or the Ship's Husband, shall demand or obtain the Register Ticket of any Seaman for the purpose or under the pretence of engaging him on board of any Merchant Ship.

No ship owner, &c. to receive seamen hired contrary to this Act.

VIII. And be it enacted, That no owner, part owner, master, or person in charge of any Merchant Ship, or Ship's Husband, shall knowingly receive or accept to be entered on board the said Ship, any Seaman who has been hired, engaged, supplied or provided, to be entered on board thereof, contrary to the provisions of this Act.

IX.

IX. And be it enacted, That every person guilty of any of the offences above described shall forfeit and pay for each and every Seaman hired, engaged, supplied or provided to be entered on board, and for every Register Ticket demanded or obtained contrary to the provisions of this Act, or for every Seaman knowingly received or accepted to be entered on board contrary to the provisions of this Act, any sum of money not exceeding ten pounds, upon conviction thereof, for each offence, although several Seamen may be included in the same contract, or several tickets may be obtained, or several Seamen may be received or permitted to remain at the same time.

Penalty for contravening any of the above enactments.

X. And be it enacted, That it shall be unlawful for any person to employ any person or persons other than such Shipping Master or Deputy, for the purpose of engaging or providing Seamen to be entered on board Merchant Ships; and that any such Shipping Master or Deputy, knowingly employing any other person for the purpose aforesaid, shall forfeit and pay a sum not exceeding ten pounds currency, and in addition thereto, shall forfeit and lose his office.

No person but the Shipping Master and his Deputy to be employed in procuring seamen. Penalty.

XI. And be it enacted, That the owner, part owner, master or person in charge of any Merchant Ship or Ship's Husband, shall not pay in advance, nor give any note in writing or otherwise in the nature of, and purporting to be an advance note for any part of the wages of any Seamen hired, engaged, supplied or provided to be entered on board the said ship, until six hours after the Ship's Articles have been duly signed by the said Seaman, and by the master or owner of the said ship, and then only to the said Seaman himself, unless such wages or advance of wages be paid in money, in which case the payment thereof may be made to the said Seaman himself, at any period most convenient after the signing of the said Ship's Articles as aforesaid; and all payments of wages contrary to the provisions of this Act shall be and are hereby declared to be null and void, and the amount thereof shall be recoverable by the said Seaman as if they had not been paid or advanced.

Owner not to pay the wages of seaman in advance until six hours after he has signed the Ship's Articles.

And then only to himself unless it be in money.

Other payments to be void.

XII. And be it enacted, That if any person shall demand or receive from any Seaman, or from any person other than the owner, part owner, master or person in charge of a Merchant Ship, or the Ship's Husband requiring Seamen, any remuneration whatever, either directly or indirectly, for and on account of the hiring, supplying or providing any such Seaman, he shall forfeit for every such offence a sum not exceeding five pounds currency.

Penalty on persons demanding remuneration for hiring seamen, from them or from any party except those herein mentioned.

XIII. And be it enacted, That it shall not be lawful for any person (other than any officer or person in Her Majesty's service or employment, Harbour Master, Deputy Harbour Master, Health Officers and Custom House Officers) to go and be on board of any Merchant Vessel arriving, or about to arrive at the place of her destination, before or previous to her actual arrival in dock, or at the quay or place of her discharge, without the permission and consent of the master or person in charge of the said vessel; and if any person (other than as aforesaid) shall go and be on board any such vessel before or previous to her actual arrival in dock, or at the quay or place of her discharge, without the permission and consent of the said master or person in charge of the said vessel, he shall for every such offence forfeit and pay a sum of money not exceeding twenty pounds currency, and for the better securing the person of such offender, the master or person in charge of the said vessel is hereby authorized and empowered to take any person so offending as aforesaid into custody, and to deliver

No person (except as herein provided) to go on board merchant-men before their arrival in dock without permission of master or person in charge thereof.

Penalty.

Offender may be taken into custody.

him

him up forthwith to any constable or peace officer, to be by him taken before a Justice or Justices, to be dealt with according to the provisions of this Act.

Penalty on persons soliciting seamen to become lodgers, or taking their chests, &c.

XIV. And be it enacted, That if any person shall, on board any Merchant Ship, within twenty-four hours of her arrival at any port as aforesaid, solicit any Seaman to become a lodger at the house of any person letting lodgings for hire, or shall take from and out of such ship any chest, bedding or other effects of any Seaman, except under the personal direction of such Seaman, without having the permission of the master or person in charge of such ship, he shall be liable to forfeit and pay for every such offence the sum of five pounds currency.

Penalty on persons charging a seaman for more board than they are entitled to or detaining their effects unlawfully.

XV. And be it enacted, That if any person shall demand and receive of and from any Seamen payment in respect of his board or lodging in the house of such person, for a longer period than such Seamen shall have actually resided and boarded therein, or shall receive or take into his possession, or under his control, any monies, documents or effects of any Seaman, and shall not return the same, or pay the value thereof when required so to do by such Seaman, after deducting therefrom what shall be justly due and owing in respect of the board and lodging of such Seaman, he shall forfeit and pay a sum not exceeding ten pounds currency, over and above the amount or value of such monies, documents or effects, after such deductions as aforesaid, which shall be adjudged to be forthwith paid to such Seaman under the conviction by the Justices before whom such offence shall be heard and determined.

Penalties how recovered.

How levied.

And how applied.

Proviso: evidence of the seaman to be received.

Proviso: seaman examined not to have part of the penalty.

XVI. And be it enacted, That all penalties and forfeitures imposed by this Act shall and may be recovered with costs, by summary proceedings before any two Justices of the Peace residing at or near to the place where the offence shall be committed, or where the offender shall be; and if the sum imposed as a penalty, or adjudged to be paid as aforesaid by any such Justices, shall not be paid, either immediately after the conviction, or within such reasonable time as such Justices shall at the time of the conviction appoint, it shall be lawful for the Justices to commit the offender or offenders to the Common Jail of the District of Quebec, there to be imprisoned only or to be imprisoned and kept to hard labour, according to the discretion of such Justices, for any term not exceeding three calendar months, the commitment to be determinable upon payment of the amount and costs; and all such penalties and forfeitures shall be paid and applied in manner following, (that is to say,) one moiety of such penalty shall be paid to the informer or person upon whose discovery or information the same shall be recovered, and the residue thereof shall be paid to the Commissioners or others entrusted with the principal superintendence or conduct of the Marine Hospital at Quebec, and be applied and accounted for as are the monies by law appropriated towards the support of the said Marine Hospital: Provided always, that in all cases of complaint made by or on the behalf of any Seaman under this Act, the evidence of such Seaman shall be received and taken, notwithstanding he may be interested in the matter: Provided also, that such Seaman shall not in any such case where he shall have been so examined receive any part of any penalty to be imposed, but only such sum as the magistrate before whom the case shall be heard shall adjudge him to receive for any monies or effects which shall appear to have been deposited by him with any such person as aforesaid.

Form of conviction appointed.

XVII. And be it enacted, that the Justices before whom any person shall be summarily convicted of any offence against this Act, may cause the conviction to be drawn up

up in the following form of words, or in any other form of words to the same effect, as the case shall require, (that is to say) :

“ Be it remembered, that on the _____ day of _____ The Form.
 “ _____ in the year of Our Lord _____ at the
 “ City of Quebec, in the District of Quebec, A. O. is convicted before us, (naming the
 “ Justices) two of Her Majesty’s Justices of the Peace for the said District, for that he
 “ the said A. O. did (specify the offence, and the time and place when and where the
 “ same was committed, as the case may be,) and we the said Justices adjudge the said
 “ A. O. for his said offence to forfeit and pay the sum of (here state the amount of the
 “ fine imposed, and when necessary, add the words ‘ over and above the sum of
 “ _____ which we the said Justices do hereby adjudge to be forthwith paid to the
 “ said E. F. the Seaman, the same being the value of monies, documents or effects of the
 “ said E. F., received by or taken into the possession or under the control of the said
 “ A. O.’) and we the said Justices do also adjudge the said A. O. to pay the sum of
 “ _____ for costs, and in default of immediate payment
 “ of the said sums of _____ to be imprisoned in the Common
 “ Jail of the District of Quebec for the space of _____ unless the said sums
 “ shall be sooner paid, (or, and we order that the said sums of _____ shall
 “ be paid by the said A. O. on or before the _____ day of _____),
 “ and we direct that the sum of _____ part of the said penalty, together with
 “ the said sum of _____ for costs, shall be paid to C. D. (the party informing,)
 “ and the residue of the said penalty shall be paid to the Commissioners or others en-
 “ trusted with the principal superintendence or conduct of the Marine Hospital at
 “ Quebec.

“ Given under our hands, the day and year first above mentioned.”

XVIII. And be it enacted, That no such conviction shall be quashed for want of form, or be removed by *certiorari* or otherwise into any of Her Majesty’s Superior Courts of Record ; and no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted, and there be a good and valid conviction to sustain the same. No conviction to be quashed for want of form, or to be removed.

XIX. And be it enacted, That the words “ Merchant Ships,” inserted in this Act, shall be understood to include any description of sea going, trading or passage vessel, lying and being within the said Port of Quebec and in the River St. Lawrence between the said Port of Quebec and the Port of Montreal, in the said Province. Interpretation of words “ merchant ships.”

XX. And be it enacted, That all Acts now in force which shall interfere with this Act shall be and are hereby repealed. Acts interfering with this Act, repealed.

XXI. And be it enacted, That this Act shall take effect upon from and after the first day of January next, and not before. When this Act shall have effect.

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 Law Printer to the Queen’s Most Excellent Majesty.



ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. XXVI.

An Act to incorporate the Members of the Medical Profession in Lower Canada, and to regulate the Study and Practice of Physic and Surgery therein.

[28th July, 1847.]

WHEREAS the laws now in force in Lower Canada, for regulating the Practice of Medicine, Surgery and Midwifery, require amendment ; And whereas it is highly desirable that the Medical Profession of Lower Canada aforesaid be placed on a more respectable and efficient footing, and that better means should be provided for the conviction and punishment of persons practising the same without license : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, the Act or Ordinance of the Legislative Council of the late Province of Quebec, passed in the twenty-eighth year of the Reign of His late Majesty King George the Third, and intituled, *An Act or Ordinance to prevent persons practising Physic and Surgery within the Province of Quebec, or Midwifery in the Towns of Quebec and Montreal, without license*, except so much thereof as relates to the vending or distributing of Medicines by retail,—and all other Act or parts of Acts in any manner relating to the Practice of Physic, Surgery or Midwifery in Lower Canada, or in any manner relating to the mode of obtaining licenses to practice Physic, Surgery or Midwifery therein, shall be and are hereby repealed, except in so far as relates to any offence committed against the same or any of them before the passing of this Act, or any penalty or forfeiture incurred by reason of such offence : Provided always, that the Act of this Province, passed in the fourth and fifth years of Her Majesty's Reign, intituled, *An Act to enable persons authorized to practice Physic or Surgery in Upper or Lower Canada, to practice in the Province of Canada*, shall not be repealed or affected by this Act : Provided always, that nothing herein contained shall have the effect of repealing any law or part of law in force in Lower Canada, relative to Druggists and Apothecaries and the vending of Drugs by them in Lower Canada.

Preamble.

Ordinance of L. C., 28 Geo. 3. c. 8, repealed, except so much as relates to Druggists.

Proviso : Act 4 & 5 Vict. c. 41, not to be affected.

Proviso : this Act not to affect any law touching the vending of medicines by retail.

II.

Certain persons incorporated.

II. And whereas it is expedient that the Medical Profession of Lower Canada, be empowered under certain restrictions to frame its own Statutes for the regulation of the study of Medicine in all its departments, and By-laws for its own government : Be it therefore enacted, That Daniel Arnoldi, Wolfred Nelson, M. D., M. McCulloch, M. D., G. W. W. Campbell, M. D., H. H. Sauvé, J. B. Valiquet, B. H. Charlebois, M. D., S. C. Sewell, M. D., Alexander G. Fenwick, M. R. C. S. L., J. B. C. Trestler, M. D., Hector Peltier, M. D., P. A. C. Munro, Louis Boyer, M. D., Benj. Ol. Vallée, M. D., W. Frazer, M. D., Hy. Mount, M. R. C. S. L., Louis F. Tavernier, George E. Fenwick, M. D., James J. Dickenson, M. D., Arthur Fisher, M. D., Ed. Robillard, Frederick Morson, M. R. C. S. L., A. Renaud, M. D. Chs. Huguet Latour, B. Pamenen, Wm. Sutherland, M. D., Frs. C. F. Arnoldi, M. D., Francis Badgley, M. D., A. Hunt, M. D., J. G. Bibaud, M. D., Horace Nelson, M. D., John Anderson, A. H. David, M. D., Henry Howard, M. D., Robt. L. Macdonnell, M. D., F. Cushing, M. D., B. G. Calder, M. D., W. Mayrand, M. D., W. E. Scott, M. D., Alex. Long, M. D., F. A. Caldwell, M. D., A. B. LaRocque, M. D., W. A. Liddell, Surgeon, James Crawford, M. D., Emery Coderre, Ths. E. d'Odet d'Orsonnens, A. F. Holmes, M. D., J. B. LeBourdais, E. J. Sewell, M. D., R. H. D'Amour, Pierre Brousseau, Chs. H. Keefer, J. B. Meilleur, S. E., T. Bowie, M. D., G. D. Gibb, M. D., S. B. Schmidt, M. D., A. E. Regniez, P. E. Picault, F. Cushing, M. D., Moses Nicolls, James B. Johnston, M. D., E. D. Worthington, M. D., A. A. Andrews, T. Alcorn, M. D., Fowler, Joshua Chamberlin, Horatio Nelson May, Thomas Boutillier, Moses F. Colby, M. D., Frederic Steel Verity, W. Fleury D'Eschambault, C. H. Castle, — Lachapelle, Cleop. Bernard, C. E. N. Courteau, Ad. Dugas, M. D., J. Trudel, Ant. LaFrenière, M. D., A. R. Archambault, F. Hudon, J. B. Gauthier, Leonard Brown, A. F. Alexander, Rotus Parmelee, P. M. Moreau, J. B. DeRosiers, M. S. Glines, M. D., Benj. D'Amon, M. D., Frs. Sheriff, M. D., Uriah Lafflin, Michl. Passe, Hildreth, Von Iffland, — Grenier, H. Cartier, T. Kimber, Hy. Lord, R. Cartier, J. H. Beauchemin, C. Pelisson, Felix Coté, Hy. Carter, S. N. Goin, L. H. Gauvreau, P. O. Lassisseraye, Adol. Alexander, — Smith, — Malhiot, — Rousseau, — Brassard, Calvin Alexander, — Bourgeois, — Landry Desilets, — Fortier, J. Trudel, Ed. M'Donald, — Lemaitre, — Badeau, W. A. R. Gilmour, John Fitzpatrick, L. N. Rousseau, John Clark, Joseph Coté, W. A. Stewart, Ed. Boudreau, J. B. Noel, C. P. Dubé, J. E. Hudon, H. P. Ouellet, L. T. Chaperon, P. Charest, H. Desjardins, R. Bédard, L. Têtu, J. G. G. Miville de Chêne, D. S. Marquis, C. Lérois, M. DeSales La Terrière, A. Dubord, L. Tremblay, L. D. Harvey, C. G. Couillard, L. T. J. Sinclair, E. S. Belleau, H. Germain, R. F. Rinfret, J. Marmette, A. T. Michaud, F. Poulin, P. A. Dubois, R. MacKenzie, Joseph Morrin, John Rowley, J. Z. Nault, Jas. A. Sewell, M. D., C. Fremont, J. E. J. Landry, C. S. Robitaille, François Jacques Séguin, P. D. Hubert, P. G. Tourangeau, M. D., J. B. Blais, P. M. Bardy, Jos. Parent, Jos. Painchaud, J. Blanchet, R. H. Russel, M. D., J. P. Russel, M. D. E. — A. Jackson, P. D. Moffatt, John L. Hall, John Watt, M. D., John Racey, J. Douglass, Louis L. Roy, P. Wells, J. Painchaud, Junior, A. T. Michaud, F. Poulin, L. S. J. Sinclair, L. S. Tremblay, and their successors, to be named and appointed as hereinafter described, shall be and are hereby constituted a body politic and corporate by the name of "*The College of Physicians and Surgeons of Lower Canada,*" and shall by that name have perpetual succession and a common seal, with power to change, alter, break or make new the same ; and they and their successors by the name aforesaid may sue and be sued, implead and be impleaded, answer and be answered unto in all Courts and places whatsoever, and by the name aforesaid shall be able and capable in law to have, hold, receive, enjoy, possess and retain for the ends

Corporate name and powers.

ends and purposes of this Act and for the benefit of the said College, all such sums of money as have been or shall at any time hereafter be paid, given or bequeathed to and for the use of the said College; and by the name aforesaid shall and may at any time hereafter, without any Letters of Mortmain, purchase, take, receive, have, hold, possess and enjoy any lands, tenements or hereditaments, or any estate or interest derived or arising out of any lands, tenements or hereditaments for the purposes of the said College and for no other purposes whatever; and may sell, grant, lease, demise, alien or dispose of the same, and do or execute all and singular the matters and things that to them shall or may appertain to do; Provided always, that the real estate so held by the said Corporation shall at no time exceed in value the sum of one thousand pounds.

Holding property, &c.

Proviso: amount of real estate limited.

III. And be it enacted, That from and after the passing of this Act, the persons who compose the College of Physicians and Surgeons shall be called "Members of the College of Physicians and Surgeons of Lower Canada."

Name of Members of the Corporation

IV. And be it enacted, That the affairs of the said College shall be conducted by a Board of Governors, thirty-six in number, fifteen of whom shall be elected by the College generally from among its Members in the Districts of Quebec and Gaspé, fifteen from among its Members in the District of Montreal, and six from among its Members in the Districts of Three-Rivers and St. Francis.

Governors of the College to be elected from the several Districts.

V. And be it enacted, That the said Board of Governors shall be, and they are hereby constituted "The Provincial Medical Board," in which capacity they shall meet for the examination of candidates not less than twice in each year at such time and place as to them shall be deemed most fit, and on which occasions seven shall be a *quorum* for the transaction of business.

Governors to be the Provincial Medical Board to examine candidates, &c.

Quorum.

VI. And be it enacted, That from and after the passing of this Act, no person shall receive a license to practise Physic, or Surgery, or Midwifery, in Lower Canada, unless he shall have obtained a certificate of qualification from the said Provincial Medical Board; and which license the Governor of this Province shall grant upon the production to him of such certificate of qualification.

No person to be licensed without a certificate from the Board, &c. Licenses to be granted by the Governor.

VII. Provided always and be it enacted, that every person who has obtained or may hereafter obtain a Medical Degree or Diploma in any University or College in Her Majesty's Dominions, shall be entitled to such certificate without examination as to his qualification.

Proviso: persons having obtained a medical degree in Her Majesty's Dominions to obtain a certificate without examination.

VIII. And be it enacted, That from and after the passing of this Act, no person shall be admitted as a student of Physic, Surgery or Midwifery, unless he shall have obtained a certificate of qualification from the said Provincial Medical Board.

No person to be admitted as a student or apprentice, without a certificate.

IX. And be it enacted, That from and after the passing of this Act, no person shall practise Physic or Surgery, or Midwifery in Lower Canada, unless he be a person duly licensed so to practise, either before or after the passing of this Act, under a penalty of five pounds currency, for each day on which any person shall so practise, contrary to the provisions of this Act: And such penalty shall be recoverable on the oath of any two credible witnesses, before any Justice of the Peace for the District in which

None but licensed persons to practise physie in Lower Canada.

Penalty.

Mode of enforcing such penalty.

which the offence shall have been committed, and in default of the payment of such penalty on conviction, the offender may be committed to the Common Jail of the District, until the same be paid: Provided always, that nothing herein contained shall extend to prevent any person duly licensed to practise Physic or Surgery in Upper Canada, from practising the same in Lower Canada, according to the provisions of the Act hereinbefore cited.

Proviso as to persons licensed to practise in Upper Canada.

Powers of the College.

X. And be it enacted, That the said College of Physicians and Surgeons shall have power,—

Regulations as to studies.

1. To regulate the study of Medicine, Surgery, Midwifery and Pharmacy, by making rules with regard to the preliminary qualification, duration of study, *curriculum* to be followed, and the age of the candidate applying for a certificate to obtain a license to practise: Provided always that such rules shall not be contrary to the provisions of this Act.

Proviso:

Inspecting credentials.

2. To examine all credentials purporting to entitle the bearer to a certificate for license to practise in this Province, and to oblige the bearer of such credentials to attest (on oath to be administered by the Chairman for the time being) that he is the person whose name is mentioned therein, and that he became possessed thereof honestly.

Registering names of practitioners in Lower Canada.

3. To cause every member of the profession now practising or who may hereafter practise in Lower Canada, to enregister his name, age, place of residence, nativity, the date of his license and the place where he obtained it, in the books of the College.

Probation for Membership. To make rules and regulations, subject to approval by the Governor.

4. To fix the period of probation which persons must undergo before being eligible for election as Members of the College, which period shall not be less than four years, and to make all such rules and regulations for the government and proper working of the said Corporation and the election of a President and Officers thereof, as to the members thereof may seem meet and expedient, which said rules and regulations shall, before they shall come into effect, be sanctioned by the Governor of this Province after the same shall have been submitted to him for approval and by him allowed.

Qualification of Students of Medicine.

XI. And be it enacted, That the qualifications to be required by the Board of Governors from a person about to commence the study of Medicine in this Province, shall be: A good moral character, and a competent knowledge of Latin, History, Geography, Mathematics and Natural Philosophy; and that from and after the end of the year one thousand eight hundred and fifty, a general knowledge of the French and English languages shall also be indispensable.

Knowledge of French and English required after 1850.

Qualification for license to practise.

XII. And be it enacted, That the qualifications to be required from a candidate for examination to obtain a certificate for a license to practise shall consist in his not being less than twenty-one years of age; that he has followed his studies uninterruptedly during a period of not less than four years under the care of one or more general practitioners duly licensed; and that during the said four years he shall have attended at some University, College or Incorporated School of Medicine within Her Majesty's Dominions not less than two six months' Courses of General Anatomy and Physiology—of Practical Anatomy—of Surgery—of Practice of Medicine—of Midwifery—of Chemistry—and of *Materia Medica* and Pharmacy,—one six months' Course of the Institutes of Medicine,—one three months' Course of Medical Jurisprudence,—and one three months' Course of Botany, if obtainable in Lower Canada; also, that

that he shall have attended the general practice of an Hospital in which are contained not less than fifty beds under the charge of not less than two Physicians or Surgeons for a period not less than one year, or two periods of not less than six months each; and that he shall also have attended two three months' or one six months' Course of Clinical Medicine, and the same of Clinical Surgery, and to remove all doubts with regard to the number of Lectures which the Incorporated Schools of Medicine of Quebec and Montreal are bound to give yearly; Be it enacted and declared that it is and shall be sufficient that the said Schools of Medicine, respectively, shall yearly cause to be delivered one hundred and twenty lectures on the subjects by law provided in the English language or in the French language, without its being necessary that any lecture should be delivered in both languages, and each lecture in which ever language delivered, being reckoned as one of the one hundred and twenty.

Doubts as to the number of sections required in the Incorporated Schools of Medicine at Quebec and Montreal, removed.

XIII. And be it enacted, That all persons obtaining the certificate for license to practise from the College of Physicians and Surgeons of Lower Canada, shall be styled Licentiates of the said College, and be consequently in due course of time eligible to be elected members of the same, and such persons so elected shall be at once eligible for election as Governors, and the said election either as member of the said College or as Governor thereof as aforesaid, shall be made under such rules and regulations therefor, and in such manner as the said Corporation shall make therefor to be sanctioned by the Governor of the Province in manner aforesaid: Provided always that it shall be lawful for the Governor of this Province by Proclamation, to fix the time and place for the holding of the first meeting of the said Corporation and the *first President* thereof.

Persons licensed to be called *Licentiates*, and to be eligible as Members of the College.

Corporation to make rules concerning the election of Members, &c. Governor to fix the time and place of the first meeting.

XIV. And be it enacted, That the Board of Governors aforesaid shall regulate the fees to be paid by all candidates about entering on the study of medicine, provided the amount of such fees do not exceed the sum of one pound five shillings currency; and also by all persons who obtain from the said Board a certificate for licence to practise medicine; provided that the said fee do not exceed the sum of two pounds and ten shillings currency; which fees the Governors shall have the power to dispose of in such manner as they shall deem most proper for the interests of the College.

Board may fix the fees to be paid by candidates for certificates.

XV. Provided always, and be it enacted, That nothing in this Act contained shall be construed to prevent or prohibit any competent female from practising midwifery in Lower Canada, such female proving her competency before any two members of the College of Physicians and Surgeons and obtaining their certificate to that effect, Provided that such certificate and proof shall only be required in the Cities of Montreal and Quebec and the Town of Three-Rivers.

Females duly qualified may practise as Midwives.

Proviso.

XVI. And be it enacted, That so much of any law heretofore in force in Lower Canada, as may have fixed the period of prescription with regard to the claim (*demande*) of any person duly licensed to practice Physic, Surgery or Midwifery, for professional services, attendance or medicine, shall be and is hereby repealed; and any such claim shall be prescribed by the lapse of five years from such attendance, service or medicine furnished, without any act having been done to interrupt the prescription, and not before; Provided always, that nothing herein contained shall be construed to revive any such claim actually prescribed before the passing of this Act.

Period of prescription of claims of Medical Practitioners extended.

Proviso.

XVII. And be it enacted, That this Act shall be a Public Act, and taken and received as such in all Courts of Justice and by all persons in this Province.

Public Act.



ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. XXVII.

An Act to amend the Act to authorize the Quebec Trinity House to License as Pilots a certain class of persons therein mentioned.

[28th July, 1847.]

WHEREAS it appears that the object of the Act passed in the now last Session of the Legislature, and intituled, *An Act to authorize the Quebec Trinity House to License as Pilots a certain class of persons therein mentioned*, hath not been attained by the provisions of the said Act: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Master, Deputy Master and Wardens of the Trinity House of Quebec shall grant a certificate of qualification to receive a License or Branch as a Pilot for and below the Harbour of Quebec to any apprentice Pilot who shall have proved to their satisfaction at his examination that he is qualified in the manner provided and required by the By-laws in force at the time he commenced his apprenticeship, and according to the Acts of the Legislature in that behalf made and provided; any Act, usage or law to the contrary notwithstanding.

Preamble.
Act 9 Vict.
Cap. 55 cited.

Certificates of qualification to be granted to persons who shall be found qualified in the manner required by the By-laws in force at the time they commenced their apprenticeship.

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ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. XXVIII.

An Act to extend the Provincial Copy-right Act to persons resident in the United Kingdom, on certain conditions.

[28th July, 1847.]

WHEREAS it is just and expedient to extend, under certain restrictions, the provisions of the Act of this Province, passed in the Session held in the fourth and fifth years of the Reign of Her Majesty, and intituled, *An Act for the protection of Copy-right in this Province*, to the works of authors being British subjects and resident in Great Britain and Ireland: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That for and notwithstanding anything in the said Provincial Act contained, the provisions thereof shall be, and the same are hereby extended to any person or persons, being British subjects, and residing in Great Britain or Ireland, as if such person or persons were resident in this Province: Provided always, that to entitle any such literary production or engraving as is in the said Act mentioned, being the work of any such person or persons so residing in Great Britain or Ireland, to the protection of the said Act, it shall be printed and published in this Province, and shall, in addition to the words directed to be inserted by the sixth section of the said Provincial Act, and immediately following thereafter, contain the name and place of abode or business in this Province, of the printer or printers and publisher or publishers of every such literary production or engraving.

Preamble.

Act 4 & 5 V.
c. 61.

The said Act extended to authors resident in the United Kingdom.

Proviso: the work protected must be printed and published in this Province, and contain the name and abode of the Printer and Publisher.

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ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. XXIX.

An Act to amend the Law for the admission of Attornies and Calling
of Barristers in Upper Canada.

[28th July, 1847.]

WHEREAS by an Act passed by the Parliament of Upper Canada in the seventh year of the Reign of His late Majesty King William the Fourth, intituled, *An Act to amend the Law for the admission of Barristers and Attornies, and to provide for the further relief of William Conway Keele*, it is provided, that graduates of any University of the United Kingdom of Great Britain and Ireland, or of the University of King's College, may be admitted as Attornies after three years' service, and may be called to the Bar after three years' standing in the Books of the Law Society of Upper Canada; And whereas it is just and expedient to extend the same privileges to the graduates of other Universities or Colleges in Upper Canada having the power to confer degrees: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That in case any person who shall have taken, or who shall take the degree of Bachelor of Arts, or Bachelor of Law, or of Master of Arts in Queen's College, at Kingston or Victoria College, or who shall hereafter take such degree in any University or College in Upper Canada having the power to grant degrees, shall, at any time after he shall have taken or shall take such degree, be bound by contract in writing to serve as a Clerk for and during the space of three years to a practising Attorney in Upper Canada, and shall faithfully serve for three years in pursuance of such contract, he shall on due proof of such service, be entitled to be admitted and sworn an Attorney in the same manner, and of the same Court or Courts in Upper Canada, and as fully and effectually to all intents and purposes as if such person had served under Articles for the term of five years.

Preamble.

Act of U. C.
7. Will. 4. c.
15, cited.

Graduates of
Queen's
College or
Victoria Col-
lege, or of
any other Col-
lege in Upper
Canada, may
be admitted as
attornies in
U. C. after
three years'
clerkship with
a practising
attorney.

II. And be it enacted, That any person who shall have taken, or who shall at any time hereafter take, such degree as is mentioned in this Act, and who shall have been or who shall be entered of and admitted into the Law Society of Upper Canada, as a Student of Laws, and shall have been standing in the Books of the said Society for and during the space of three years, and shall have conformed himself to the rules and regulations

Such gra-
duates after
three years'
standing in the
books of the
Law Society
of Upper Ca-

nada, and after having conformed to the Act 37 Geo. 3 c 13, or other law of U. C. in that behalf, may be admitted as Barristers in U. C.

regulations of the said Society according to the directions of an Act passed in the thirty-seventh year of the Reign of King George the Third, intituled, *An Act for the regulating the Practice of the Law*, or any other Acts for regulating Barristers in Upper Canada, shall be qualified to be called and admitted to the Practice of the Law as a Barrister in any of the Courts of Law or Equity in Upper Canada, as fully and effectually as any person of five years' standing in the Books of the said Society is qualified, by virtue of the said recited Act, or any other Act for regulating the Practice of the Law; anything in the said Acts or any of them to the contrary in anywise notwithstanding.

The Courts of Q. B. and of Chancery may in their discretion admit as attornies and Solicitors, and the Law Society as Barristers, such graduates as aforesaid after three years' clerkship or standing, altho' the same commenced before they graduated.

III. And be it enacted, That it shall and may be lawful for the Courts of Queen's Bench and Chancery respectively in their discretion to admit as Attornies or Solicitors of the said Courts, respectively, and the said Society aforesaid, to admit as Barristers, any person or persons who shall have taken any of the Degrees aforesaid at King's College, Queen's College or Victoria College in this Province, and shall have been three years under Articles or standing on the Books of the said Society, as the case may be, notwithstanding that such person or persons shall have entered into such Articles, or been admitted upon the Books of the said Society before taking any such degree as aforesaid.

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ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. XXX.

An Act for the relief of certain Landholders in the District of Gaspé.

[23th July, 1847.]

WHEREAS an assurance was graciously given by His Excellency Sir James Kempt, administrator of the Government of Lower Canada, bearing date at the Castle of St. Louis, Quebec, the twenty-sixth day of September, one thousand eight hundred and twenty-eight, that "those who then were actually and *bonâ fide* settled and had made improvements upon the waste lands of the Crown in the District of Gaspé, should be allowed grants thereof in proportion to the extent of those improvements upon the usual scale of grants to actual settlers;" And whereas it is expedient to confirm by an Act of the Legislature the aforesaid pledge, and to adopt measures for the fulfilment thereof: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council, and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, "*An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada,*" and it is hereby enacted by the authority of the same, That free grants of all such Crown Lands in the District of Gaspé as were and had been previous to the aforesaid twenty-sixth day of September, one thousand eight hundred and twenty-eight, actually and *bonâ fide* settled upon, and improved, shall, upon the usual scale of grants at that time to actual settlers, that is to say, a tract or lot not exceeding in all one hundred acres in superficies, including the tract occupied and improved, to any one person or family accordingly in proportion to the extent of those improvements, be made and given to every such one person and family respectively, as then were actually settled and had made such improvements upon the same, or to their lawful representatives, or to the person or persons in good faith holding of him or them upon satisfactory proof being submitted to the Governor in Council at any time within two years next after the passing of this Act, of the occupation and improvement aforesaid anterior to the period aforesaid of the said land claimed by the person or family petitioning for a grant thereof pursuant to the said assurance and to this Act, the grantee paying such fee for the Letters Patent thereof as may be payable for Letters patent whereby any waste lands of the Crown are or shall be granted, and which, in cases where His Excellency may see fit, may also be dispensed with: Provided always, that in all cases in which the land originally settled upon and occupied, shall extend beyond the frontage usually at the time aforesaid established for such grants, and that such excess is or shall be in the actual possession of such original settler

Preamble.
Sir James Kempt's declaration of 26th Sept. 1828, cited.

Free grants may be made to persons who were actual Settlers before 26th Sept. 1828. Limitation of such grants.

Such grants may be made to such persons or their Representatives. Upon what proof.

And on payment of what fees.

Proviso: persons whose holdings extend beyond the li-

mits of the
free grants, to
have a right of
pre-emption
for the rest.

Proviso: to-
tal extent limi-
ted.

Recital.

The Governor
may call in
all claims un-
der this Act,
and if then
the same be
not made
within the
time he shall
appoint, they
shall be barred.

settler or his lawful representative, it shall be lawful for such settler or representative to claim and have a grant for such excess by pre-emption, upon payment by him to the Commissioner of Crown Lands for such excess at the rate or price required to be paid for *bonâ fide* occupied lands, under the regulations of the thirteenth of February last, published by the Department of Crown Lands; Provided that the entire extent of such grant so claimed shall not as aforesaid exceed the said superficial extent of one hundred acres.

II. And whereas it is expedient to ascertain with as little delay as possible the extent of lands that may have been so occupied and in good faith improved upon anterior to the time first aforesaid, and the applicants or claimants therefor: Be it enacted That it shall be lawful to and for the Governor of this Province for the time being, at any time within a twelve month next after the passing of this Act, by proclamation, or in such other manner as he shall deem most expedient, to call in all claims within the true intent and meaning of the aforesaid assurance and of this Act to be supported and accompanied by the proof aforesaid, and that such claims as shall not be so presented within the time appointed shall for ever afterwards be barred and of none effect.

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ANNO DECIMO ET UNDECIMO

VICTORIÆ REGINÆ.

CAP. XXXI.

An Act for repealing and consolidating the present Duties of Customs in this Province, and for other purposes therein mentioned.

[28th July, 1847.]

WHEREAS it is expedient for the interests of Commerce and the ends of Justice, and also for affording convenience and facility to all persons who may be subject to the operation, or who may be authorized to act in execution, of the Laws of the late Provinces of Upper and Lower Canada, and of this Province of Canada, relating to the Customs, that those Laws should be repealed, and that the purposes for which they have, from time to time, been made, should be secured by new enactments, more consonant with the state of this Province since the late Union of the Provinces, and exhibiting more perspicuously and compendiously the various provisions contained in them: And whereas, by the Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the Session, held in the ninth and tenth years of Her Majesty's Reign, and intituled, *An Act to enable the Legislatures of certain British Possessions to reduce or repeal certain duties of Customs*, it is provided that whenever the Legislature, or other proper legislative authority of any of the British Possessions in America, or the Mauritius, make or pass any Act or Ordinance, Acts or Ordinances, reducing or repealing all or any of the duties of Customs imposed by the Act of the said Parliament, passed in the Session, held in the eighth and ninth years of Her Majesty's Reign, and intituled, *An Act to regulate the Trade of British Possessions abroad*, upon any articles imported into such Possessions, and if Her Majesty, by and with the advice of Her Privy Council, assent to such Act or Ordinance, Acts or Ordinances, such Duties of Customs shall, upon the Proclamation of such assent in the Colony, or at any time thereafter which may be fixed by such Act or Ordinance, be reduced or repealed in such Possession, as if such reduction or repeal had been effected by an Act or Acts of the Imperial Legislature, anything in any Act to the contrary notwithstanding; and it is expedient, and will greatly facilitate and encourage the commerce of this Province, to repeal all the duties imposed by the said Act of the Imperial Parliament, to the end that all the Duties of Customs, levied in this Province may be imposed, levied, and collected under one Act, and under the same regulations and provisions: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and 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

Preamble.

Certain Imperial Acts recited. Imperial Act, 9 and 10 V. c. 91.

Imperial Act, 8 and 9 V. c. 93.

When this Act shall come into force.

Proviso as to regulations.

and for the Government of Canada, and it is hereby enacted by the authority of the same, That this Act shall come into full force and effect upon, from and after, and not before, such day as shall be appointed for that purpose in any Proclamation to be issued by the Governor in Council, proclaiming Her Majesty's assent to this Act, by and with the advice of Her Privy Council, and appointing the day upon, from and after which this Act shall come into full force and effect: Provided always, that such day shall not be before the fifth day of January, one thousand eight hundred and forty-eight, and that at any time after the issuing of such Proclamation, it shall be lawful for the Governor in Council to make and publish regulations for any purpose for which he may make regulations under this Act, but such regulations shall have no force or effect before the day upon which this Act shall come into full force and effect.

Repeal of former Acts.

L. C. 4 G. 4. c. 14. Forfeitures.

L. C. 9 G. 4. c. 14 Collection of duties at Montreal.

L. C. 2 W. 4. c. 3.

The same.

L. C. 6 W. 4. c. 24. Inland Ports.

U. C. 4 G. 4. c. 1, (2nd Sess.) Salt duties.

U. C. 4 G. 4. c. 11. (2nd Sess.) Duties.

U. C. 4 G. 4. c. 12, (2nd Sess.) Commissioners.

U. C. 2 W. 4. c. 3. Commissioners.

II. And be it enacted, That the several Acts relating to the Provincial Customs, hereinafter mentioned and referred to, that is to say: The Act of the Parliament of Lower Canada, passed in the fourth year of the Reign of His late Majesty King George the Fourth, and intituled, *An Act to authorize the Governor, Lieutenant Governor, or person administering the Government of this Province, to restore goods and vessels seized to the proprietor or proprietors, on the terms and conditions therein mentioned*;—and the Act of the said Parliament, passed in the ninth year of the same Reign, and intituled, *An Act to authorize the collection of certain Duties at Montreal*;—and the Act of the said Parliament, passed in the second year of the Reign of His late Majesty King William the Fourth, intituled, *An Act to extend the provisions of a certain Act therein mentioned, and to authorize the collection of certain Duties at Montreal*;—and the Act of the said Parliament, passed in the sixth year of the same Reign, and intituled, *An Act to regulate and establish the salaries of the Officers of the Customs at the Inland Ports in this Province, and for other purposes therein mentioned*;—and the Act of the Parliament of Upper Canada, passed in the fourth year of the Reign of His late Majesty King George the Fourth, and intituled, *An Act further to regulate by Law the commercial intercourse of the Province of Upper Canada with the United States of America*;—and the Act of the said Parliament, passed in the same year of the same Reign, intituled, *An Act to repeal an Act passed in the forty-first year of his late Majesty's Reign, intituled, An Act for granting to His Majesty, His Heirs and Successors, to and for the uses of this Province, the like Duties on goods and merchandize, brought into this Province from the United States of America, as are now paid on goods and merchandize imported from Great Britain and other places*; and also an Act passed in the forty-third year of His late Majesty's Reign, intituled, *An Act to explain and amend an Act passed in the forty-first year of His Majesty's Reign, intituled, An Act for granting to His Majesty, His Heirs and Successors, to and for the uses of this Province, the like Duties on goods and merchandize, brought into this Province from the United States of America, as are now paid on goods and merchandize imported from Great Britain and other places, and to provide more effectually for the collection and payment of Duties on goods and merchandize, coming from the United States of America into this Province, and also to establish a fund for the erection and repairing of Light-houses, and to make more effectual provisions for the due collection of Duties on goods imported into this Province*;—and the Act of the said Parliament, passed in the same year of the same Reign, and intituled, *An Act to compensate the services of the Commissioners of Customs*;—and the Act of the said Parliament, passed in the second year of the Reign of His late Majesty King William the Fourth, intituled, *An Act to remove doubts respecting the jurisdiction of Commissioners of Customs in this Province*;—and the Act of the said Parliament,

passed

passed in the seventh year of the same Reign, intituled, *An Act to amend the Laws relating to the collection of Duties on Imports from the United States into this Province, and for other purposes therein mentioned*;—and the Act of the said Parliament, passed in the third year of the Reign of Her present Majesty, Queen Victoria, intituled, *An Act to regulate the time for making returns and payments by Collectors and other persons receiving the Public Revenues of this Province, and for other purposes therein mentioned*;—and the Act of the Parliament of this Province, passed in the Session held in the fourth and fifth years of the Reign of Her present Majesty Queen Victoria, and intituled, *An Act to exempt from duty all copies of the Holy Scriptures imported into this Province by sea*;—and the Act of the said Parliament, passed in the Session last aforesaid, and intituled, *An Act to repeal certain Acts therein mentioned, and to consolidate the Laws relating to the Provincial Duties to be levied on goods, wares and merchandize, imported into this Province*;—and the Act of the said Parliament, passed in the Session last aforesaid, and intituled, *An Act to extend the benefit of the Warehousing System, established by a certain Act of the Imperial Parliament, passed in the Session held in the third and fourth years of His late Majesty's Reign, to Duties imposed by Provincial Acts*;—and the Act of the said Parliament, passed in the eighth year of Her Majesty's Reign, and intituled, *An Act to continue for a limited time the Act for imposing Duties on Agricultural Produce and Live Stock imported into this Province*;—and the Act of the said Parliament, passed in the same year of Her Majesty's Reign, and intituled, *An Act for granting Provincial Duties of Customs*;—and the Act of the said Parliament, passed in the ninth year of Her Majesty's Reign, and intituled, *An Act to alter and amend the Laws imposing Provincial Duties of Customs*;—and the Act of the said Parliament, passed in the same year of Her Majesty's Reign, and intituled, *An Act for the further prevention of smuggling*;—and so much of the Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the Session held in the eighth and ninth years of Her Majesty's Reign, and intituled, *An Act to regulate the Trade of British Possessions abroad*, as imposes any Duties of Customs on any Goods, Wares and Merchandize imported into this Province, shall be, and the same are hereby repealed, upon, from and after the day on which this Act shall come into full force and effect, except so far as the said Acts, or any of them, or anything therein contained, repeal any former Act or Acts, or any part thereof, (and all and every such said Act or Acts or the part thereof so repealed, shall remain and continue so repealed, to all intents and purposes whatsoever); and except so far as relates to any arrears of duties or drawbacks, which shall have become due and payable, or duties for which Bonds shall have been given, or any penalty or forfeiture which shall have been incurred, under the said Acts hereby repealed, or any of them, or to any offence which shall have been committed contrary to the said Acts. or any of them.

III. And be it enacted, That in lieu and instead of all other Duties of Customs whether Imperial or Provincial, upon Goods, Wares and Merchandize imported into this Province, there shall be raised, levied, collected, and paid unto Her Majesty, Her Heirs and Successors, upon Goods, Wares and Merchandize imported into this Province, the several Duties of Customs respectively inserted, described and set forth in figures in the table to this Act annexed, and intituled, "Table of Duties of Customs Inwards," and that the articles enumerated or mentioned in the table to this Act annexed and intituled, "Table of Exemptions," may be imported without payment of any duty under this Act: Provided always, that the Governor in Council may by any regulation, to be from time to time made in that behalf, exempt from duty any article subjected in the first

U. C. 7 W. 4. c. 25. Collection of duties, &c.
 U. c. 3. V. c. 9. Collectors.
 Canada, 4 and 5 V. c. 6. Holy Scriptures duty on.
 Canada, 4 and 5 V. c. 14. Duties.
 Canada, 4 and 5 V. c. 16. Warehousing.
 Canada, 8 V. c. 1. Duties.
 Canada, 8 V. c. 3. Duties.
 Canada, 9 V. c. 1. Duties.
 Canada, 9 V. c. 31. Smuggling.
 Imperial Act. 8 and 9 V. c. 93. Repeal.
 Exception.
 Exception.
 Duties imposed by this Act to be in lieu of all other duties of Customs.
 Duties.
 Exemptions. Proviso: Governor in Council may

exempt other unenumerated articles.

Provide as to articles from other British North American Colonies, which may be exempted on certain conditions.

Currency, Weights and Measures.

Duties to be proportionate to quantity or value.

Management Act, 8 Vict. c. 4 to apply to duties under this Act.

Monies levied under this Act, to form part of the Consolidated Revenue Fund.

Regulations and orders not inconsistent with this Act to remain in force.

No new appointments of Officers to be required by reason of this Act. Certain salaries and allowances not affected, &c. nor any provisions of any Imperial Act, except such as impose duties.

first mentioned Table to an *ad valorem* duty as being unenumerated in the said Table; and from the day on which such regulation shall be therein appointed to take effect, (not being less than one month after the date thereof,) and while such regulation shall remain in force, such article shall be exempt from duty accordingly: Provided also, that if in any British North American Colony, all articles (except spirits or strong waters) being the growth, produce or manufacture of this Province, shall be exempt from duty on importation into such Colony, then the Governor in Council may exempt from duty on importation into this Province, all articles (except spirits or strong waters) being the growth, produce or manufacture of such Colony and imported directly therefrom.

IV. And be it enacted, That all sums of money granted or imposed by this Act either as duties, penalties or forfeitures, shall be Provincial Currency; and that all duties shall be paid and received under this Act, according to British Weights and Measures in use on the sixth day of July, one thousand eight hundred and twenty-five; and that in all cases wherein the same are imposed according to any specific quantity or any specific value, the same shall be deemed to apply in the same proportion to any greater or less quantity or value.

V. And be it enacted, That the duties imposed by this Act shall be held to be duties within the meaning of the Act passed in the eighth year of Her Majesty's Reign, and intituled, *An Act to provide for the Management of the Customs and of matters relative to the collection of the Provincial Revenue*, and shall, as shall all matters and things thereunto relating, be subject to the provisions of the said Act, and to the regulations and orders of the Governor in Council, made or to be made under the authority thereof, in so far as the same may not be inconsistent with this Act; and all monies arising from such duties or from any penalties hereby imposed, and belonging to Her Majesty, shall be paid over by the officer receiving the same to the Receiver General, and shall form part of the Consolidated Revenue Fund of this Province, and shall be accounted for to Her Majesty, through the Lords Commissioners of Her Majesty's Treasury for the time being, in such manner and form as Her Majesty shall direct.

VI. Provided always, and be it enacted, That all regulations and orders made by the Governor in Council, before this Act shall come into force and effect, under the authority of the said Act or of any other Act relating to the Customs, shall remain in force, and shall apply to the duties imposed by and things to be done under this Act, in so far as they may not be inconsistent with this Act, until revoked or altered by the Governor in Council, notwithstanding the repeal of any such Act as aforesaid.

VII. Provided also, and be it enacted, That neither the repeal of the Acts hereby repealed, nor anything in this Act contained, shall be construed to render necessary any new appointment of the several officers employed in the collection or management of, or in any matter relating to, the Provincial Customs, but such officers shall continue to act in their respective capacities under the provisions of this Act, and of the law, until removed, or permitted to resign, by competent authority,—nor shall anything herein contained be construed to affect the amount of the salary or allowances attached to any office connected with the management or collection of the Provincial Duties of Customs during the time it shall be held by the present incumbent; or to repeal or affect any provisions of any Imperial Act, except such only as impose Duties of Customs; and

and that all bonds which shall have been given by any such officers and their respective sureties for good conduct or otherwise, shall remain in full force and effect.

Bonds to remain valid.

VIII. And be it enacted, That no goods shall be unladen from any vessel arriving from any place out of this Province, until due entry shall have been made of such goods, and warrant granted for the unloading of the same; and that no goods shall be so unladen, (unless for the purpose of lightening any ship or vessel in crossing over any shoal, or bar, or sand-bank,) except at some place at which an officer of the Customs is appointed to attend the unloading of goods, or at some place for which a surferance shall be granted by the Collector or other proper officer, for unloading of such goods; Provided always, that all goods unladen, contrary to the regulations of this Act, shall be forfeited.

Goods not to be unladen except after due entry.

And at the places appointed for the purpose.
Exception.

Forfeiture for contravention.

IX. And be it enacted, That it shall not be lawful to bring or import any goods into this Province, whether by sea, land, coastwise or by inland navigation, and whether any duty be or be not payable on such goods, except into some port or place of entry at which a Custom House now is or hereafter may be lawfully established; and if any goods shall be brought or imported into this Province at any other place, or being brought into such port or place of entry by land or inland navigation, shall be carried past such Custom House, or shall be removed from the station or place appointed for the examination of such goods by the Collector or other officer of the Customs at such port or place, before the same shall have been examined by the proper officer, and all duties thereon paid and a permit given accordingly, such goods shall be forfeited, together with the vessel in which the same shall be imported; if of less value than two hundred pounds and if the same be worth more than that sum, it may be seized, and the master or person in charge thereof shall incur a penalty of two hundred pounds, and the vessel may be detained until such penalty be paid or security given for the payment thereof; and unless payment be made or satisfactory security be given, within thirty days, such vessel may, at the expiration thereof, be sold for the said penalty; and in any case of importation by land, such goods shall be forfeited, together with the carriage and all the harness and tackle thereof, in or by which such goods shall have been so imported or removed, and the horses or other cattle employed in drawing such carriage, or in importing or removing such goods: Provided always, that it shall be lawful for the Governor in Council, by regulation from time to time to appoint, alter, increase, or diminish the number, position or limits of the ports and places of entry for the purposes of this Act.

At what places only goods may be imported.

Forfeiture of goods carried past the Custom House, on importation by land or removed, &c.

Vessel forfeited in certain cases.

And may be detained.

And carriages in case of importation by land.

Proviso: Governor in Council to appoint places of entry and after the same.

Report to be made by the master of a vessel arriving from sea or coastwise.

Contents of such Report.

X. And be it enacted, That the master of every vessel arriving from sea or coastwise in any port in this Province, whether laden or in ballast, shall come directly, and before bulk be broken, to the Custom House for the port or place of entry where he arrives, and there make a report in writing to the Collector or other proper officer, of the arrival and voyage of such vessel, stating her name, country, and tonnage, and if British, the port of registry, the name and country of the master, the country of the owners, the number of the crew, and how many are of the country of such vessel, and whether she be laden or in ballast, and if laden, the marks and numbers of every package and parcel of goods on board, and where the same was laden, and where and to whom consigned, and where any, and what goods, if any, have been unladen during the voyage, as far as any of such particulars can be known to him; and the Master shall further answer all such questions concerning the vessel and cargo, and the crew, and the voyage, as shall be demanded of him by such officer; and if any goods be unladen from any vessel before

Penalty for contravention.

Goods not reported to be forfeited.

Governor in Council may declare what shall be a coasting voyage.

What shall be deemed inland navigation.

Governor in Council may relieve coasters.

Proviso as to lightening vessels.

Report to be made on importation by land or inland navigation. Contents of such Report.

Forfeiture of goods unladen, &c. without being so reported, penalty for untrue report, &c.

Within what time entries shall be made by sea or from any place out of the Province.

before such report be made, or if the master fail to make such report, or make an untrue report, or do not truly answer the questions demanded of him, he shall forfeit the sum of one hundred pounds; and if any goods be not reported, such goods shall be forfeited, unless it shall appear that there was no fraudulent intention, in which case the Master shall be allowed to amend his report: Provided always, that the Governor in Council may by regulation declare any trade or voyage on the rivers, lakes or waters, within or adjacent to this Province, whether to or from any place within or without this Province, to be a coasting trade or a coasting voyage within the meaning of this Act, whether such rivers, lakes or waters, be or be not, geographically or for the purposes of other Acts or laws, inland waters; and all carrying by water which shall not be a carrying by sea, or coastwise, shall be deemed to be a carrying by inland navigation; and the Governor in Council may also from time to time, with regard to any such coasting trade, dispense with such of the requirements of this section as he may deem it expedient or unnecessary to enforce: Provided always, that the necessary discharging of any goods for the purpose of lightening the vessel in order to pass any shoal, or otherwise for the safety of such vessel, shall not be deemed an unlawful landing or breaking of bulk, under this section.

XI. And be it enacted, That the master or person in charge of every vessel or carriage arriving by land or inland navigation, in any port or place of entry in this Province, from any place beyond the limits of this Province, and having any goods therein, (whether any duty be payable on such goods or not) or if the carriage or its tackle or the horses or cattle drawing the same or any of them be liable to duty, and any person whatsoever so arriving and having with him or in his charge or custody any goods,—shall come directly and before any such goods shall be unladen or put out of his custody, to the Custom House for such port or place of entry, and make a report in writing (in such form as may be appointed for that purpose by competent authority) to the Collector or other proper officer, of the arrival of such vessel, carriage, or goods, stating in such report the marks, and numbers of every package and parcel of goods in such vessel or carriage, or in the charge and custody of such person, from what place the same are respectively brought, and to what place and to whom consigned or belonging, as far as such particulars shall be known to him, and shall then and there produce such goods to the Collector or other proper officer, and shall declare that no goods have been unladen from such vessel or carriage or have been put out of his possession, between the time of his coming within the limits of this Province and of his making such report and declaration, and shall further answer all such questions concerning such vessel, carriage, or goods, as shall be demanded of him by such Collector or officer; and if any goods be unladen from such vessel or carriage, or put out of the custody of such master or person, before such report shall be made, or if such master or person fail to make such report or to produce such goods, or shall make an untrue report, or shall not truly answer the questions demanded of him, he shall for each or any such offence forfeit the sum of one hundred pounds, and if any such goods be not so reported and produced, or if the marks and numbers of any package do not agree with the report made, such goods or package shall be forfeited.

XII. And be it enacted, That every importer of any goods by sea or from any place without this Province shall, within five days after the arrival of the importing vessel make due entry inwards of such goods, and land the same; and every importer of any goods imported by inland navigation in a decked vessel of one hundred tons burthen or more

more shall within two days of the arrival of the importing vessel make due entry inwards of such goods, and land the same, and every importer of any goods imported by inland navigation in any undecked vessel or in any vessel of less than one hundred tons burthen, or by land, shall within twenty-four hours after the importation of such goods, make due entry inwards of such goods, and produce the same to the proper officer: And the person entering any goods, whether inwards or outwards, shall deliver to the Collector or other proper officer, a Bill of the entry thereof, in such form as shall be appointed by competent authority, fairly written or printed, or partly written or partly printed, and in duplicate, containing the name of the importer or exporter, and if imported or exported by water, the name of the vessel, and of the master, and of the place to or from which bound, and of the place within the port where the goods are to be unladen or laden, and the description of the goods, and the marks and numbers and contents of the packages, and the place from or to which the goods are imported or exported or carried, and stating whether such place be within or without the limits of this Province; And, unless the goods are to be warehoused in the manner by this Act provided, such person shall at the same time pay down all duties due upon all goods entered inwards; and the Collector, or other proper officer, shall immediately thereupon grant his warrant for the unloading or lading of such goods, and grant a permit for the conveyance of the same further into the Province, if so required by the importer; And in default of such entry and landing, or production of such goods, or payment of duty, it shall be lawful for the Officers of Customs to convey such goods to the Customs' Warehouse; and if such goods be not duly entered and the duties due thereon paid within three months from the date of such warehousing, together with all charges of removal and warehouse rent, the same shall be sold by public auction to the highest bidder, and the proceeds thereof shall be applied first to the payment of duties and charges, and the overplus, if any, after discharging the vessel's lien, shall be paid to the owner of the goods or to his lawful agent; Provided always, that if any goods be brought in any decked vessel, from any place out of this Province to any port of entry therein, and not landed, but it be intended to convey such goods to some other port in this Province in the same vessel, there to be landed, then the duty shall not be paid nor the entry completed at the first port, but at the port where the goods shall be landed, and to which they shall be conveyed accordingly, under such regulations and with such security or precautions for compliance with the requirements of this Act, as the Governor in Council shall from time to time appoint.

XIII. And be it enacted, That if the importer of any goods whereon a duty *ad valorem* is imposed, or the person authorized to make the declaration required with regard to such goods, shall make and subscribe a declaration before the Collector or other proper officer, that he cannot, for want of full information, make perfect entry thereof, it shall be lawful for such Collector or officer to cause such goods, to be landed on a Bill of Sight for the packages and parcels thereof, by the best description that can be given, and to be seen and examined by such person, and at his expense, in the presence of the Collector or principal officer, or of such other officer of the Customs as shall be appointed by the said Collector or other proper officer, and to be delivered to such person on his depositing in the hands of the Collector or officer, such sum of money as shall, in the judgment of the Collector or officer, be fully sufficient to pay the duties thereon, and engaging to make perfect entry thereof, within a time to be appointed by such Collector or officer; and in the event of any such importer not completing a perfect entry within the time so appointed, the money so deposited shall be taken and held

By inland navigation, or by land in decked vessels.

In undecked vessels.

Bill of entry inwards or outwards.

Duplicates.

Particulars required.

Duties to be paid down unless the goods are warehoused.

Warrant for unloading.

Permit if required.

For want of entry goods may be taken to the warehouse; and sold if duties be not paid within a certain time.

Proviso as to goods not intended to be landed at the first port the vessel makes.

Where the entry shall be completed.

Entry inwards by bill of sight, how and in what cases made.

Deposit of money for duty.

Provision if perfect entry be not made as stipulated,

to

to be the duty accruing on such goods, and shall be dealt with and accounted for accordingly.

Written authority of any agent may be required.
The acts of the agent shall bind the principal.
 XIV. And be it enacted, That whenever any person shall make any application to any officer of the Customs to transact any business on behalf of any other person, it shall be lawful for such officer to require of the person so applying to produce a written authority from the person on whose behalf such application shall be made, and in default of the production of such authority, to refuse to transact such business; and any act or thing done or performed by such agent, shall be binding upon the person by or on behalf of whom the same shall be done or performed, to all intents and purposes, as fully as if such act or thing had been done or performed by such principal.

Value for ad valorem duties how ascertained.
Declaration of Importer or his clerk, &c. Invoice to be produced.
 XV. And be it enacted, That in all cases where the duties imposed upon goods imported into this Province are charged not according to the weight, tale, guage, or measure, but according to the value thereof, such value shall be the invoice value of the goods at the place whence the same were imported with the addition of ten pounds per centum thereon; and the importer or his known agent or clerk shall in the bill of entry thereof state the value for duty of such goods respectively calculated as aforesaid, and shall immediately produce to the Collector or other proper officer of the Customs the original invoice (if any there be) of such goods, in order to prove the value of such goods; and shall make and subscribe a declaration in the following form:

Form.
 " I, A. B. of _____ do declare that the invoice (or invoices) now produced
 " by me is (or are) just and true, and that it contains (or they contain) the exact parti-
 " culars and true prices of the articles subject to *ad valorem* duty and mentioned in the
 " annexed Bill of Entry, and that I am the importer (or the agent or clerk of C. D. the
 " importer) thereof.
 " Witness my hand the _____ day _____ of _____
 " _____ "A. B.
 " The above declaration signed at _____ this _____
 " day of _____ in my presence.

 E. F., Collector,
 (or other proper officer.)"

Declaration to be written or printed, and signed.
Proviso: goods supposed to be undervalued may be appraised.
 Which declaration shall be written or printed, or partly printed and partly written, on the Bill of Entry of such articles, and shall be subscribed with the hand of the importer thereof or his known agent or clerk in the presence of the Collector or other proper officer of the Customs at the port or place of entry, and the cost so declared shall, if not disputed by him with the addition of ten per centum as aforesaid, be the value for duty: Provided always, that if it shall appear to the Collector or other proper officer, that such articles have been invoiced below the real and true value thereof, at the place whence the same were imported, or if there be no invoice, the articles may in such case be examined by two competent persons, to be nominated and appointed from time to time by the Governor in Council, to act whenever need shall be, as such examiners at the port or place; and such persons shall declare on oath before the Collector or other proper officer, what is the true and real value of such articles at the place whence the same were imported, and the value so declared on the oath of such persons with the addition of ten per centum thereon, shall be deemed to be the true and real value of such articles for duty and according to which the duties imposed thereon, shall be charged and paid.

XVI. And be it enacted, That it shall be lawful for the Collector or proper officer of Customs to require from the importer (or from his agent) of any goods charged with duty, or conditionally exempted from duty, or exempt therefrom under this Act, before admitting the said goods to entry, such further proof as he may deem necessary, by oath or declaration, production of invoice or invoices, or bills of lading or otherwise, that such goods are properly described and rated for duty or come properly within the meaning of such exemptions.

Collector may require further proof to his satisfaction that goods are properly entered, &c.

XVII. And be it enacted, That any package of which the importer or his agent shall declare the contents to be unknown to him, may be opened and examined by the Collector or other proper Officer in the presence of such importer or agent and at the expence of the importer, who shall also bear the expense of re-packing.

Packages of which the contents are unknown may be opened.

XVIII. And be it enacted, That no entry nor any warrant for the landing of any goods or for the taking of any goods out of any warehouse (as hereinafter provided,) shall be deemed valid, unless the particulars of the goods and packages in such entry or warrant shall correspond with the particulars of the goods and packages purporting to be the same in the report of the vessel, or other report, (where any is required,) by which the importation or entry thereof is authorized, nor unless the goods shall have been properly described in such entry by the denominations, and with the characters and circumstances according to which such goods are charged with duty, or may be imported; and any goods taken or delivered out of any vessel, or out of any warehouse, or conveyed into the Province beyond the port or place of entry, by virtue of any entry or warrant not corresponding or agreeing in all such respects, or not properly describing the same, shall be deemed to be goods landed or taken without due entry thereof, and shall be forfeited; and it shall be lawful for the Collector or proper officer, after the entry of any goods, on suspicion of fraud, to open and examine any package of such goods, in presence of two or more credible witnesses, and if upon examination the same should be found to agree with the entries, they shall be repacked by such Collector or proper officer, at the public cost, but otherwise they shall be forfeited.

Goods not corresponding with the entry to be forfeited.

Suspected packages may be opened. Conditions.

XIX. And be it enacted, That if any goods imported by water on which duties are made payable by this Act, shall receive any damage by water or otherwise during the course of the voyage, after such goods shall have been laden or shipped, and before the same shall be unshipped or discharged from the vessel in which they shall be imported into this Province, or from any vessel or craft into which the said goods may have been transhipped for the purpose of being conveyed to the port of destination, so that the owner or owners thereof shall be prejudiced in the sale of such goods, the Collector or proper officer of the Customs at the place where the same shall be landed, shall have power to choose three disinterested merchants, experienced in the value of such goods, who, or any two of them, upon viewing the same, shall certify and declare, what damage such goods have received, or how much the same are lessened in their true value by such damage, in relation to the duties imposed on them, and thereupon such officer shall, and he is hereby authorized and required to make or repay a proportionate allowance to the importer, by way of abatement of the duties due or payable, or which shall have been actually paid upon the same; and the said merchants shall be allowed in remuneration for such valuation at the discretion of such officer, a sum of not less than ten shillings nor more than fifty shillings for each merchant, and such remuneration shall be paid by the owner or owners of such goods.

Abatement on goods imported by water and damaged.

How ascertained.

Remuneration to be allowed to the Merchants ascertaining such abatement.

XX.

Return of duties on goods lost before landing; on what conditions to be obtained.

XX. And be it enacted, That when any vessel shall be entered at the Custom House at any port in this Province, on board of which there shall be any goods, on which any duty has been levied or collected, or on which any duty has been deposited, and that thereafter the said goods, wares and merchandize shall be lost or destroyed before the same shall be landed from such vessel, or from any vessel or craft employed to lighten such vessel; then, on proof being made on the oath of one or more credible witness or witnesses, before the Collector or proper officer of the Customs at the place, (which oath such Collector or officer is hereby authorized and required to administer,) and to his satisfaction, that such goods, or any part thereof (specifying the same) have been so lost or destroyed, before the landing of the same, the duties on the whole, or the part thereof so proved to be lost or destroyed, shall, if the same have been paid or deposited, be returned to the owner or his agent.

Crown goods and others exempted from duty, to be liable to duty if sold. Forfeiture if duties be not paid.

XXI. And be it enacted, That all goods, exempt from duty under this Act as being imported for the use of Her Majesty's Troops, or for any purpose for which such goods may be imported free of duty, shall in case of the sale thereof after importation, become liable to and be charged with the duties payable on like goods on their importation for other purposes; and if such duties be not paid such goods shall be forfeited and may be seized and dealt with accordingly.

Allowance for tare, &c. to be fixed by Governor in Council. Proviso: where real tare is known. Proviso.

XXII. And be it enacted, That in all cases where duties are charged according to the weight, tale, guage or measure, such allowances shall be made for tare and draft upon the packages as shall be appointed by regulation made by the Governor in Council: Provided always, that when the original invoice of any goods shall be produced, and a declaration of the correctness thereof made as aforesaid, the tare according to such invoice shall be deducted from the gross weight of the goods instead of the allowances aforesaid; subject, however, to such further regulation as the Governor in Council shall from time to time make.

What shall be warehousing ports.

XXIII. And be it enacted, That the following Ports shall be Warehousing Ports for the purposes of this Act, viz:—Amherstburgh, Belleville, Brockville, Chippewa, Colborne, Colborne, Cornwall, Dalhousie, Dover, Goderich, Hamilton, Hope, Kingston, Maitland (on Grand River,) Montreal, Niagara, Prescott, Quebec, Stanley, St. John's and Toronto, as shall also such other Ports and places of Entry as the Governor in Council shall from time to time appoint to be warehousing ports.

Goods may be entered for exportation or warehoused without payment of duties: subject to regulations of Governor in Council.

XXIV. And be it enacted, That it shall be lawful for the importer of any goods into this Province to enter the same for exportation, on giving security by his own hand with one sufficient surety for the exportation of the same goods, or to warehouse the same on giving such security by his own bond for the payment of the amount of all duties to which such goods shall be liable, and the performance of all the requirements of this Act with regard to the same, the penalty of such bond being double the amount of the duty to which such goods are subject, without payment of any duties in either case on the first entry thereof, at such ports or places as aforesaid, and in such warehouses, and subject to such rules and regulations as shall be from time to time appointed by the Governor in Council in that behalf, not being repugnant to this Act, and, during the regular warehouse hours, and subject to such regulations as the Collector or proper officer of Customs at the warehousing ports shall see fit to adopt, (as well for the carrying and taking of such goods to the warehouse as for other purposes,) to sort, pack, repack,

Sorting, &c.

or

or make such lawful arrangements respecting the same, in order to the preservation or legal disposal thereof, and to take therefrom moderate samples without present payment of duty or entry, and to remove the same under the authority of the said officer, from such warehousing port to any other warehousing port in this Province, under good and sufficient bonds to the satisfaction of such officer, or upon entry at any frontier port or Custom House, under the authority and with the sanction of the Collector or chief officer of Customs at such port or Custom House, and under bonds to his satisfaction, and subject to such regulations as may be made in that behalf by the Governor in Council, to pass such goods on to any warehousing port in any other part of this Province: Provided always, that all such goods shall be finally cleared, either for exportation or home consumption, within two years from the date of the first entry and warehousing thereof (unless such Collector or proper officer shall see fit to extend the time,) and in default thereof it shall be lawful for such officer to sell such goods for the payment first of the duties and secondly of the warehouse rent and other charges, and the surplus, if any, shall be paid to the owner or his lawful agent, and the Collector or proper officer shall have full power to charge or to authorize the occupier of the warehouse to charge a fair warehouse rent, subject to any regulation made by the Governor in Council in that behalf: Provided also, that the importer may abandon any whole packages for duties, without being liable to pay any duty on the same.

XXV. And be it enacted, That if any goods entered to be warehoused shall not be duly carried into and deposited in the warehouse, or shall afterwards be taken out of the warehouse without due entry and clearance, or having been entered and cleared for exportation from the warehouse, shall not be duly carried and shipped, or otherwise conveyed out of this Province, or shall be afterwards relanded, sold, used or brought into this Province, without the permission of the proper officer of the Customs, such goods shall be forfeited.

XXVI. Provided always, and be it enacted, That all goods which shall have been warehoused before this Act shall come into force and effect, and shall remain so warehoused after that time, shall, if taken out of the warehouse for consumption in this Province, be subject to the duties to which such goods would be subject if they were then imported into the Province, and not to any other: and all appointments of warehouses for the warehousing of goods made under the authority of any other Act in force before the commencement of this Act, shall continue in force as if the same had been made under the authority of this Act; and all bonds given in respect of any goods warehoused or entered to be warehoused under any Act in force at the time of the commencement of this Act shall continue in force for the purposes of this Act: and that all Goods taken out of warehouse at any time hereafter shall be subject to the duties to which they would be liable if then imported into this Province, and not to any other.

XXVII. And be it enacted, That it shall be lawful for the importer of any cattle or swine to slaughter and cure and pack the same (or if such cattle or swine should be imported in the carcass, to cure and pack the same) in bond; and for the importer of any wheat, maize or other grain, to grind and pack the same in bond; provided such slaughtering, curing, grinding and packing be done and conducted under such regulations and restrictions as the Governor in Council shall from time to time make for this purpose; and the said regulations may extend to the substitution of beef and

Samples.

Removal.

Passing on-wards from a frontier port.

Proviso: all goods to be cleared within two years.

Exception. Otherwise they may be sold.

Warehouse Rent.

Whole packages may be abandoned for duties.

Goods taken out for exportation and relanded, &c., to be forfeited.

To what duties goods taken out of warehouse to remain liable.

Present appointments of warehouses to remain valid.

And also existing Bonds.

Duties on goods hereafter warehoused, when taken out.

Cattle and swine may be slaughtered, &c., and grain ground, in bond.

Under regulations to be made by the Governor in Council.

pork,

Proviso, as to flour and meal and provisions.

pork, flour or meal, in quantities equivalent to the produce of such cattle and swine, wheat, maize or other grain.

Property in bond how to be transferable.

XXVIII. Provided always, and be it enacted, That the property of any one or more parcel or parcels of any goods so warehoused shall be transferable from party to party on a *bonâ fide* bill of sale, on which there shall be a written agreement signed by the parties, or a written contract of sale made, executed and delivered by a broker or other person legally authorized for or in behalf of the parties respectively, and the amount of the price stipulated in the said agreement or contract shall have been actually paid or secured to be paid by the purchaser; and any such sale shall be valid, although such goods shall remain in such warehouse, provided that a transfer of such goods, according to such sale shall have been entered in a book to be kept for that purpose by the Collector or other proper officer of the Customs, who is hereby required to keep such book and to enter such transfers, with the dates thereof, upon application of the owners of the goods, and to produce such book upon demand made; and upon such sale it shall be lawful for the proper officer to admit fresh security to be given by the bond of the new proprietor of such goods or person having the control over the same, (with his sufficient surety, in cases where the former bond was given with surety,) and to cancel the bond given by the original bonder of such goods, or to exonerate him (and his surety if any he had,) to the extent of the fresh security so given: Provided that such sale shall be of whole packages only; and the party being the proprietor of any such goods for the time being shall then be deemed to be the importer thereof for the purposes of this Act.

Proviso: transfers to be entered by the Collector in a book open to the public.

Proviso: sales to be only of whole packages.

Allowance for leakage, &c. how made.

XXIX. And be it enacted, That the Governor in Council may by regulation authorize such allowance to be made for leakage, natural and unavoidable waste or deficiency on goods warehoused, as he may deem expedient, but, subject to such regulations, the duties shall be payable on the quantity originally warehoused.

All charges and expenses of unshipping, landing, &c. to be borne by the importer.

XXX. And be it enacted, That the unshipping, carrying and landing of all goods, and bringing of the same to the warehouse or the proper place after landing, and the opening, unpacking, and repacking of the same for examination or for weighing or gauging, as the case may be, and the putting of the same into the scales, and the letting out of and from the scales after weighing, warehouse rent and expenses of safe keeping in warehouse, and all other expenses attending any thing to be done with such goods in order to carry this Act into effect, shall be performed by or at the expense of the importer of such goods.

Entry of vessels outwards.

Particulars of such entry.

Content to be delivered: particulars enquired in it.

XXXI. And be it enacted, That the master of every vessel bound outwards from any port in this Province to any port or place beyond seas, or on any voyage to any place without the limits of this Province, shall deliver to the Collector or other proper officer, an entry outwards under his hand, of the destination of such vessel, stating her name, country, and tonnage, (and if British the port of registry,) the name and country of the master, the country of the owners, the number of the crew, and how many are of the country of such vessel; and before such vessel shall depart, the master shall bring and deliver to the Collector, or other proper officer, a content in writing under his hand, of the goods laden, and the names of the respective shippers and consignees of the goods, with the marks and numbers of the packages or parcels of the same, and shall make and subscribe a declaration to the truth of such content as far

far as any of such particulars can be known to him; and the master of every vessel bound outwards from any port in this Province to any port or place beyond seas, or on any voyage to any place without the limits of this Province, whether in ballast or laden, shall, before departure, come before the Collector or other proper officer, and answer all such questions concerning the vessel, and the cargo, if any, and the crew, and the voyage, as shall be demanded of him by such officer; and thereupon the Collector or other proper officer, if such vessel be laden, shall make out and give to the master a certificate of the clearance of such vessel for her intended voyage, containing an account of the total quantities of the several sorts of goods laden therein, or a certificate of her clearance in ballast, as the case may be; and if the vessel shall depart without such clearance, or if the master shall deliver a false content, or shall not truly answer the questions demanded of him, he shall forfeit the sum of one hundred pounds.

Questions to be answered.

Clearance to be granted.

Penalty for leaving without a clearance or not answering questions truly.

XXXII. And be it enacted, That if after any goods shall have been duly entered, or landed to be warehoused, or entered and examined to be rewarehoused, and before the same shall have been actually deposited in the warehouse, the importer shall further enter the same, or any part for home use, or for exportation as from the warehouse, the goods so entered shall be considered as virtually and constructively warehoused or rewarehoused, as the case may be, although not actually deposited in the warehouse, and shall and may be delivered and taken for home use or exportation, as the case may be.

Goods entered for warehousing to be deemed warehoused in certain cases.

XXXIII. And be it enacted, That upon the entry outwards of any goods to be exported from the Customs' warehouse, either by sea or by land or inland navigation, as the case may be, the person entering the same shall give security by bond, in double the duties of importation on such goods, and with a sufficient surety, to be approved by the Collector or proper officer, that the same shall, when the entry aforesaid shall be by sea, be actually exported, and when the entry aforesaid shall be by land or inland navigation, be landed or delivered at the place for which they shall be entered outwards, or in either case be otherwise accounted for to the satisfaction of the Collector or proper officer, and that such proof or certificate that such goods have been so exported, landed, or delivered, or otherwise legally disposed of, as the case may be, as shall be required by any regulation of the Governor in Council, shall be produced to the Collector or proper officer within a period to be appointed in such bond.

Bond to be given on entry for exportation of goods from warehouse conditions.

XXXIV. And whereas it is expedient that certain goods when imported into this Province should be marked or branded, with such mark or brand as may hereafter be deemed necessary, in order to denote the payment of the duty to which such goods are liable: Be it therefore enacted, That the Governor in Council may, by regulation, direct that after any goods have been entered at the Custom House, and before the same shall be discharged by the officers and delivered into the custody of the importer or his agent, such goods shall be marked or stamped in such manner or form as may be directed by such regulations for the security of the Revenue, and by such officer as may be directed or appointed for that purpose.

Duty-paid goods may be branded or marked under regulations to be made by the Governor in Council.

XXXV. And be it enacted, That if any person or persons shall at any time forge or counterfeit any mark or brand to resemble any mark or brand which shall be provided and used for the purposes of this Act, or shall forge or counterfeit the impression of any such mark or brand, or shall sell or expose to sale, or have in his, her, or their custody

Penalty for forging marks, &c.

Or selling goods with counterfeit marks, &c.

Imprisonment in default of payment.

False swearing to be perjury.

Penalty for counterfeiting or using counterfeited papers, &c.

Or forging certificates, &c.

Forfeiture and penalty for offering for sale goods pretended to be smuggled.

Officers employed in the Customs or under 8 V. c. 4, to be deemed employed for the prevention of smuggling.

What averment of such employment shall suffice. Their powers. To search.

To detain vessels, carriages, &c.

And to seize in certain cases.

or possession, any goods with a counterfeit mark or brand, knowing the same to be counterfeit, or shall use or affix any such mark or brand to any other goods required to be stamped as aforesaid, other than those to which the same was originally affixed, such goods so falsely marked or branded shall be forfeited, and all and every such offender or offenders, and his, her, or their aiders, abettors, or assistants, shall, for every such offence, forfeit and pay the sum of fifty pounds, which penalty shall be recoverable in a summary way, on legal proof before any two Justices of the Peace in this Province, and in default of payment the party so offending shall be committed to any of Her Majesty's Jails in this Province, for a period not exceeding twelve calendar months; and if any wilfully false oath be made in any case where by this Act an oath is required or authorized, the party wilfully making the same shall be guilty of wilful and corrupt perjury, and liable to the punishment provided for that offence.

XXXVI. And be it enacted, That if any person shall counterfeit or falsify, or use when so counterfeited or falsified, any paper or document required under this Act or for any purpose therein mentioned, whether written, printed, or otherwise, or shall by any false statement procure such document,—or shall forge or counterfeit any certificate relating to any oath, affirmation, or declaration, hereby required or authorized, knowing the same to be so forged or counterfeited, such person shall be guilty of a misdemeanor, and being thereof convicted, shall be liable to be punished accordingly.

XXXVII. And be it enacted, That if any person or persons shall offer for sale any goods under pretence that the same are prohibited, or have been unshipped and run on shore, or brought in, by land or otherwise without payment of duties, then and in such case all such goods (although not liable to any duties nor prohibited) shall be forfeited, and the person or persons, and every of them, offering the same for sale shall forfeit the treble value of such goods, or the penalty of fifty pounds, at the election of the prosecutor, which penalty shall be recoverable, in a summary way, upon legal proof thereof, before any one or more Justices of the Peace, and in default of payment on conviction, the party so offending shall be committed to any of Her Majesty's Jails for a period not exceeding sixty days.

XXXVIII. And be it enacted, That all officers and persons employed by virtue and under the authority of an Act, intituled, *An Act to provide for the management of the Customs and of matters relative to the collection of the Provincial Revenue*, passed in the eighth year of Her Majesty's Reign, or under the direction of any officer or officers in the Customs department, or being an officer of the said department, shall be deemed and taken to be duly employed for the prevention of smuggling; and in any suit or information, the averment that such party was so duly employed shall be sufficient proof thereof, unless the Defendant in such suit or information shall prove to the contrary; and every such officer or person shall have full power and competent authority, upon information or upon reasonable grounds of suspicion, to detain, open and examine any package suspected to contain prohibited property or smuggled goods, and to go on board of and enter into any vessel, boat, canoe, carriage, waggon, cart, sleigh, or other vehicle or means of conveyance of any description whatsoever, and to stop and detain the same, whether arriving from places beyond or within the limits of this Province, and to rummage and search all parts thereof, for prohibited, forfeited or smuggled goods; and if any such prohibited, forfeited or smuggled goods shall be found in any such vessel or vehicle, it shall be lawful for such officer or person so employed to seize and secure such

such vessel or vehicle, together with all such sails, rigging, tackle, apparel, horses, harness, and all other appurtenances as shall at the time of such seizure belong to or be attached to such vessel or vehicle, with all goods and other things which shall be laden therein or thereon, and the same shall be forfeited; and it shall be lawful for such officer in the discharge of the said duty, to call in such lawful aid and assistance in the Queen's name, as may be necessary for securing and protecting such seized vessels, vehicles, or property; and if no such prohibited, forfeited or smuggled goods shall be found, such officer or person employed, having had reasonable cause to suspect that prohibited, forfeited or smuggled goods would be found therein, shall not be liable to any prosecution or action at law for any such search, detention or stoppage; and all masters or persons in charge of any such vessels, and all drivers or persons conducting or having charge of such vehicles or conveyances, refusing to stop when required to do so by such officer or person in the Queen's name, or any person being present at any such seizure or stoppage, and being called upon in the Queen's name by such officer or person to aid and assist him in a lawful way, and refusing so to do, shall forfeit and pay the sum of fifty pounds, which penalty shall be summarily recovered, on legal proof before any two Justices of the Peace in this Province, and in default of payment the offender shall be committed to any of Her Majesty's Jails in this Province, for a period not exceeding six months.

To call on persons to assist.

Reasonable cause of suspicion to be their justification.

Penalty for refusing to stop.

Or to assist. Mode of recovery.

XXXIX. And be it enacted, That if any person or persons whatsoever shall, under any pretence, either by actual assault, force or violence, or by threats of such assault, force or violence, in any way resist, oppose, molest or obstruct any officer of Customs, or any person acting in his aid or assistance, in the discharge of his or their duty under the authority of this Act, or any other Act of this Province relating to Customs, trade or navigation,—or shall wilfully or maliciously shoot at or attempt to destroy or damage any vessel, or boat belonging to Her Majesty, or in the service of the Province, or maim or wound any officer of the Army, Navy, Marine, or Customs, or any person acting in his aid or assistance, while duly employed for the prevention of smuggling, and in execution of his or their duty,—or if any person or persons shall be found with any goods liable to seizure or forfeiture, under this or any other Act relating to Customs, trade, or navigation, and carrying offensive arms or weapons, or in any way disguised,—or shall stave, break, or in any way destroy any such goods, before or after the actual seizure thereof,—or shall scuttle, sink, or cut adrift any vessel, or destroy or injure any vehicle, before or after such seizure,—or shall wilfully and maliciously destroy or injure by fire or otherwise any Custom-house, or any building whatsoever in which seized or forfeited goods are deposited or kept,—such person or persons being convicted thereof, shall be adjudged guilty of felony, and shall be punishable accordingly.

Punishment of persons obstructing, assaulting or resisting officers, &c.

Firing at H. M.'s vessels. Wounding persons in H. M.'s service.

Or having goods liable to seizure and being armed or disguised.

Or destroying vessels or goods.

Or any Custom house, &c.

Such offences to be felony.

XL. And be it enacted, That if any five or more persons in company be found together and they or any of them shall have any goods liable to forfeiture under this Act, every such person shall be guilty of misdemeanor and punishable accordingly.

Company of persons found with smuggled goods. Misdemeanor.

XLI. And be it enacted, That any person or persons who shall by any means procure or hire any person or persons, or who shall depute, authorize or direct any person or persons to assemble for the purpose of being concerned in the landing or unshipping or carrying or conveying any goods which are prohibited to be imported, or the duties for which have not been paid or secured, shall for every person so procured or hired forfeit the sum of twenty-five pounds.

Penalty for hiring persons to assist in smuggling.

Vessels found hovering may be boarded and examined.

Vessel continuing to hover may be brought into Port.

Penalty for not obeying the officer boarding.

Penalty for harbouring smuggled goods.

Vessels, &c. used in conveying forfeited goods to be forfeited. Penalty for assisting in landing, &c. such goods.

Election of officer as to penalty how proved.

Punishment of persons taking away goods, &c. seized.

Such offence to be felony.

To what place goods, &c. seized are to be taken.

XLII. And be it enacted, That if any vessel shall be found hovering (in British waters) within one league of the coasts or shores of this Province, it shall be lawful for any officer of Customs to go on board and enter into such vessel, and freely to stay on board such vessel, while she shall remain within the limits of this Province; and if any such vessel shall be bound elsewhere, and shall so continue hovering for the space of twenty-four hours after the master shall be required to depart by such officer of Customs, it shall be lawful for such officer to bring the vessel into port, and to examine her cargo, and if any goods prohibited to be imported into this Province be found on board, such ship or vessel, with her apparel, rigging, tackle, furniture, stores and cargo, shall be forfeited; and if the master or person in charge shall refuse to comply with the lawful directions of such officer, or shall not truly answer such questions as shall be put to him, respecting such ship and vessel or her cargo, he shall forfeit and pay the sum of one hundred pounds.

XLIII. And be it enacted, That if any person or persons shall knowingly harbour, keep, conceal, purchase, sell or exchange any goods illegally imported into this Province, (whether such goods be dutiable or not) or whereon the duties lawfully payable shall not have been paid, such person shall for such offence forfeit treble the value of the said goods, as well as the goods themselves.

XLIV. And be it enacted, That all vessels and boats, with the guns, tackle, apparel and furniture thereof, carriages, harness, tackle, horses, and cattle made use of in the removal of any goods liable to forfeiture under this Act, shall be forfeited; and every person who shall assist or be otherwise concerned in the unshipping, landing, or removal, or in the harbouring of such goods, or into whose hands or possession the same shall knowingly come, shall besides the goods themselves, forfeit treble the value thereof, or the penalty of fifty pounds at the election of the officers of Customs or the party who shall sue for the same; and the averment in any information or libel to be exhibited for the recovery of such penalty, that such officer or party has elected to sue for the sum mentioned in the information or libel, shall be deemed sufficient proof of such election, without any other evidence of such fact.

XLV. And be it enacted, That if any person whatever, whether pretending to be the owner or not, shall either secretly or openly, and whether with or without force or violence, take or carry away any goods, vessel, carriage or other thing which shall have been seized or detained on suspicion, as forfeited under this Act, before the same shall have been declared by competent authority to have been seized without due cause, and without the permission of the officer or person having seized the same, or of some competent authority, such person shall be deemed to have stolen such goods, being the property of Her Majesty, and to be guilty of felony, and liable to punishment accordingly.

XLVI. And be it enacted, That if any goods, vessel, boat, or carriage, subject or liable to forfeiture, under this or any other Act relating to the Customs, shall be stopped or taken by any Police Officer, or any person duly authorized, such goods shall be carried to the Custom House next to the place where the goods were stopped or taken, or to the place which shall have been appointed for that purpose by the Governor in Council, and there delivered to the proper officer appointed to receive the same within forty-eight hours after the said goods were stopped and taken.

XLVII.

XLVII. And be it enacted, That if any such goods shall be stopped or taken by such Police Officer, on suspicion that the same have been feloniously stolen, such Officer shall carry the same to the Police Office to which the offender is taken, there to remain until, and in order to be produced at the trial of the said offender; and in such case, the Officer shall give notice in writing to the Collector, or principal officer of Her Majesty's Customs, at the port nearest to the place where such goods may have been detained, of his having so detained the said goods, with the particulars of the same; and immediately after the trial, all such goods shall be conveyed to and deposited in the Custom House, or other place appointed as aforesaid, and proceedings relative to the same shall be had according to Law; and in case any Police Officer making detention of such goods, shall neglect to convey the same to such warehouse, or to give such notice of having stopped the same as before described, such officer shall forfeit the sum of twenty-five pounds; and such penalty shall be recoverable in a summary way before any one or more Justices of the Peace, and in default of payment the party so offending shall be committed to any of Her Majesty's Jails, for a period not exceeding thirty days.

How smuggled goods stopped on suspicion of being stolen and taken to the Police Office shall be dealt with.

Penalty on any Police Officer neglecting to obey this section.

XLVIII. And be it enacted, That all vessels, vehicles, goods, and other things, which have been or may be seized as forfeited under this or any other Act relating to Customs, or to trade, or navigation, shall be deemed and taken to be condemned, and may be dealt with accordingly, unless the persons from whom they were seized, or the owners thereof, shall, within one calendar month from the day of seizure, give notice in writing to the seizing officer, or other chief officer of Customs at the nearest port, that they claim or intend to claim the same: Provided always, that it shall be lawful for any Judge, having competent jurisdiction to try and determine such seizure, with the consent of the Collector, at the place where such seized articles as aforesaid may be secured, to order the delivery thereof to the owner, on receiving security, by bond with two sufficient sureties, to be first approved by such Collector, to pay double the value, in case of condemnation,—which bonds shall be taken to Her Majesty's use in the Collector's name, and shall be delivered to and kept by such Collector; and in case such seized articles shall be condemned, the value thereof shall be forthwith paid to the Collector, and the bond cancelled—otherwise the penalty of such bond shall be enforced and recovered.

Things seized to be deemed condemned if not claimed within a certain time.

They may be delivered to the owner on due security being given.

Conditions of the Bonds.

XLIX. And be it enacted, That upon the exhibiting or filing of any information or other proceeding for the recovery of any penalty or forfeiture under the provisions of this Act, it shall be lawful for any Judge of the Court in which the prosecution shall be brought, upon affidavit filed by the officer or person bringing such prosecution, showing that there is reason to believe that the Defendant will leave this Province without satisfying such penalty, to issue a warrant under his hand and seal for the arrest and detention of such Defendant in the Common Jail of the District, until he shall have given security, (before and to the satisfaction of such Judge or some other Judge of the same Court) for the payment of such penalty with costs, in case he be convicted; and in every suit or proceeding brought under this Act for any penalty or forfeiture, or upon any bond given under it, or in any matter relating to the Customs, Her Majesty, or those who sue for such penalty or forfeiture, or upon such bond, shall, if they recover the same, be entitled also to recover full costs of suit: and all such penalties and costs, if not paid, may be levied on the goods and chattels, lands and tenements of the Defendant, in the same manner as sums recovered by judgment of the Court in which the prosecution

Defendant in cases under this Act may be required to give security for the penalty and costs, or imprisoned until he does so.

Those who sue for any penalty or forfeitures to recover full costs of suit.

How penalties and costs may be levied.

prosecution shall be brought may be levied by execution, or payment thereof may be enforced by *capias ad satisfaciendum* against the person of the Defendant under the same conditions, and in like manner.

Recital. L. And whereas, it may frequently happen that goods are conveyed directly through the Provincial Canals, or otherwise by land or inland navigation, from one part of the frontier line between this Province and the United States to another, without any intention of unlading such goods in this Province, and that travellers may, in like manner, pass through a portion of this Province, or may come into it with their carriages, horses, or other cattle, drawing the same and personal baggage, with the intention of forthwith returning to the United States, or having gone to the United States from this Province may return to it with such articles, and, though the bringing of such goods and other articles into this Province be strictly an importation thereof, it may nevertheless be inexpedient that duties should be levied thereon: Be it therefore enacted, That with regard to all such cases as aforesaid, it shall be lawful for the Governor in Council, from time to time, and as occasion may require, to make such regulations as to him shall seem meet, and to direct under what circumstances such duty shall be or shall not be paid,—and on what conditions it shall be remitted or returned, and to cause such bonds or other security to be given, or such precautions taken at the expense of the importer (whether by placing Officers of the Customs on board any such vessel or otherwise) as to him shall seem meet; and on the refusal of such importer to comply with the regulations to be so made, the duty on the goods imported shall forthwith become payable; and all and every horse and carriage, vehicle or goods of any kind, brought into this Province by any traveller or travellers exempted from duty under such regulation or otherwise, shall, if sold or offered for sale, provided the duties thereon have not been previously paid, be held to have been illegally imported and shall be forfeited, together with the harness or tackle employed therewith, or in the conveyance thereof.

The Governor in Council may make regulations as to the passing of goods through the Provincial Canals, &c.

Forfeiture for contravention.

In what Courts penalties and forfeitures shall be recoverable.

And if the amount be under £50.

In whose name prosecutions may be brought.

Made of conducting such prosecutions.

LI. And be it enacted, That all penalties and forfeitures, which may have been heretofore or may be hereafter incurred under this or any other Act relating to the Customs or to trade or navigation, shall and may be prosecuted, sued for and recovered in the Court of Queen's Bench or of Vice Admiralty having jurisdiction in that division of this Province where the cause of prosecution arises, or wherein the Defendant shall be served with process; and if the amount or value of any such penalty or forfeiture shall not exceed fifty pounds, the same may also be prosecuted, sued for and recovered in any District Court or Circuit Court having jurisdiction in the place where the cause of prosecution arises or the Defendant shall be served with process.

LII. And be it enacted, That all penalties and forfeitures imposed by this Act, or by any other Act relating to the Customs or to trade or navigation, shall and may, unless other provision be made for the recovery thereof, be sued for, prosecuted and recovered with costs by Her Majesty's Attorney General, or Solicitor General, or in the name or names of some officer or officers of the Customs, or other person or persons thereunto authorized by the Governor in Council, either expressly or by general regulation or order, and by no other party; and if the prosecution be brought before any District Court or Circuit Court, it shall be heard and determined in a summary manner upon information fyled in such Court; and if the prosecution be brought before any Court of Queen's Bench or Court of Vice Admiralty, it shall be heard and determined

as prosecutions for penalties and forfeitures are heard and determined in Her Majesty's Court of Exchequer in England; and the forfeiture and penalty, after deducting the expenses of prosecution, shall, unless it be otherwise provided, belong to Her Majesty for the public uses of the Province: Provided always, that the net proceeds of such penalty or forfeiture, or any portion thereof, may be divided between and paid to the Collector or chief officer of the Customs at the port or place where the seizure shall have been made or the information given on which the prosecution shall have been founded, and any person having given information or otherwise aiding in effecting the condemnation of the goods, vessel or thing seized, or the recovery of the penalty, in such proportions as the Governor in Council shall in any case or class of cases direct and appoint: Provided always, that nothing herein contained shall be construed to limit or affect any power vested in the Governor in Council with regard to the remission of penalties or forfeitures by this Act or any other Act or Law.

Appropriation of penalties and forfeitures

Proviso as to the distribution of the proceeds of penalties and forfeitures.

Proviso as to power to remit the penalty.

LIII. And be it enacted, That if any goods shall be seized for non-payment of duties or any other cause of forfeiture, or any prosecution shall be brought for any penalty or forfeiture under this Act or any other Act relating to the Customs, and any question shall arise whether the duties have been paid on such goods, or the same have been lawfully imported, or lawfully laden or exported, or whether any other thing hath been done by which such forfeiture would be prevented or such penalty avoided, the burden of proof shall lie on the owner or claimant of such goods, and not on the officer who shall seize and stop the same, or the party bringing such prosecution.

Proof that goods have paid duty to lie on the owner.

LIV. And be it enacted, That in any prosecution or other proceeding, for any offence against this Act or any other Act relating to the Customs, or to trade and navigation, the averment that such offence was committed within the limits of any port, shall be sufficient without proof of such limits, unless the contrary be proved.

Averment as to the doing of anything within the limits of any port.

LV. Provided always, and be it enacted, That in case of the seizure of any cattle, horse or animal, or of any perishable article, it shall be lawful for the Collector of the port at which the same shall have been secured as aforesaid, to sell the same within such delay as to prevent its becoming deteriorated in value, or a part of the value consumed, by reason of the expense of keeping or the decay of the same, as if it had been condemned, and to keep in his hands the proceeds of such sale until the same shall have been condemned, or deemed to be condemned, or ordered to be restored to any claimant, in which last mentioned case, the Court before which the claim shall be heard shall order the Collector to pay over to the claimant the proceeds of such sale, in lieu of awarding restitution: Provided nevertheless, that the Collector or principal officer of Customs shall deliver up to any claimant, any horse, cattle, animal, or perishable article seized as aforesaid, upon such claimant depositing in the hands of the Collector or principal officer such sum of money as will represent the full value thereof, or giving security to the satisfaction of such Collector or principal officer, that the value of such seizure and all costs, shall be paid to the use of Her Majesty, if such article should be condemned.

Cattle and perishable articles seized may be sold as if condemned.

Proceeds restored if the seizure be declared null.

Proviso: such cattle or article may be delivered to the owner on security being given.

LVI. And be it enacted, That no claim to anything seized under this Act, and returned into any of Her Majesty's Courts for adjudication, shall be admitted as valid, unless such claim be entered in the name of the owner, with his residence and occupation, nor unless oath to the property in such thing be made by the owner, or by his agent knowing

How claims must be entered in order to be valid.

knowing the fact, by whom such claim shall be entered, to the best of his knowledge and belief.

Claim not to be valid unless security be given to pay the costs and any penalty incurred.

LVII. And be it enacted, That no person so admitted as aforesaid to claim, shall enter a claim to, or shall be deemed to have validly claimed any vessel, goods or thing seized in pursuance of this Act, or of any Act relating to the Customs or to trade or navigation, until sufficient security shall have been given to the satisfaction of the Court where such seizure is prosecuted, in a penalty not exceeding fifty pounds, to answer and pay the costs occasioned by such claim and any penalty incurred by the claimant, in respect of such vessel, goods or thing, and in default of giving such security, such vessel, goods or thing shall be dealt with as if no claim had been made, and after the lapse of the period in that behalf provided shall be deemed to be condemned.

Notices to be posted in the Custom House and in the office of the Clerk of the Court.

When the case shall be heard if claim be made and security given.

LVIII. And be it enacted, That so soon as any information shall have been exhibited in any Court for the condemnation of any vessel, goods or thing so seized, notice thereof shall be put in the office of the Clerk or Prothonotary of such Court, and also in the office of the Collector or principal officer of the Customs, at the port at which such vessel, goods or thing shall have been secured as aforesaid; and if the owner or person having charge of the vessel, goods, or thing, shall exhibit a claim to the same or any part thereof, and shall give security, and comply with all the requirements of this Act in that behalf, then it shall be lawful for the said Court at its next sitting, after the said notice shall have been so posted during one calendar month, to proceed to hear and determine any claim which may have been validly made and filed in the meantime, and to the release or condemnation of such vessel, goods or thing as the case may require, otherwise the same shall, after the expiration of such calendar month, be deemed to be condemned as aforesaid, and may be sold without any formal condemnation thereof: Provided always, that no claim on the behalf of any party who shall have given notice of his intention to claim before the posting of such notice as aforesaid, shall be admitted, unless validly made within one week after the posting thereof; nor shall any claim be admitted, unless notice thereof shall have been given to the Collector within one calendar month from the seizure, as aforesaid.

Proviso: claims not to be admitted unless made within a certain time.

Nor without notice.

Sales to be by public auction.

LIX. Provided always, and be it enacted, That all sales of goods forfeited or otherwise liable to be sold by any Officer of the Customs under this Act shall be by public auction, and after a reasonable public notice, and subject to such further regulations as may be made by the Governor in Council.

What notice of action for things done under this Act shall be given.

LX. And be it enacted, That no writ shall be sued out against, nor a copy of any process served upon any officer of the Customs or person employed for the prevention of smuggling, as aforesaid, for any thing done in the exercise of his office, until one calendar month after notice in writing shall have been delivered to him, or left at his usual place of abode, by the attorney or agent to the party who intends to sue out such writ or process, in which notice shall be clearly and explicitly contained the cause of the action, the name and place of abode of the person who is to bring such action, and the name and place of abode of the attorney or agent; and no evidence of any cause of such action shall be produced except of such as shall be contained in such notice, and no verdict or judgment shall be given for the plaintiff, unless he shall prove on the trial, that such notice was given; and in default of such proof, the defendant shall receive in such action a verdict or judgment and costs.

What evidence only may be adduced, on the Trial.

LXI. And be it enacted, That it shall be lawful for any such officer or person against whom any action shall be brought on account of any such seizure, or of anything done under the authority of this Act, within one calendar month after such notice, to tender amends to the party complaining or his agent, and to plead such tender in bar to any action, together with other pleas; and if the Court or jury (as the case may be) shall find the amends sufficient, they shall give a judgment or verdict for the defendant; and in such case, or in case the plaintiff shall become non-suited, or shall discontinue his action, or judgment shall be given for the defendant upon demurrer or otherwise, then such defendant shall be entitled to the like costs as he would have been entitled to in case he had pleaded the general issue only: Provided always, that it shall be lawful for such defendant, by leave of the court where such action shall be brought, at any time before issued joined, to pay money into Court as in other actions.

Officer may tender amends and plead such tender in bar.

Costs to Defendant if successful.

Proviso: money may be paid into Court.

LXII. And be it enacted, That every such action shall be brought within three calendar months after the cause thereof, and shall be laid and tried in the place or district where the facts were committed; and the defendant may plead the general issue, and give the special matter in evidence; and if the plaintiff shall become non-suited, or shall discontinue the action, or if upon a demurrer or otherwise, judgment shall be given against the plaintiff, the defendant shall recover costs, and have such remedy for the same as any defendant can have in other cases where costs are given by Law.

Action to be brought within a certain time and at a certain place.

Costs.

LXIII. And be it enacted, That in any such action, if the Judge or Court before whom such action shall be tried shall certify upon the record that the defendant or defendants in such action acted upon probable cause, then the plaintiff in such action shall not be entitled to more than one shilling damages nor to any costs of suit.

If probable cause be certified upon the record, the Plaintiff's damages and costs limited.

LXIV. And be it enacted, That in case any information or suit shall be brought to trial, or determined, on account of any seizure made under this Act, and a verdict shall be found, or decision or judgment given for the claimant thereof, and the Judge or Court before whom the cause shall have been tried or brought shall certify on the record that there was probable cause of seizure, the claimant shall not be entitled to any costs of suit, nor shall the person who made such seizure be liable to any action, indictment or other suit or prosecution on account of such seizure; and if any action, indictment, or other suit or prosecution shall be brought to trial against any person on account of such seizure, wherein a verdict or judgment shall be given against the defendant, the plaintiff, if probable cause be certified as aforesaid on the record, besides the thing seized, or the value thereof, shall not be entitled to more than one shilling damages nor to any costs of suit, nor shall the defendant in such prosecution in such case be fined more than six pence.

On the trial of the validity of any seizure, no costs shall be recovered by claimant if probable cause of seizure be certified.

Damages limited in action arising out of seizure if probable cause existed for such seizure.

LXV. And be it enacted, That all actions or suits for the recovery of any of the penalties or forfeitures imposed by this Act, or any other Act relating to the customs, may be commenced or prosecuted at any time within three years after the offence committed by reason whereof such penalty or forfeiture shall be incurred; any law, usage, or custom to the contrary notwithstanding.

Limitation of time for bringing suits for penalties, &c.

LXVI. And be it enacted, That an appeal shall lie from the conviction by any justices of the Peace under this Act to the Quarter Sessions to be tried by a Jury in the same manner

Appeals to lie as in other cases.

manner as from convictions in any case of summary punishment allowed by Law on furnishing security by bond or recognizance with two sureties to the satisfaction of such convicting Justices to abide the event of such appeal and also from the said District Courts and Circuit Courts, and from decisions or judgments of the Courts of Queen's Bench respectively, in cases where the amount of the penalty or forfeiture shall be such that if a judgment for a like amount were given in any civil case an appeal would lie; and such appeal shall be allowed and prosecuted on like conditions, and subject to like provisions as other appeals from the same Court, in matters of like amount: Provided always, that if the appeal be brought by Her Majesty's Attorney General, or Solicitor General, it shall not be necessary for him to give any security on such appeal.

Proviso: the Attorney or Solicitor General appealing need not give security.

Restoration of goods, &c. not to be prevented by appeal provided security be given.

How the amount of security shall be ascertained.

Penalty for a false declaration or answer in cases not otherwise provided for.

LXVII. Provided always, and be it enacted, That in any case in which proceedings shall have been or shall hereafter be instituted in any Court against any vessel, goods or thing, for the recovery of any penalty or forfeiture under this Act or any Act relating to the Customs, trade or navigation, the execution of any decision or judgment, for restoring such vessel, goods or thing to the claimant thereof, which shall be pronounced by the Court in which such proceedings shall have been had, shall not be suspended by reason of any appeal which shall be prayed and allowed from such decision or judgment, provided the party or parties appellant shall give sufficient security, to be approved of by the Court, to render and deliver the vessel, goods or things concerning which such decision or judgment shall be pronounced or the full value thereof, (to be ascertained, either by agreement between the parties, or in case the said parties cannot agree, then by appraisement under the authority of the said Court) to the appellant or appellants, in case the decision or judgment so appealed from shall be reversed, and such vessel, goods or things be ultimately condemned.

LXVIII. And be it enacted, That if any declaration required to be made by this Act, or by any Act relating to the Customs, or to trade or navigation (except in cases otherwise provided for by this Act or by some other) be untrue in any particular, or if any person required by this Act or by any such Act as aforesaid to answer questions put to him by any officer of the Customs touching certain matters, shall not truly answer such questions, except in cases otherwise provided for by this Act or by some other, the person making such untrue declaration or not truly answering such questions, shall, over and above any other penalty to which he may become subject, forfeit the sum of one hundred pounds, currency.

Writs of assistance how obtainable and the powers of those acting under them.

How the search shall be made.

LXIX. And be it enacted, That under authority of a Writ of Assistance granted or to be granted, (and all such Writs heretofore granted shall remain in full force for the purposes of this Act,) by any Judge of the Court of Queen's Bench or of Vice Admiralty, the resident Judge of the District of Three-Rivers, the Provincial Judge of the District of St. Francis, or a District Judge of the District of Gaspé, having jurisdiction in the place (who are hereby authorized and required to grant such Writ of Assistance upon application made to them for that purpose by the Collector or principal officer of the Customs at the port or place, or by Her Majesty's Attorney General or Solicitor General,) it shall be lawful for any officer of the Customs, or for any person employed for that purpose with the concurrence of the Governor in Council, expressed either by special order or appointment or by general regulation, taking with him a peace-officer, to enter in the day time any building or other place within the jurisdiction

jurisdiction of the Court granting such Writ, and to search for and seize and secure any goods liable to forfeiture under this Act, and, in case of necessity, to break open any doors and any chests or other packages for that purpose: and such Writ of Assistance, when issued, shall be deemed to be in force during the whole of the Reign in which the same shall have been granted, and for twelve months from the conclusion of such Reign.

LXX. And be it enacted, That when any person shall have occasion to remove from any port of entry to any other port or place, any goods duly entered, and on which the duties imposed by law shall have been paid, the Collector or principal officer of the Customs at such port, on the requisition in writing of such person, within thirty days after the entry of such goods, specifying the particular goods to be removed, and the packages in which such goods are contained, with their marks and numbers, shall give a permit or certificate in writing, signed by him, bearing date on the day it shall be made, and containing the like particulars and certifying that such goods have been duly entered at such port and the duties paid thereon, and stating the port or place at which the same were paid, and the port or place to which it is intended to convey them, and the mode of conveyance, and the period within which they are intended to be so conveyed.

LXXI. And be it enacted, That if any officer or officers of the Customs, or any person employed for the prevention of smuggling with the concurrence of the Governor in Council, expressed either by special order or appointment or by general regulation, shall make any collusive seizure, or deliver up, or make any agreement to deliver up or not to seize any vessel, boat, carriage, goods or thing liable to forfeiture under this Act, or shall take or accept any promise of any bribe, gratuity, recompense or reward for the neglect or non-performance of his duty, every such officer or other person shall forfeit for every such offence the sum of five hundred pounds, and be rendered incapable of serving Her Majesty in any office whatever; and every person who shall give or offer or promise to give or procure to be given, any bribe, recompense or reward to, or shall make any collusive agreement with any such officer or person as aforesaid, to induce him in any way to neglect his duty, or to so conceal or connive at any act whereby the provisions of this Act or any such Act relating to the Customs, trade or navigation, might be evaded, shall forfeit the sum of five hundred pounds.

LXXII. And be it enacted, That it shall be lawful for the Governor in Council, and he is hereby authorized, from time to time, and in the manner hereinafter provided, to make regulations relating to the warehousing and bonding of such cattle and swine as may be slaughtered and cured, and of such wheat, maize and other grain as may be ground and packed in bond, and for branding and marking all duty-paid goods, and goods entered for exportation, and for regulating and declaring what allowances shall be made for tare on the gross weight of goods, and for declaring what shall be coasting trade, and how the same shall be regulated, and for appointing places and ports of entry, and warehousing and bonding ports, and respecting goods and vessels passing the Canals, and respecting the horses, vehicles and personal baggage of travellers, coming into this Province or returning thereto, or passing through any portion thereof, and for exempting from duty any flour or meal or other produce of any wheat or grain grown in and taken out of this Province into the United States to be ground and brought back into this Province within two days after such wheat or grain shall have been so

taken

Duration of
the Writ.

Permit certifying that duties have been paid on any goods to be granted at the request of the owner.
Particulars in such Permit.

Penalty on officers of the Customs, &c. conniving at any evasion of the Revenue Laws.

And on persons bribing them to connive.

Governor in Council may make regulations for certain purposes, slaughtering cattle, or grinding grain in bond.
Branding or marking goods.
Tare.
Coasting trade.
Ports of entry, &c.
Passing Canals, &c.
Exempting produce of grain or logs

grown in the Province, &c. from duty in certain cases.

Warehousing.

Transfers of goods in bond. Exemptions from duty under sect. 3. Distribution of penalties. Other purposes.

General regulations to have the effect of special orders in cases to which they apply. Taking of bonds.

Bonds taken with his sanction to be valid.

Penalties and forfeitures for contravention of such regulations.

How recoverable.

Mode of publication of regulations.

Revocation. How regulations may be proved.

taken out to be ground, or any boards, planks or scantling the produce of any logs or timber grown in and taken out of this Province into the United States to be sawn and brought back into the same within seven days after such logs or timber shall have been so taken out to be sawn, and for regulating the quantity to be so taken out or brought in at any one time by any party, and the mode in which the claim to exemption shall be established and proved, and for authorizing the appointment of warehouses, and regulating the security which shall be taken from warehouse keepers, the forms and conditions subject to which goods are to be warehoused, the mode of keeping goods in warehouse, the allowance for natural waste or deficiency, and the amount of warehouse rent, and upon application, and if he shall see fit, and either by general regulation or by special order, to extend the time for clearing warehoused goods, and for the transport of goods in bond from one port or place to another, and for regulating the form in which transfers of goods in warehouse or bond from one party to another shall be entered, for exempting goods from duty as provided by the third section of this Act, and regulating the mode of proving such exemption, and for appointing the manner in which the proceeds of penalties and forfeitures shall be distributed, and for any other purpose for which by this Act or any other Act relating to the Customs or to trade and navigation, or by law, the Governor in Council is empowered to make orders or regulations, it being hereby declared competent for him (if he shall deem it expedient,) to make general regulations in any matter in which he may make a special order, and such general regulation shall apply to each particular case within the extent and meaning thereof, as fully and effectually as if the same referred directly to each particular case within the intent and meaning thereof, and the officers, functionaries and parties had been specially named therein, and to authorize the taking of such bonds and security as he may deem advisable for the performance of any condition on which any remission or part remission of duty, indulgence or permission shall be granted to any party, or of any other condition made with such party, in any matter relating to the Customs or to trade or navigation, which bonds and all bonds taken with the sanction of the Governor in Council, expressed either by general regulation or by special order, shall be valid in law, and upon breach of any of the conditions thereof, may be sued and proceeded upon in like manner as any other bond entered into under this Act or any other Act relating to the Customs.

LXXIII. And be it enacted, That all goods shipped or unshipped, imported or exported, carried or conveyed, contrary to any regulation so made or to be made by the Governor in Council, and all goods or vehicles and all vessels under the value of one hundred pounds currency, with regard to which the requirements of any such regulation shall not have been complied with, shall be forfeited, and if such vessel be of or over the value of one hundred pounds, the master thereof shall by such non-compliance incur a penalty of one hundred pounds; and such forfeitures and penalties shall be recoverable and may be enforced in the same manner, before the same Court and tribunal as if incurred by the contravention of any direct provision of this Act, and all general regulations to be made by the Governor in Council under this Act, shall have force and effect from and after the day on which the same shall be published in the Official Gazette, or from and after such later day as shall be appointed for the purpose in such regulations, and during such time as shall be therein expressed, or if no time be expressed for that purpose, then until the same shall be revoked or altered; and all such regulations may be revoked, varied or altered by any subsequent regulation; and a copy of the Official Gazette containing any such regulation shall be evidence of such regulation to all intents and purposes whatsoever.

LXXIV.

LXXIV. And be it enacted, That any copy of an order of the Governor in Council made in any special matter and not being a general regulation, certified as a true copy of such order by the Clerk of the Executive Council or his Deputy, shall be evidence of such order to all intents and purposes whatsoever.

Certain Copies of orders in Council to be evidence.

LXXV. And be it enacted, That all bonds and securities, of what kind and nature soever, authorized to be taken by virtue or under the authority of this or any Act relating to Customs, Trade or Navigation, shall be taken by the Collector or principal officer of the Customs at the place where the same is to be taken, and to and for the use and benefit of Her Majesty, Her Heirs and Successors; and such bonds shall be taken before the delivery of any goods, wares, merchandize, vessel, carriage or vehicle, horses or cattle, of any kind or description whatsoever, and before the performance of any act or matter with regard to which the taking of any such bond or bonds shall be required; and all such bonds and securities shall be, as nearly as practicable, uniform; and printed or lithographed forms thereof kept in each and every office of Customs throughout the Province.

By whom bonds shall be taken to H. M's. use.

To be given prior to the delivering, &c. of the goods.

Forms to be kept in all certain offices.

LXXVI. And be it enacted, That all forms and papers necessary for the transaction of any business at the respective Custom Houses or places or ports of entry in this Province, shall henceforth be printed uniformly, and supplied by the proper officer to all such Collectors or other officers as may be in charge of any Custom House, and other officers of Customs at any port or place of entry within the Province, for the use of persons transacting Customs business thereat.

Blank forms of papers to be kept at Custom Houses.

LXXVII. And be it enacted, That although any duty of Customs shall have been overpaid, or although after any duty of Customs have been charged and paid, it shall appear or be judicially established that the same had been charged under an erroneous construction of the law, it shall not be lawful to return any such overcharge after the expiration of three years from the date of such payment.

Duties overpaid not returnable after three years, tho' wrongly paid.

LXXVIII. And be it enacted, That whenever on the levying of any duty, or for any other purpose, it shall become necessary to determine the precise time of the importation or exportation of any goods, or of the arrival or departure of any vessel, such importation, if made by sea, coastwise, or by inland navigation in any decked vessel, shall be deemed to have been completed from the time the vessel in which such goods shall be imported, came within the limits of the port at which they ought to be reported, and if made by land, or by inland navigation in any undecked vessel, then from the time such goods were brought within the limits of this Province; And the exportation of any goods shall be deemed to have been completed from the time of the legal shipment of such goods for exportation, after due entry outwards, in any decked vessel, or from the time the goods shall have been carried beyond the limits of the Province, if the exportation be by land or in any undecked vessel; and the time of the arrival of any vessel shall be deemed to be the time at which the report of such vessel shall be or ought to have been made, and the time of the departure of any vessel to be the time of the last clearance of such vessel on the voyage for which she departed.

Time of importation, &c. defined.

And of exportation.

And of arrival and departure of vessels.

LXXIX. And in order to avoid the frequent use of numerous terms and expressions in this Act and in other Acts relating to the Customs or to Trade or to Navigation, and to prevent misconstruction of the terms and expressions used therein; Be it enacted, That

Interpretation clause.

Her Majesty. That in this Act, or in any such Act as aforesaid, the words, "Her Majesty," or "the
 "Crown," shall be understood to mean Her Majesty, Her Heirs and Successors; the
 Governor. word "Governor" shall be understood to mean the Governor, Lieutenant Governor,
 or person administering the Government of this Province for the time then being; the
 Governor in words "Governor in Council" shall be understood to mean the Governor, Lieutenant
 Council. Governor, or person administering the Government of this Province, acting by and
 Collector. with the advice and consent of the Executive Council thereof; the word "Collector"
 shall be understood to mean the Collector of the Customs at the port or place intended
 Vessel. in the sentence, or any person lawfully deputed or appointed to do the duty of Col-
 lector thereat; the word "Vessel" shall be understood to mean any ship, vessel, or
 boat of any kind whatever, whether propelled by steam or otherwise, and whether used
 Master. as a sea-going vessel or on inland waters only, unless the context be manifestly such
 as to distinguish one kind or class of vessel from another; the word "Master" shall
 Owner. be understood to be the person having or taking charge of any ship or vessel; the word
 Goods. "Owner" shall be understood to mean the owners if there be more than one in any
 case; the word "Goods" shall be understood to mean goods, wares and merchandize,
 or moveable effects of any kind, including carriages, horses, cattle and other animals,
 Warehouse. except where these latter are manifestly not intended to be included by the said word;
 the word "Warehouse" shall be understood to mean any place, whether house, shed,
 yard, dock, pond, or other place, in which goods imported may be lodged, kept and
 Customs ware- secured without payment of duty; and the words "Customs Warehouse" shall be un-
 house. derstood to mean any such place appointed or approved for the said purpose by com-
 petent authority; words importing the singular number or the masculine gender only,
 Words in the shall be understood to include more persons or things of the same kind than one, and
 singular num- females as well as males, unless there be something in the context inconsistent with or
 ber, &c. repugnant to such construction; and generally all the terms and provisions of this Act
 General rule. or of any such Act as aforesaid, shall receive such fair and liberal construction and
 interpretation as will best insure the protection of the Revenue and the attainment of
 the purpose for which such Act shall have been passed according to its true intent,
 meaning and spirit.

Act may be altered during this session.

LXXX. And be it enacted, That this Act may be altered, varied or repealed by any Act to be passed in the present session of the Provincial Parliament.

SCHEDULE.

TABLE OF DUTIES OF CUSTOMS INWARDS.

<i>Articles.</i>	<i>Duty Currency</i>	<i>Articles.</i>	<i>Duty Currency</i>
	£ s. d.		£ s. d.
ANIMALS, viz:		HOPS, the lb.....	0 0 3
Cows and Heifers, each	1 2 6	HONEY, the lb.....	0 0 1
Calves, each.....	0 5 0	INDIA RUBBER Boots and Shoes, the pair.....	0 0 7½
Goats, each.....	0 2 6	LEATHER, viz:	
Horses, Mares, Geldings, Colts, Fillies, Foals, each.....	1 15 0	Goat Skins, tanned, tawed, or in any way dressed, the dozen....	0 5 0
Kids, each	0 2 6	Lamb or Sheep Skins, tanned, tawed, or in any way dressed, the dozen.....	0 2 6
Lambs, each	0 1 0	Calf Skins, tanned, tawed, or in any way dressed, the lb.....	0 0 4
Oxen, Bulls, Steers, each.....	1 15 0	Kip Skins, the lb.....	0 0 2
Pigs, (sucking) each.....	0 0 6	Harness Leather, the lb.....	0 0 1½
Swine and Hogs, each.....	0 5 0	Upper Leather, the lb.....	0 0 1½
Sheep, each.....	0 2 0	Sole Leather, the lb.....	0 0 2
CANDLES, Wax, the lb.....	0 0 3	Leather cut into shapes, the lb...	0 0 4
Sperm, the lb.....	0 0 3	Patent or Glazed Leather, the lb..	0 0 4
Tallow, the lb.....	0 0 1	All Leather not above described..	0 0 1½
All other kinds	0 0 2	LEATHER MANUFACTURES, viz:	
CHOCOLATE, the lb.....	0 0 2	Women's Boots and Shoes, the dozen.....	0 6 6
COCOA, the lb.....	0 0 0½	Girls' Boots and Shoes under seven inches in length, the dozen, including all kinds.....	0 2 6
COFFEE, Green, the lb.....	0 0 1½	Children's Boots and Shoes over three inches in length, the dozen.	0 2 6
Roasted, the lb.....	0 0 2½	Infant Shoes under three inches in length, the dozen.....	0 1 6
Ground, the lb.....	0 0 4	Men's Boots, the pair.....	0 2 0
CORN BROOMS, the dozen.....	0 1 3	Men's Shoes, the pair.....	0 0 7½
FISH, Salted or Dried, per 112 lbs.....	0 2 6	Boy's Boots under eight inches in length, the pair.....	0 1 0
Pickled, the barrel.....	0 5 0	Boy's Shoes under eight inches in length, the pair.....	0 0 4
FLOUR, the barrel of 196 lbs.....	0 3 0	LIQUIDS, not Spirituous, viz:	
FRUIT, viz:—Almonds, the lb.....	0 0 1½	Ale and Beer in casks, per gallon.	0 0 4
Apples, the bushel.....	0 0 6	Do. do. in bottles, per dozen.	0 1 3
Do. Dried, the bushel.....	0 1 0	Cider and Perry, the gallon.....	0 0 1½
Currants, the lb.....	0 0 1	Vinegar, the gallon.....	0 0 3
Figs, the lb.....	0 0 1	MACCARONI & VERMICELLI, the lb.	0 0 1½
Nuts of all kinds, the lb.....	0 0 1	MOLASSES and TREACLE, the cwt..	0 4 0
Peaches, the bushel.....	0 1 0	OILS, Olive in casks, the gallon.....	0 0 5
Pears, the bushel.....	0 1 0	Do. in jars or bottles, the gallon	0 1 3
Prunes, the lb.....	0 0 1½	Lard, the gallon.....	0 0 5
Quinces, the bushel.....	0 1 0	Linseed Oil, the gallon.....	0 0 2½
Raisins—Muscatel, Bloom and Bunch, in boxes, the lb.....	0 0 1	Sperm Oil, the gallon.....	0 0 6
Do. otherwise, the lb.....	0 0 1	Other Oils from creatures living in the sea.....	0 0 1
GLASS—Window and Common German Sheet Glass, per box of 50 feet.	0 1 3	PAPER,	
GRAIN viz:			
Barley, the quarter.....	0 3 0		
Buckwheat, Bere and Bigg, the quarter.....	0 3 0		
Maize or Indian Corn, the quarter, of 480 lbs.....	0 3 0		
Oats, the quarter.....	0 2 0		
Rye, Beans and Peas.....	0 3 0		
Meal of the above Grains, and of Wheat not bolted, the 196 lbs..	0 2 0		
Bran or Shorts, the 112 lbs.....	0 0 3		

Articles.	Duty	Currency.
	£	s. d.
PAPER, &c.		
Coarse or Wrapping, the cwt....	0	2 9
Printing, the cwt.....	0	5 0
Writing, the cwt.....	0	10 0
Drawing, the lb.....	0	0 1½
Music, the lb.....	0	0 1½
Marble or Glazed, the lb.....	0	0 1½
Tissue, the lb.....	0	0 1½
Pasteboard and Cards, the cwt...	0	4 0
Bristol or Drawing Cards the lb...	0	0 1½
Milled or Trunkmakers' Boards, the cwt.....	0	3 0
PLAYING CARDS, the pack.....	0	0 3
POTATOES, the bushel.....	0	0 3
PROVISIONS, viz:		
Butter, the cwt.....	0	7 6
Cheese, the cwt.....	0	5 0
MEATS. {	Bacon and Hams, the cwt...	0 6 0
	Salted, the cwt.....	0 6 0
	Pickled, the cwt.....	0 6 0
	Fresh, the cwt.....	0 4 0
RUM, for every gallon (of old Wine mea- sure) proof by Sykes' Hydrome- ter, all Spirits above that strength to be reduced to equivalent of Proof.....	0	1 3
Sweetened or Mixed, per gallon..	0	3 0
SALT, from Mines, known as Rock Salt, and Salt made from Sea Water, per ton.....	0	1 6
Coarse, made from Salt Springs, per bushel.....	0	0 2
Fine or Basket and stored 5 per cent. ad valorem and per bushel.	0	0 2
SPICES, viz:		
Cassia, the lb.....	0	0 2½
Cinnamon, the lb.....	0	0 2½
Cloves, the lb.....	0	0 2½
Nutmegs, the lb.....	0	0 5
Pimento, the lb.....	0	0 1
Pepper, the lb.....	0	0 1
Ginger and Allspice the lb.....	0	0 1
Mace, the lb.....	0	0 4
SPIRITS, except Rum, as of Proof, the old Wine gallon.....	0	2 0
Sweetened or Mixed, including Bitters, per gallon.....	0	3 0
SUGAR, Refined or Candy, per cwt....	1	7 6
Muscovado, per cwt.....	0	15 3
Clayed Sugar (10 per cent. ad valo- rem) and per cwt.....	0	15 3
Bastard, per cwt.(and £10 for every £100 value.).....	0	12 0
In which are preserves, per cwt..	1	6 6

Articles.	Duty	Currency.
	£	s. d.
SUCCADES, including Confectionary, 20 per cent. ad valorem, and on the lb.....	0	0 2
SYRUPS, except Spirits, the gallon....	0	1 0
TEA, the lb.....	0	0 2½
TOBACCO, viz:		
Unmanufactured, the lb.....	0	0 1½
Manufactured, the lb.....	0	0 2
Snuff, the lb.....	0	0 6
Segars, the lb.....	0	3 0
WINE, (in addition to 10 per cent. on the value, including Cask and Bot- tles) the old Wine gallon.....	0	1 0
WOOD, Staves, Standard or Measure- ment, per mille.....	1	5 0
Puncheon or West India, viz:		
White Oak, per standard mille..	0	10 6
Red Oak, do. do. do. .	0	7 6
Ash do. do. do. .	0	4 0
Barrel do. do. do. .	0	4 0
Deals, Pine, per Quebec standard hundred.....	0	15 0
Spruce do. do. do.	0	7 6
Handspikes, per dozen.....	0	0 3
Oars, per pair.....	0	0 3
Planks, Boards, and all kinds of Sawed Lumber not herein charg- ed with duty, per thousand su- perficial feet, inch thick, and so in proportion for any greater thickness.....	0	7 6
Pine, White, and in proportion for any smaller quantity thereof, per one thousand cubic feet. . .	1	5 0
Red, per one thousand cubic feet.	1	15 0
Oak, do. do.	2	15 0
Birch, do. do.	2	10 0
Ash, Elm, Tamarack or Hacmatack, and other woods not herein charg- ed with duty, per one thousand cubic feet.....	1	5 0

The following Articles shall be liable to a duty of One pound on every One hundred pounds of the value thereof:

- Ashes,
- Anchors and Chain Cables,
- Bark,
- Burr Stones, unwrought,
- Berries, Nuts, Vegetables and Woods, used in dyeing,
- Coals, Coke and Cinders,
- Cotton Wool and Cotton Yarn,
- Copper in Bars, Pig, Sheathing and Sheet,
- Cocoa Nut Oil,

Drugs used *solely* for dyeing,
 Flower Roots,
 Fire Wood,
 Grease and Scraps,
 Hides,
 Hardwood for Furniture, unmanufactured,
 Hay,
 Hemp, Flax and Tow, undressed,
 Indigo,

Iron, { Bar, Rod and Nail,
 Boiler Plates,
 Pig,
 Rail-road Bars,
 Scraps and Old for remelting,

Junk or Oakum,
 Lard,
 Lead in Pig,
 Marble in block, unpolished,
 Ores of all Metals,
 Palm Oil,
 Resin,
 Saw Logs,
 Straw,
 Sheet and Hoop Iron,
 Steel in Bar,
 Stone for Building,
 Soda Ash,
 Tallow,
 Teasles,
 Tin, Sheet and Block,
 Trees, Shrubs, Bulbs and Roots,
 Type Metal, in Blocks or Pigs,
 Tar and Pitch,
 Wool,
 Woollen Yarn,
 Yellow Metal,

The following Articles shall be liable to a duty of Five pounds on every One hundred pounds of the value thereof:

Books, Printed, Unbound or in Sheets,
 Drugs being in a crude or unprepared state, except Dye Stuffs,
 Furs, Skins and Peltries, dressed or undressed,
 Gums,
 Rice,
 Shingles,
 Tortoise Shell,
 Wire, Iron,

*The following Articles shall be liable to a duty of Seven pounds ten shillings on every One hundred pounds of the value thereof: **

Books, Blank, bound, unbound or in sheets,
 Burr Stones, wrought,
 Chicory,

Chains,
 Cotton—manufactures of,
 Cordage,
 Canvass,
 Camblets and Cambletines,
 Cain Work,
 Casks, empty,
 Casts in Plaster of Paris or Composition, unless their material is otherwise charged with a higher duty,
 Drawings, Engravings, Maps, Globes,
 Extracts and Essences used as Medicines,
 Earthen and Stoneware,
 Furs and Skins—manufactures of,
 Fins and Skins, the produce of creatures living in the sea,

Feathers,
 Flowers, artificial, not Silk,
 Goods, whose foundation is Wool,
 Glass Manufactures, not otherwise described,
 Gunpowder,
 Guns and Fire Arms,
 Gold and Silver Leaf,
 Hair, manufactures of,
 Horns, Horn Tips and pieces,
 Hardware, Shelf Goods and Cutlery,
 Hats,
 Hemp, Flax or Tow in any way dressed,
 Juice of Limes, Lemons or Oranges, not mixed with Spirits or sweetened, so as to be Syrup,

Ink, Printers',
 Ivory, Bone and Horn—manufactures of,
 Lead—manufactures of,
 Lead for Paint not ground with Oil,
 Lead ground in Oil for Paint,
 Linen and Linen Manufactures,

Mules and Asses,
 Mustard,
 Medicines,
 Musical Instruments of Wood,
 Mercury,
 Marble, polished or cut,
 Oil or Spirits of Turpentine,
 Oil, Castor,
 Oil, all not otherwise enumerated,

-Oil Cloth,
 Oysters, Lobsters, Turtles, and all other Shell Fish—fresh,

Paints, unground,
 Paints, Water Colours,
 Paint Brushes,

Quills,
 Silk, raw,
 Silks manufactures of, not Millinery made up,
 Silks—all Goods being in whole or part Silk, not otherwise specified,

* See Cap. 32 amending this schedule as to wheat.

Silks Sewing, Cord, and Tassels,
 Spermaceti, except Candles,
 Sponge,
 Starch,
 Straw Boards for Book Binders,
 Sulphur,
 Tiles and Roofing,
 Toys,
 Turpentine,
 Thread, Linen,
 Vetches,
 Varnish,
 Whalebone,
 Worsted—manufactures of
 Woollen—manufactures of
 Wax,
 Wax—manufactures of except Candles,
 Wood, all manufactured articles of, having no part metal,
 And all Goods, Wares and Merchandizes, not otherwise charged with duty, and not herein declared to be free of duty.

The following Articles shall be liable to a duty of Ten pounds on every One hundred pounds of the value thereof :

Biscuits and Crackers,
 Bastard Sugar, together with 12s. per cwt., and Clayed Sugar, with 15s. 3d. per cwt.
 Cork and Cork Manufactures,
 Eggs,
 Fruit, unenumerated,
 Leather Manufactures not described,
 Machines for agricultural purposes, except Threshing Machines and Fanning Mills,
 Meats prepared otherwise than by salt or pickle,
 Musical Instruments of Metal,
 Oil, { Animal, except Lard,
 { Vegetable, not otherwise enumerated,
 { Essential,
 { Chemical and Volatile,
 { Perfumed,
 Paper Manufactures not otherwise charged with duty,
 Plate and Plated Ware,
 Poultry, alive or dead,
 Sausages and Puddings,
 Seeds, Garden, Flower and Vegetable,
 Soaps of all kinds,
 Vegetables, fresh,
 Wine, in addition to 1s. a gallon, old Wine measure.

The following Articles shall be liable to a duty of Twelve pounds and ten shillings for every One hundred pounds of the value thereof :

Axes and Scythes,
 Billiard and Bagatelle Balls of Wood and Ivory,
 Balis used at Bowls or Nine Pins,
 Billiard Tables,

Bagatelle Tables,
 Camphine Oil,
 Carriages and Vehicles,
 Carriages and Vehicles, parts of,
 Castings,
 Clocks and Watches,
 Clocks and Watches, parts of,
 Dice,
 Flowers, Artificial, in part or whole Silk,
 Fanning or Bark Mills,
 Jewelry, set or unset,
 Machinery of all kinds and parts thereof,
 Silk Millinery made up,
 Silk Velvet,
 Threshing Machines and Fanning and Bark Mills,

The following Articles shall be liable to a duty of Fifteen pounds on every One hundred pounds of the value thereof :

Extracts, Essences and Perfumery, not otherwise provided for,
 Fish, preserved in Oil,
 Fruit, preserved,
 Ginger, preserved,
 Pickles and Sauces,

The following Articles shall be liable to a Duty of Twenty pounds on every One hundred pounds of the value thereof :

Roulette Tables,
 Succades and Confectionary made of Sugar, either in whole or in part, in addition to 2d. per lb.

TABLE OF EXEMPTIONS.

ANATOMICAL PREPARATIONS when imported expressly for the use of any College or School of Anatomy or Surgery, incorporated by Royal Charter or Act of Parliament, not imported for sale.

COPIES of the HOLY SCRIPTURES printed in the United Kingdom of Great Britain and Ireland, and not imported for sale.

BOOKS and MAPS and Illustrative Drawings, imported for the use of any Library to which the public may have free admission, as also for the Libraries of either Branch of the Legislature.

COIN and BULLION.

DONATIONS of BOOKS or CLOTHING specially imported for the use of, or to be distributed gratuitously by any Charitable Society in this Province.

FISH, fresh, not described.

HORSES and CARRIAGES of TRAVELLERS, and Horses, Cattle and Carriages and other Vehicles, when employed in carrying merchandize, together with the necessary Harness and Tackle, so long as the same are *bonâ fide* in use for that purpose, except the Horses, Cattle, Carriages and Vehicles and Harness, of persons hawking goods, wares and merchandizes

merchandizes through the Province for the purpose of retail, and the Horses, Carriages and Harness of any Circus or Equestrian Troop for exhibition. The Horses, Carriages, Caravans and Harness of any Menagerie to be free. Horses and Cattle belonging to persons coming into the Province for the purpose of actually settling therein.

HIDES, OFFAL and TALLOW of Cattle and Swine, slaughtered in bond.

MANURES of all kinds.

MODELS of MACHINERY, and of other inventions and improvements in the Arts.

PACKAGES containing Dutiable Articles.

PHILOSOPHICAL APPARATUS, Instruments, Books, Maps, Stationery, Busts, and Casts of Marble, Bronze, Alabaster or Plaster of Paris, Paintings, Drawings, Engravings, Etchings, specimens of Sculptures, Cabinets of Coins, Medals, Gems, and all other collections of Antiquities, provided the same be specially imported in good faith for the use of any Society incorporated or established for Philosophical or Literary pursuits, or for the encouragement of Fine Arts, or for the use or by the order of any University, College, Academy, School or Seminary of Learning within this Province.

PHILOSOPHICAL APPARATUS, &c. &c., imported for use by any public Lecturer for the purpose of gain, and to be re-exported, shall be allowed to be entered under Bond of two good and sufficient persons for their exportation within the specified time.

ARMS or CLOTHING which any Contractor or Contractors, Commissary or Commissaries, shall import or bring into the Province for the use of Her Majesty's Army and Navy, or for the use of the Indian Nations in this Province; Provided the duty otherwise payable would be defrayed or borne by the Treasury of the United Kingdom or of this Province.

SPECIMENS of Natural History, Mineralogy or Botany.

SEEDS of all kinds, Farming Utensils and Implements of Husbandry, and Animals for the Improvement of Stock when specially imported in good faith by any Society incorporated or established for the encouragement of Agriculture.

WEARING APPAREL in actual use, and other Personal Effects not merchandize, Implements and Tools of Trade of handy-crafts-men, in the occupation or employment of persons coming into the Province for the purpose of actually settling therein.

[The Native Produce and manufactures of all or any such of the other British North American Colonies as shall admit the Native Produce and manufactures of Canada free of duty, shall be entitled to exemption from duties under this Act, with the exception of Spirituous Liquors.]

ALSO,

SALT, Salted or cured Meats, Flour, Biscuits, Molasses, Cordage, Pitch, Tar, Turpentine, Leather, Leather-ware, Fishermen's Clothing, and Hosiery, Fishing Craft, Utensils and Instruments imported into the District of Gaspé from the United Kingdom or the Channel Islands or neighbouring Colonies, for the use of the Fisheries carried on therein, subject to such regulations as the Principal Officer of Customs at the Port of Quebec shall make, and which he is hereby empowered to establish for the purpose of ascertaining that such articles are *bonâ fide* intended to be applied to the use of such Fisheries.

The following articles are prohibited to be imported, under a penalty of Fifty pounds, together with the forfeiture of the Parcel or Package of Goods in which the same shall be found :

BOOKS and Drawings of an immoral or indecent character.

COIN, Base or Counterfeit.

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ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. XXXII.

An Act to amend an error in the Act of the present Session, imposing duties of Customs.

[28th July, 1847.]

WHEREAS an error hath crept into the Act passed during the present Session, and intituled, *An Act for repealing and consolidating the present duties of Customs in this Province, and for other purposes therein mentioned*, so that the article of Wheat would be subjected to an *ad valorem* duty of seven and a half per cent., instead of a specific duty of three shillings per quarter to which it was intended that it should be subjected; And whereas it is provided by the said Act that it may be varied, altered or repealed by any Act to be passed during the present Session of the Provincial Parliament: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That for and notwithstanding anything in the said Act, Wheat imported into this Province, or taken out of warehouse, after the said Act shall come into force and effect, shall be subject to a specific duty of three shillings currency per quarter, as if it had been made subject to such duty in and by the Schedule to the said Act, intituled, "Table of duties of Customs inwards," and shall not be subject to the *ad valorem* duty of seven and a half per cent., as an article unenumerated in the said Schedule.

Preamble.
10 & 11 Vict.
c. 31 cited,
and error
therein stated

A duty of 3s.
per quarter
imposed on
wh at import-
ed into this
Province.

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ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. XXXIII.

An Act to authorize the issuing of Debentures to pay the balance due to Claimants for losses during the Rebellion and Invasion in Upper Canada.

[28th July, 1847.]

WHEREAS by an Act passed in the eighth year of Her Majesty's Reign, intituled, *An Act for the payment of claims arising out of the Rebellion and Invasion in Upper Canada, and to appropriate the duties on Tavern Licenses to local purposes*, it was among other things provided, that it should be lawful for the Governor in Council to issue debentures, not amounting in the whole to more than forty thousand pounds currency, to the Claimants, to whom sums should be awarded under the provisions of a certain Act of the Legislature of Upper Canada, passed in the third year of Her Majesty's Reign, and intituled, *An Act to ascertain and provide for the payment of all just claims arising from the late Rebellion and Invasions of this Province*, as extended by 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 amend and enlarge an Act of the Legislature of the late Province of Upper Canada, intituled, An Act to ascertain and provide for the payment of all just claims arising from the late Rebellion and Invasions of this Province*, and for the sums awarded to them respectively: And whereas, the sums awarded under the provisions of the said Acts, amount in the whole to the sum of forty-three thousand four hundred and sixty-three pounds three shillings and nine pence. And whereas debentures have been issued under the said first recited Act, to the extent of forty thousand pounds currency, and the proceeds thereof have been distributed rateably among the said Claimants: And whereas, a further sum of three thousand six hundred and thirteén pounds eight shillings and nine pence is required to settle the said claims in full, and to pay a certain per centage to the Treasurer of each District in Upper Canada, for the services he shall be required to perform under the provisions of this Act: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council, and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to re-unite the 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 Governor in Council to issue debentures, amounting in the whole to three thousand six hundred and thirteén pounds eight shillings and nine pence, currency, to raise a like sum to pay to the said Claimants,

Preamble.
 Certain Acts
 cited.
 Act 8 Vict.,
 72.

Act of U. C.
 3, V. c. 76.

4 & 5 V. c. 39.

Amount of
 awards under
 the said Acts.

£3613. 8s. 9d.
 to be raised for
 paying the
 balance of the
 said awards.

Claimants, the balance due on the respective sums which have been so awarded to them under the authority of the said last recited Acts, and the percentage aforesaid.

Provisions of
8 V c 72, ex-
tended to De-
bentures to be
issued under
this Act.

II. And be it enacted, That all the provisions of the said first herein recited Act, passed in the eighth year of Her Majesty's Reign, intituled, *An Act for the payment of Claims, arising out of the Rebellion and Invasion in Upper Canada, and to appropriate the duties on Tavern Licenses to local purposes*, which relate to the Debentures issued, or to be issued under the said Act, for the purposes therein mentioned, shall be, and are hereby extended to the Debentures to be issued under the authority of this Act.

Treasurers to
pay the sums
to claimants
and to receive
a per centage.

III. And be it enacted, That it shall be the duty of the Treasurers of Districts in Upper Canada, so soon as they shall be furnished with the means of so doing, to pay the several balances which may be due to claimants as hereinbefore mentioned in their respective Districts, and to take acquittances for the same; for which said services the said Treasurers shall be entitled to receive five per cent. upon the amount they shall respectively disburse.

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Law Printer to the Queen's Most Excellent Majesty.



ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. XXXIV.

An Act to appropriate the sums therein mentioned to defray certain expenses of the Civil Government for the year one thousand eight hundred and forty-seven, and certain other expenses not otherwise provided for.

[28th July, 1847.]

MOST GRACIOUS SOVEREIGN,

WHEREAS by Messages from His Excellency the Right Honorable James, Earl of Elgin and Kincardine, Governor General of British North America, and Captain General and Governor in Chief in and over this Province of Canada, bearing date respectively the first day of July and the twelfth day of July in this present year one thousand eight hundred and forty-seven, and the Estimates accompanying the same, it appears that the sums hereinafter mentioned are required to defray certain Expenses of the Civil Government of the Province for the year one thousand eight hundred and forty-seven, and for certain other public purposes for which no provision is now made by Law: May it therefore please Your Majesty that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and out of any unappropriated monies forming part of the Consolidated Revenue Fund of this Province, there shall and may be paid and applied a sum not exceeding one hundred and forty thousand nine hundred and nineteen pounds nine shillings, for defraying certain expenses of the Civil Government of this Province for the year ending on the thirty-first day of December, one thousand eight hundred and forty-seven, not otherwise provided for by law, and for certain other public purposes and services specified in the Estimates accompanying the Messages above mentioned, and a further sum not exceeding sixty thousand pounds for certain public works mentioned in the said messages and estimates, the said sum to be raised by debentures to be issued under the authority of the Governor in Council on the credit of the consolidated Revenue Fund aforesaid.

Preamble.
 His Excellency's messages of 1st and 12th July, 1847, recited.

£140,919 9s.
 Orl. appropriated for defraying certain expenses of the Civil Government, &c., for 1847.

And £60,000 for certain Public Works.

II. And be it enacted, That from and out of the revenues and interests arising from the real or funded property forming part of the Estates of the late Order of Jesuits, there shall be paid for and during the present year one thousand eight hundred and forty-seven, the several sums mentioned in figures in the Schedule annexed to this Act, for the Educational purposes therein set forth.

Certain sums to be paid out of the Jesuits' Estates' monies in 1847.

III.

Accounting clause.

III. 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.

Accounts to be laid before the Provincial Parliament.

IV. And be it enacted, That a detailed account of the monies expended under the authority of this Act shall be laid before the Legislative Assembly of this Province, during the first fifteen days of the Session of the Provincial Parliament next after such expenditure.

SCHEDULE.—EDUCATIONAL INSTITUTIONS.

	Amount	Currency.
For the Salary and Allowance for House Rent, heretofore paid to the Master of the Graminar School at Montreal, to be allowed to the Directors of the High School at Montreal, in consideration of their educating twenty free scholars of the poorer classes.....	£282	4 6
The same at Quebec.....	£282	4 6
Less, amount of Pension paid to Rev. R. R. Burrage, formerly Master of that School.....	111	2 2
	171	2 4
Aid towards the support of the National School at Quebec.....	111	2 3
The same at Montreal.....	111	2 3
Aid—To the Society of Education at Quebec.....	280	0 0
To the Education Society at Three-Rivers.....	125	0 0
To the British and Canadian School at Quebec.....	200	0 0
To the same at Montreal.....	200	0 0
To the St. Andrew's School at Quebec.....	100	0 0
To the Montreal Recollet School.....	100	0 0
To the St. Jacques School at Montreal.....	250	0 0
To the Montreal American Presbyterian Free School.....	100	0 0
To the College of Ste. Anne de la Pocatière.....	300	0 0
To the College of St. Hyacinthe.....	300	0 0
To the College of Chambly.....	300	0 0
To the College of L'Assomption.....	175	0 0
To the Academy at Berthier.....	100	0 0
To the Academy at Charlestown.....	100	0 0
To the Stanstead Seminary.....	100	0 0
To the Shefford Academy.....	100	0 0
To the Sherbrooke Academy.....	111	2 2
To the Rev. Andrew Balfour's School at Waterloo, and the Bedford Academy.....	100	0 0
To the Master of the School under the Royal Institution at Three-Rivers.....	45	0 0
To the British North American School Society at Sherbrooke...	50	0 0
To the High School in Durham Village, Missisquoi.....	100	0 0
To the Infant School at Quebec.....	55	11 1
To the Female School at Indian Lorette, near Quebec.....	50	0 0
For an Indian School at Caughnawaga.....	50	0 0
For the same at St. Regis.....	50	0 0
For the same at St. Francis.....	50	0 0
To the School at St. Thérèse.....	200	0 0
To the College at Nicolet.....	200	0 0



ANNO DECIMO ET UNDECIMO

VICTORIÆ REGINÆ.

CAP. XXXV.

An Act to amend an Act for granting relief to the sufferers by the Fires at Quebec.

[28th July, 1847.]

WHEREAS it is expedient to amend the Act passed in the ninth year of Her Majesty's Reign, and intituled, *An Act for enabling Her Majesty to direct the issue of Debentures to a limited amount, and for giving relief to the City of Quebec*, by raising the rate of interest to be allowed on the Debentures to be issued under the said Act, to the legal rate of six per cent, and by authorizing the delivery of such Debentures directly to the parties to whom advances are to be made, and by limiting the time during which the powers of the Commissioners under the said Act shall continue: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That for and notwithstanding anything in the Act cited in the Preamble to this Act, the Debentures to be issued under the authority thereof shall bear interest at the rate of six per centum per annum.

Preamble.
9 V. c. 62
cited.

Rate of interest allowed on Debentures under the said Act raised.

II. And be it enacted, That for and notwithstanding any thing in the said Act, the said Debentures shall be delivered by the Receiver General to the respective parties to whom any advance is to be made upon certificate of the Commissioners under the said Act, and shall be issued for such sums as are to be advanced to such parties respectively, and shall be received by such parties as the sums to be advanced to them, and as money; and the advances so made by Debentures, shall have to all intents and purposes the same effect as if made in money: Provided always, that the Receiver General may, in his discretion, divide the sum to be advanced to any party, into two or more Debentures at the request of such party.

Debentures to be given to the parties instead of money.

Proviso as to amount of any Debenture.

III. Provided always, and be it enacted, That the sums to be advanced by Debentures as aforesaid, shall be repaid in the manner and subject to the provisions in the said Act mentioned, with interest at the rate of four per centum per annum, instead of three per centum per annum as in the said Act provided.

Sum advanced to be repaid with interest at 4 per cent.

IV.

No application to be received after 3 months and the powers of the Commissioners to cease in 12 months, from the passing of this Act.

Commissioners to account &c. as under s. 26, of 9 V. c. 62.

Provisions of the said Act to apply to Debentures &c. under this Act, except when inconsistent with it.

IV. And be it enacted, That for and notwithstanding anything in the said Act, no application for any advance under the said Act shall be received by the Commissioners appointed or to be appointed under the said Act, after the expiration of three calendar months from the passing of this Act; and that all the powers of the said Commissioners shall wholly cease and determine after the expiration of one year from the same time: and the said Commissioners shall with all convenient speed thereafter, render an account of their proceedings, in writing, and deliver up the papers, accounts and documents in their possession, as in and by the twenty-sixth section of the said Act it is provided.

V. Provided always, and be it enacted, That all the provisions of the said Act not inconsistent with this Act, shall apply to the Debentures to be issued under this Act, the advances to be made to parties, and to the conditions and consequences thereof, as if the provisions hereby made had been part of the said Act, instead of the provisions for which they are substituted, and so much of the said Act as may be inconsistent with this Act shall be and is hereby repealed, but no other part of the said Act shall be construed to be hereby repealed or invalidated.

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ANNO DECIMO ET UNDECIMO

VICTORIÆ REGINÆ.

CAP. XXXVI.

An Act to make provision for the subsistence of the Widow of the late Honorable Joseph Rémi Vallières de St. Réal.

[23th July, 1847.]

MOST GRACIOUS SOVEREIGN :

WE, your Majesty's dutiful and loyal subjects, the Commons of Canada, in Provincial Parliament assembled, having taken into consideration the Message of His Excellency the Governor General, bearing date the sixth day of July, one thousand eight hundred and forty-seven, wherein His Excellency is pleased to state, that, taking into consideration the high Scholastic and Literary attainments of the late Honorable Joseph Rémi Vallières de St. Réal, in his lifetime Chief Justice of the District of Montreal, his encouragement of Science and the Arts, and his eminent position as a public man, independent of his judicial office, together with the destitution of his Widow and his aged Mother, and the recommendation in the said Message made, and having resolved to grant Your Majesty the sum of two hundred pounds currency, annually, to enable Your Majesty to provide for the subsistence of the Widow of the said late Honorable Joseph Rémi Vallières de St. Réal, during the term of her natural life,—do most humbly beseech Your Majesty that it may be enacted, And be it enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act for re-uniting the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That out of any unappropriated monies forming part of the Consolidated Revenue Fund of this Province, there shall be annually paid, by warrant, under the hand of the Governor or Person administering the Government of this Province, the sum of two hundred pounds currency, to the Widow of the said late Honorable Joseph Rémi Vallières de St. Réal, during the term of her natural life, to afford her the means of subsistence; and that 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, in such manner and form as Her Majesty, Her Heirs and Successors shall be pleased to direct.

Preamble.
His Excellency's Message of 6th July, 1847, recited.

£200 appropriated annually to pay a pension of a like amount to Madame Vallières de St. Réal. Accounting clause.

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ANNO DECIMO ET UNDECIMO

VICTORIÆ REGINÆ.

CAP. XXXVII.

An Act to facilitate the partition of Lands, Tenements and Hereditaments
in certain cases in Lower Canada.

[28th July, 1847.]

WHEREAS in some instances Townships have been erected by Letters Patent under the Great Seal of the late Province of Lower Canada, and the Waste Lands of the Crown in the said Townships have been by the said Letters Patent granted to the grantees therein named, as tenants in common, which grantees made no partition thereof, and the said Lands continue to be held in common by persons who have derived their titles from the said grantees; and whereas by reason of the great length of time which has elapsed since the making of the said Letters Patent and the mutations which have occurred in the persons seized of and entitled to the said Lands, under alienations made by the said grantees, their heirs and assigns, and by descent or inheritance the co-tenants in common now seized of the said Lands and in whom the same are vested, have become very numerous, and are, as well as the titles under which they respectively hold, for the most part unknown to each other, and from these causes, it is impracticable, by the ordinary process of law, to compel a partition of the said Lands; and whereas the settlement, cultivation and improvement of the said Townships, in which grants have been made as aforesaid, for the want of a partition of the Lands granted as aforesaid, have been prevented and obstructed and retarded to the manifest injury of the proprietors of the said Lands, and of the country at large; and whereas special Legislative provision is indispensably necessary to facilitate a partition of the Lands held 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 it shall be lawful for any person or persons seized as tenant or tenants in common of Lands, Tenements and Hereditaments, situated in Townships in Lower Canada, in which the said Lands were originally granted by Letters Patent under the Great Seal of the Province of Lower Canada, to the grantees therein named as tenants in common, by his or their petition in this behalf to the Court of Queen's Bench for the District in which such Lands, Tenements and Hereditaments are situated, to set forth his title to the said Lands, Tenements and Hereditaments, whereof he is seized as aforesaid, and to demand a partition thereof among the several persons by whom the

Preamble.
Recital.

Tenants in common of lands situate in Townships in L. C. may in certain cases present a Petition to the Queen's Bench, demanding a partition of the Lands so by them held.

same

The Court to have the like jurisdiction as in an action of partition.

same may be held as tenants in common, in like manner as in an action of partition instituted in the ordinary form of law: and the Court to which such petition shall be presented, shall have power to exercise the same jurisdiction, and to adjudge and award the same remedy to the petitioner or petitioners, against his or their co-tenants in common as might or could be exercised, adjudged and awarded in such action of partition.

The Court, after *prima facie* evidence of title of tenants in common petitioning, shall appoint a time for other tenants in common to answer the Petition.

Order of the Court to be made public, and how published.

II. And be it enacted, That after the petitioner shall have substantiated by *prima facie* proof to the satisfaction of the said Court, that he is seized of Lands, Tenements and Hereditaments held by him as tenant in common as aforesaid, in any such Township, it shall be lawful for the said Court by its judgment or order in this behalf, to order and direct, that the several co-tenants in common by whom the said Lands, Tenements and Hereditaments are held in common with the petitioner, shall and do on some certain day, in a future Term of the said Court, not less distant than twelve months, appear in the said Court, and answer the petition aforesaid, and shall and do at the same time make and exhibit a claim, or demand in intervention, to be filed in the said Court, of their respective shares, rights and interest in the said Lands, Tenements and Hereditaments, and also to order and direct that its said judgment or order in the premises, shall be posted up, in some frequented place in the Township in which the said Lands are situated, and if there be no frequented place in such Township, then in some frequented place in the next adjoining Township, at least fourteen days before the time appointed for the appearance of the said co-tenants as aforesaid, and shall also be published in the Quebec and Montreal Gazettes twice a week, during the same period immediately preceding the time to be appointed as aforesaid.

After publication the Court to pronounce final judgment on the petition, and on all demands in intervention.

Parties intervening may controvert the petition as in an action of partition.

Petitioner may controvert the demands in intervention.

III. And be it enacted, That after the judgment or order of the said Court shall have been posted up and published in manner aforesaid, and after the time appointed for the appearance of the co-tenants, and the making of their claims as aforesaid, it shall be lawful for the said Court to take cognizance of, hear, and determine, as well of and upon the Petition aforesaid, as of and upon the several claims or demands in intervention, which may have been made by co-tenants in common, or persons professing to be such aforesaid: And it shall be lawful for any of the co-tenants who may appear in pursuance of such judgment or order, as aforesaid, to controvert and plead to the allegations contained in the said Petition, and make their defence to the same, as might be done by Defendants to a Declaration in an action of partition; and in like manner the said Petitioner or Petitioners may, by plea, controvert and plead to the claims or demands in intervention of his or their co-tenants, or persons professing to be such, and issues of law and fact, may be raised and perfected, as well on the said Petition as on the said claims or demands in intervention, in like manner as might or could be done, in original actions, in the ordinary administration of Justice, to the end that it may be adjudged and determined by the said Court, whether, upon the said Petition, and upon the said claims or demands in intervention, a partition shall be made, and if made by and between whom, and for whose benefit the same shall be made.

Court may adjudge a partition to be made as in an action of partition, which shall be binding on all parties.

IV. And be it enacted, That it shall and may be lawful for the said Court upon the Petition aforesaid, and upon the claims or demands in intervention aforesaid, to adjudge that a partition shall be made, and by and between whom the same shall be made, in like manner as could and might be done in an action of partition, and to have and exercise upon the said Petition, and upon the said claims or demands in intervention, all and every the powers which might by the said Court be lawfully exercised in such action

action or partition, and the rules, orders and judgments, made in and touching the premises, in execution of the provisions herein contained, shall be binding as well on the co-tenants who may appear and answer the said Petition, as upon all other co-tenants or persons professing to be such, who may make default to appear and answer the said Petition, and on all other persons, in like manner as rules, orders, and judgments are binding on the parties to a suit, as well those who appear as those who, after being duly summoned, may make default, and on other persons: Provided always, that an appeal shall lie to the Provincial Court of Appeals of Lower Canada, from judgments to be rendered by the said Courts in execution of the provision herein contained, in like manner as from judgments rendered by the said Court in original actions.

Appeal may be made to the Court of appeals.

V. And be it enacted, That it shall be lawful for the said Court of Queen's Bench, upon the Petition aforesaid, and upon the claims or demands in intervention aforesaid, by and with the consent of the parties respectively, at any time before final judgment thereupon, to refer the matter in contest in and upon the Petition, and the claims or demands aforesaid, and the making of the partition aforesaid, to the award and final determination of three arbitrators, one of whom shall be named by the said Tenant or Tenants, making such Petition for partition, the second by the said Tenant or Tenants collectively, exhibiting claims or demands in intervention, and the third by the Court; which said arbitrators shall proceed to act, and shall act upon the reference submitted to them in some place in the Township or Parish in which the said lands, tenements and hereditaments, sought to be partitioned and apportioned shall be situate, as the said arbitrators, or any two of them shall appoint, and they shall have power to examine witnesses on the subject matter referred to them after the said witnesses shall have been sworn before any one of Her Majesty's Justices of the Peace, (to whom power to administer the oath on this behalf is hereby given,) and also to examine any of the parties on oath touching the said subject matter, if the said arbitrators or any two of them shall deem such examination necessary or proper, which oath any of Her Majesty's said Justices of the Peace is also hereby empowered to administer, and the award and determination of the said arbitrators, or any two of them, on all the matters referred to them shall be final and conclusive.

The Court may, with the consent of the parties, refer the matter in contest to the decision of three arbitrators: with power to examine the parties or their witnesses on oath, and the award of whom or of any two of them shall be final.

VI. And be it enacted, That any occupant of land in any of the said Townships who, having so appeared in Court shall produce a title to a specified number of acres derived from any of the said grantees, or shall by prescription according to the Common Law of Lower Canada be entitled to any number of acres, shall be maintained in possession of the land occupied by him, provided that the number of acres specified in such title and so occupied by him shall not exceed the extent of land which the grantee from whom such title shall have been derived would have had a right to, had a partition taken place before he divested himself of his title therein; and provided also, that nothing in this Act contained shall be so construed as to prevent the said tenants in common or any such occupant or occupants of any number of acres as aforesaid from availing themselves of any pleas of prescription or to deprive them of any other right vested in them by the Common Law of Lower Canada.

Any of the said Tenants in Common having a title to a specific number of acres not exceeding the quantity to which his *auteur* was entitled or having a title by prescription, shall be maintained in his possession—Nothing herein to affect any claim by prescription.

VII. And be it enacted, That the said Court in the exercise of the jurisdiction hereby vested in it, shall have the same power to award or withhold costs, upon and in respect of the several proceedings to be had before it, as well upon the Petition aforesaid, as on the claims or demands in intervention aforesaid, as might be lawfully exercised by the said Court upon and in respect of proceedings in original actions.

Costs.





ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. XXXVIII.

An Act to alter and amend an Act, intituled, *An Act to remedy certain defects in the Registration of Titles in the County of Hastings, in Upper Canada.*

[9th July, 1847.]

WHEREAS an Act was passed in the last Session of the Provincial Parliament, intituled, *An Act to remedy certain defects in the Registration of Titles in the County of Hastings, in Upper Canada*, but the said Act by the terms thereof is applicable only to defects in such registration arising out of the neglect of Robert Charles Archibald McLean, when Deputy Registrar of the said County; and whereas it appears that like defects have occurred in other cases through the neglect of Robert Smith when Deputy Registrar of the said County, and it is expedient to extend the remedial provisions of the said Act to such cases, and also to extend the period limited by the sixth section of the said Act for the doing of certain things by the Registrar or his Deputy: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall be the duty of the Registrar of the said County, either by himself or his Deputy, to cause to be inserted, not less than twice in each month for the three months next after the passing of this Act, in the Canada Gazette, and in all the newspapers published in the said County, a notice calling upon all persons who may have any deeds, conveyances, wills or probates on which a Certificate of Registry has been endorsed and signed by the said Robert Charles Archibald McLean, and not having been produced under the Act aforesaid, or by the said Robert Smith as Deputy Registrar of the said County, to produce such deeds, conveyances, wills or probates, together with a memorial thereof in the form now required by law, (except that such memorial need not be signed or sealed by any person,) on which memorial shall be endorsed a true copy of the Certificate on the deed, conveyance, will or probate to which it relates, on or before the first day of January next, at the Office of the Registrar of the said County, or they will not be entitled to the protection or benefit of this Act and of the Act aforesaid.

Preamble.
 Act 9 V. c. 12
 cited.

Neglect of
 Robert Smith
 as Deputy
 Registrar,
 stated.

Registrar of
 Hastings to
 give certain
 notices in the
 Gazette to all
 persons having
 deeds certified
 as registered
 by R. C. A.
 McLean, or
 Robert Smith

II. And be it enacted, That if the signature of the said Robert Smith and the truth of the copy of the Certificate endorsed on any memorial to be produced to the Registrar or his Deputy as aforesaid, shall be proved in the manner required by the Act
 cited

The other
 provisions of
 the said Act

extended to
Certificates of
Registration
given by Ro-
bert Smith.

cited in the preamble to this Act with regard to Certificates granted by Robert Charles Archibald McLean, then all the provisions of this Act shall extend to such Certificate granted by the said Robert Smith, and to the memorial on which it shall be endorsed, and to the deed, conveyance, will or probate, to which it shall relate, in the same manner and with the same and no other effect as to the Certificates of the said Robert Archibald McLean, the memorials on which they are endorsed, and the deeds, conveyances, wills or probates to which they relate; and the Registrar of his Deputy shall have the same rights and duties with regard to them, and be subject to the same penalties for neglect of such duties.

No such Certi-
ficates, &c. to
be received af-
ter 1st Janny.
1848.

III. And be it enacted, That it shall not be lawful for the said Registrar or his Deputy to receive and index any memorial under the authority of this Act, or to indorse any deed, conveyance, will or probate to which such memorial relates, after the said first day of January next.

Period limited
by sect. 6 of
the said Act
extended to
1st January,
1848.

Governor in
Council may
extend the
said period
and that
limited by this
Act.

IV. And be it enacted, That the period limited by the sixth section of the said Act, as that within which it shall be lawful for the said Registrar or his Deputy to receive and index memorials, and to endorse any deeds, conveyance, will or probate by virtue of the said Act, shall be and is hereby extended until the said first day of January next, as if the said day had been that mentioned in the said section: Provided always, that the Governor or Person administering the Government of this Province, may, if he deem it expedient, by an Order to be made with the advice of the Executive Council thereof, and published in the Canada Gazette, extend the time hereby limited, and the time limited for the like purpose by the Act aforesaid, to the first day of July, one thousand eight hundred and forty-eight, and no longer; of which extension the Registrar or his Deputy shall give notice in the manner required by the first section of the said Act, and of this Act respectively.

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ANNO DECIMO ET UNDECIMO

VICTORIÆ REGINÆ.

CAP. XXXIX.

An Act to divide the Western District of the Province of Canada, and for other purposes therein mentioned.

[9th July, 1847.]

WHEREAS from the increase of the population of the Western District, its geographical position and its vast resources in fertility of soil and inland navigation, and the great distance of many parts thereof from the District Town, it is expedient to erect the County of Kent in the said District into a separate District, and to make other changes with regard to the said District hereinafter mentioned, and for which the inhabitants thereof have by petition prayed: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, 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 Township of West Tilbury shall from and after the passing of this Act be united to and form part of the County of Essex to and for all intents and purposes whatsoever.

Preamble.

West Tilbury to form part of the County of Essex.

II. And be it enacted, That so soon as the Governor, or person administering the Government of this Province for the time being, shall be satisfied that a good and sufficient Gaol and Court House has been erected in the Town of Chatham, in the County of Kent, for the security of prisoners, and for accommodating such Courts as shall or may be held within the said County of Kent, it shall and may be lawful for the Governor, or Person administering the Government of this Province for the time being, by and with the advice and consent of Her Majesty's Executive Council in this Province, to declare by Proclamation the said County of Kent to be detached from and to cease to be part of the Western District, and to be a separate and distinct District, by the name of "*The District of Kent*": Provided nevertheless, that nothing in this Act contained shall affect or be construed to affect the jurisdiction of Her Majesty's Court of Queen's Bench in Upper Canada, or to affect the jurisdiction of the Courts of General Quarter Sessions of the Peace, or District Court within the Western District, until the issuing of the Proclamation aforesaid: Provided also, that if at the time the said County shall be set off into a separate District, any suit or action shall have been commenced or be pending for any cause of action arising therein, or any indictment for any indictable offence that has been committed within the said County, the said action or indictment shall and may be tried at the next Assizes, or other Court

When certain conditions are complied with the Governor may set off the County of Kent into a separate District.

Name. Proviso as to the jurisdiction of certain courts.

Proviso as to actions pending when such separate District shall be proclaimed.

in

Proviso.
District town.

in which the same may be pending, to be held in and for the Western District, unless all the parties shall agree that the same shall be tried in the said District of Kent: Provided also, that such Gaol and Court House shall be erected in the Town of Chatham.

The District Councillors for the said County of Kent to procure plans for a Court House and Gaol.

III. And be it enacted, That the District Councillors for the Townships in the said County of Kent, shall and they are hereby authorized, at a Public meeting to be by them holden for that purpose, at some convenient place, within the said Town of Chatham, so soon after the passing of this Act as may be convenient, (a notice signed by a majority of the said Councillors calling such meeting and fixing upon the time and place thereof having been served at least ten days before that fixed for the meeting, on each of the Councillors entitled to attend the same,) to procure by such means as to the said Councillors, or the major part of them present at such meeting, or at any adjourned meeting of the said Councillors, shall seem fitting and proper, plans and elevations of a Gaol and Court House, to be laid before them for the purpose of thereafter selecting and determining upon one by the Councillors then and there assembled as aforesaid.

Where the said Gaol and Court House shall be erected.

IV. Provided always, and be it enacted, That such Gaol and Court House for the said District of Kent shall be erected on the ground reserved as a site for a Gaol and Court House in the said Town of Chatham, which ground and the said Court House and Gaol shall be from and after the Proclamation aforesaid, vested in the District Council of the said District of Kent, until which time the same shall be and are hereby vested in the Building Committee hereinafter mentioned.

District Councillors to appoint a Building Committee.
Their powers.

V. And be it enacted, That at the said meeting as aforesaid, the Councillors may nominate and appoint a Chairman, Treasurer and Clerk, and also three other persons, who, together with the said Chairman and Treasurer, shall compose a Building Committee, who shall be authorized, and they are hereby authorized and empowered to contract for and superintend the erection and completion of such Gaol and Court House, under the control of the Councillors for the time then being, and in the name and on the behalf of the inhabitants of the said intended District to contract with any person or persons who shall desire to erect and furnish the same, according to the plan approved of as aforesaid, upon the site or situation fixed upon by this Act; and for that purpose the plan, elevation and specification of such Gaol and Court House shall continue and remain in the office of the said Clerk for general inspection; and public notice shall be given to all persons desirous to contract for building such Gaol and Court House, to deliver in within a certain limited time, proposals in writing under seal, of the sum of money for which he or they will engage to build and complete the same, conformably to certain articles and conditions to be agreed upon by the said Committee, or a majority of them; and that the said Committee shall, on a day for that purpose previously to be fixed, openly examine the said proposals so given in as aforesaid, and if they shall approve thereof the said Committee shall be empowered, and they are hereby required to contract with such person or persons as shall offer to undertake to build such Gaol and Court House for the lowest price; Provided the said person or persons making the said proposals shall give and enter into good and sufficient security, to be approved of by the said Councillors at some one of the meetings as is herein provided, for the due performance of his or their contract.

Public notice to be issued calling for tenders for building.

Proviso—the Contractor shall furnish security.

VI. And be it enacted, That the said Councillors so assembled as aforesaid, shall have the like power and authority within the said County of Kent, as the District Councils in the several Districts of Upper Canada duly assembled, have by law, so far as relates to building Gaols and Court Houses in their respective Districts, and no further, unless provided for in this Act; and that they be authorized to adjourn the said meeting, from time to time, and assemble again as often as the business relating to the building of such Gaol and Court House shall seem to require: that the said Building Committee shall be under their control and direction, and that the Clerk shall record all the Resolutions, Rules and Orders of the said meetings in a book to be kept by him for that purpose; and if any vacancy or vacancies shall occur of Chairman, Treasurer or Clerk, or of any Member of the said Building Committee, before the said County of Kent shall have been declared a separate District, by death, resignation or removal, the Councillors for the time then being shall be authorized to supply the vacancy, so often as it may occur, by other appointments.

What power the Councillors in the said County shall have.

Meetings may be adjourned. Building Committee to be subject to the Councillors.

Vacancies how to be filled.

VII. And whereas it is expedient, that until the said County of Kent shall be declared a separate District, the said County shall bear and contribute a just portion of certain expenses of the Western District: Be it therefore enacted, That from and out of the rates and assessments raised, levied and collected in the said County of Kent, it shall and may be lawful for the Treasurer of the Western District annually to retain for the purpose aforesaid, such a sum as shall bear the same proportion to the total sum raised for defraying the expenses of the administration of Justice in the Western District, as the population of the County of Kent according to the then last census, shall bear to the whole population of the Western District by the same census, which proportion is only to extend to the Administration of Justice; and it shall be the duty of the said Treasurer of the Western District, after deducting such sum, and such sums as may have been raised for Common School purposes, or for any special local purpose in any Township or Townships or place, to pay over to the Treasurer to be appointed as hereinbefore directed, the balance of all rates and assessments raised, levied and collected, or which may hereafter be imposed, raised, levied and collected in the said County of Kent, and the same shall be applicable to the general benefit of the said intended District, and may be applied by the Councillors for the Townships in the said County of Kent towards erecting and building a Gaol and Court House therein; and the Treasurer of the Western District shall take receipts for the same, as the money shall be paid over, which receipts shall be allowed by the Auditors of the said Western District in their settlement with him.

Until the new District is formed, the said County of Kent to bear part of the expenses of the District.

Balance to be paid over for the use of the intended District.

Such balance to be applied by the Building Committee for the Gaol and Court House.

And allowed in the Treasurer's accounts.

Monies received by the Building Committee to be applied for the Gaol and Court House.

VIII. And be it enacted, That the said Building Committee shall and may apply the said monies so received by the Treasurer to be appointed as aforesaid from the Treasurer of the Western District, from time to time, towards the payment of any contract that they may make with any person or persons whatsoever, for building the Gaol and Court House in their County, in conformity to the intentions of this Act.

Building Committee to keep certain accounts.

IX. And be it enacted, That the said Building Committee shall keep faithful and correct accounts of all monies expended by them in the erection of the said Gaol and Court House, and shall take vouchers for the same from the Contractor or Contractors, and shall also keep an account of all monies which may from time to time come into their hands, applicable or available for building the said Gaol and Court House, and that they shall exhibit a detailed statement both in debtor and creditor, to the District Council

And to submit them to the District Council.

Council of the said intended District at their first quarterly meeting to be holden therein, after the same shall have been declared a separate District.

The said Councillors may authorize a loan to be raised by the Treasurer of the Building Committee. Amount to be borrowed.

X. And be it enacted, That it shall and may be lawful for the Councillors for the Townships in the said County of Kent, so assembled as aforesaid, and they are hereby empowered by an order of such meeting, to authorize and direct the Treasurer so to be appointed as aforesaid, to raise by loan, from such person or persons, bodies corporate or politic, as may be willing to lend the same on the credit of the rates and assessments to be raised, levied and collected in the said intended District, a sum not exceeding Three thousand pounds, to be applied in defraying the expense of building the said Court House and Gaol.

No more than legal interest to be paid.

XI. Provided always, and be it enacted, That the money so borrowed under the authority of this Act shall not be at a higher rate of interest than six per centum per annum; and the Treasurer for the said intended District for the time being, shall annually, until the loan so raised, with the interest accruing thereon, shall be paid and discharged, apply towards the payment of the same a sum not less than one hundred pounds, together with the lawful interest upon the whole sum which may from time to time remain due, from and out of the rates and assessments so coming into his hands, for the use of the said intended District.

Interest and capital how to be paid.

No Treasurer to receive any per centage on monies coming into his hands under this Act.

XII. And be it enacted, That no Treasurer hereafter to be appointed, either by the said meeting, or by the Councillors of the said intended District, shall be entitled or authorized to receive any poundage or per centage upon any sum or sums of money which shall or may be loaned under the authority of this Act, or which may come into his hands, or for paying out any sum or sums of money, in discharging and liquidating such loan with the interest thereon as aforesaid.

The said new District to have the same rights and privileges as other Districts: and courts to be held therein as in such other Districts.

XIII. And be it enacted, That Courts of Oyer and Terminer and General Gaol Delivery, of Assize and *Nisi Prius*, Courts of General Quarter Sessions of the Peace, District Court, Surrogate Court, Division Courts, and every other Court and Jurisdiction, with all District Offices and Municipal rights whatsoever, held or to be held, possessed and enjoyed, in and by the other Districts in that part of this Province called Upper Canada, at the time of such Proclamation as aforesaid, shall from thenceforth, with the like powers and authority, be held and enjoyed in and by the said District of Kent constituted by such Proclamation; and that all and every jurisdiction, regulations, rule, privilege, exemption, matter or thing which shall or may have been enacted, provided and declared, by any Act or Acts of the Parliament of this Province, or of the late Province of Upper Canada, made or to be made, touching or concerning the said other Districts, and which shall be in force and operation at the time of such Proclamation as aforesaid, shall be and are hereby from thenceforth extended to the said District of Kent, unless otherwise provided for by this Act or any other Act or Acts of the Parliament of this Province.

Acts relating to Gaols, and Court Houses in other Districts shall apply in like manner to

XIV. And be it enacted, That all and every the provisions, rules, regulations, matters and things contained in any Act or Acts of Parliament of this Province, or of the late Province of Upper Canada, for the regulation of or relating to Gaols and Court Houses, which shall be in force and operation in that part of the Province aforesaid, at the time of declaring such new District as aforesaid, shall be and are hereby from
thenceforth

thenceforth extended to the Gaol and Court House in the said District of Kent ; and that the aforesaid Courts of Oyer and Terminer and General Gaol Delivery, Assize and *Nisi Prius*, General Quarter Sessions of the Peace, Surrogate Court, and every other of the aforesaid Courts required to be held at a place certain, shall be commenced, and from time to time holden at the aforesaid Court House, or such other Court House as shall hereafter be erected for that purpose in the said District of Kent, by virtue of any Act or Acts of the Parliament of this Province.

those in the new District. Courts shall be held in the same.

XV. And be it enacted, That from and after the declaring of the said County of Kent to be a separate District as aforesaid, the Court of General Quarter Sessions of the Peace, and sittings of the District Court of such District, shall be respectively commenced and held at the place hereinbefore appointed for that purpose, and the said Quarter Sessions shall commence on the first Tuesday in the months of January, April and July, and on the third Tuesday in the month of November, in each and every year ; and that the Terms of such District Court shall respectively commence on the Monday of the week next but three preceding the week in which the Court of General Quarter Sessions and Sittings of the said District Court are hereby appointed to be held, and such Terms shall respectively end on the following Saturday.

Terms of the District Courts and Quarter Sessions fixed.

XVI. And be it enacted, That Her Majesty's Justices of the Peace, and other persons holding any commission or office, or bearing lawful authority, and who shall be residing within the said County of Kent, at the time the same shall be declared a separate District as aforesaid, shall continue to hold and enjoy and exercise the like commission, office, authority, power and jurisdiction within the said District of Kent, in the same manner that they previously held, enjoyed and exercised the same within the Western District: Provided, that the authority, power and jurisdiction, previously exercised by Her Majesty's Justices of the Peace and other persons bearing commission or office or lawful authority within, or residing within the said District of Kent, shall not in any wise be longer exercised or continued within the Western District, but the same within that District shall from thenceforth cease and determine: Provided that after the declaring of such new District as aforesaid, Her Majesty's Justices of the Peace, and others who thenceforth continue to hold commission or office or bear lawful authority within the Western District shall cease to hold such commission or office, or to exercise such lawful authority within such new District to be declared as aforesaid ; and that no jurisdiction, power or authority, of whatever nature or kind soever, to the said Western District at the time of the formation of such new District as aforesaid belonging or appertaining, shall longer extend or be construed to extend to such new District.

What Justices of Peace &c. shall, after the erection of the new District, have jurisdiction therein.

Proviso—jurisdiction of others to cease in the new District.

XVII. And be it enacted, That the ordinary assessments and rates levied within the said County of Kent for the then current year, at the time the said County shall be declared a separate District by virtue of this Act, and all future assessments and rates to be levied therein, shall be applied and expended for the like purposes within the said new District, as they at that time might be applied and expended for, under or by virtue of any Act or Acts of the Parliament of this Province, or of the late Province of Upper Canada, in the Western District, except in so far as the same may be varied by this Act, or by any other Act or Law.

Rates and assessments to be applied in the new Districts as in others.

XVIII. And whereas it is necessary to make provision for the establishment and support of Schools within the said County of Kent when the same shall be declared a separate

separate

Appropriation
for District
Schools in the
new District.

separate District by virtue of this Act: Be it therefore enacted, That from and after the erection of the said County of Kent into a separate District by virtue of this Act, there shall be granted annually to Her Majesty, Her Heirs and Successors, from and out of the monies raised, levied and collected, or hereafter to be raised, levied and collected, to and for the uses of this Province, and unappropriated, a sum not exceeding one thousand pounds for the said intended District, which said sum of one thousand pounds shall be appropriated, applied and disposed of, in paying the salaries of the Teachers of the Public District Schools which may be hereafter erected in the said intended District.

A District
School to be
kept at Chat-
ham.

XIX. And be it enacted, That one District School shall be opened and kept in the Town of Chatham, in the said District of Kent, at such place as the Trustees of the District Schools of the said District or a majority of them may appoint.

District
Schools in the
new District
to be subject
to the laws re-
gulating other
District schools

XX. And be it enacted, That the said District Schools shall be established in like manner, and under the same rules, regulations and restrictions in every particular, as are or shall be mentioned and provided in the several Acts of the Parliament of this Province, or of the late Province of Upper Canada, for the regulation of similar Schools in the other Districts of that part of the Province called Upper Canada.

Appropriation
for Common
Schools in the
new District.

XXI. And be it enacted, That from and after the erection of the said County of Kent into a separate District as aforesaid, such new District shall be entitled to a proportionate allowance out of the Common School Fund, in the same manner and on the same terms and conditions as other Districts are so entitled.

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ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. XL.

An Act to suspend for a time two certain Ordinances therein mentioned, relating to Winter Roads in that part of the Province of Canada heretofore Lower Canada, in so far as regards the District of Quebec, the District of Gaspé, and that part of the District of Three-Rivers which extends from the District of Quebec on the south of the River St. Lawrence, to the Parish of Nicolet, and on the north of the said River to the Town of Three-Rivers, exclusively.

[28th July, 1847.]

WHEREAS it is expedient to suspend for a time the operation of the Ordinances of the Legislature of the late Province of Lower Canada relating to Winter Roads within the District of Quebec, the District of Gaspé, and that part of the District of Three-Rivers which extends from the District of Quebec to the Parish of Nicolet on the south side of the River St. Lawrence, and to the Town of Three-Rivers exclusively, on the north side: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, 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*; and of the Ordinance of the said Legislature, passed in the fourth year of Her Majesty's Reign, and intituled, *An Ordinance to amend the Laws relating to Winter Roads*, as enacts that no cariole, sleigh, berline, or other winter carriage, other than the sleighs or sleds in the aforesaid Ordinances described, shall be used on any of the Queen's Highways or public Roads within that part of this Province heretofore Lower Canada, shall be, and so much of the said Ordinance is hereby suspended for three years, and from thence until the end of the then next Session of the Provincial Parliament, and no longer, in so far as regards the

Preamble.

The District of Quebec, the District of Gaspé and part of the District of Three-Rivers exempted for a limited time from the operation of certain parts of the Ordinances 3 & 4 V. c. 25, and 4 V. c. 33.

District

District of Quebec, the District of Gaspé, and that part of the District of Three-Rivers, on the south side of the River St. Lawrence, as far upwards as the Parish of Nicolet exclusively, and on the north side as far upwards as the Town of Three-Rivers exclusively, but shall remain in force in all other places in that part of this Province which formerly constituted the Province of Lower Canada.

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ANNO DECIMO ET UNDECIMO

VICTORIÆ REGINÆ.

CAP. XLI.

An Act to establish Lock-up-Houses in the unincorporated Towns and Villages of Canada West.

[28th July, 1847.]

WHEREAS it is requisite for the safe-keeping of Prisoners under examination before Magistrates, and for the more effectual punishment of disorderly persons, and other offenders, that there should be places other than the District Jails in which such persons may be confined, in Upper Canada: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall be lawful for the District Council of each District in that part of this Province which formerly constituted the Province of Upper Canada, to acquire and hold land by grant or purchase, for the purpose of establishing Lock-up-Houses in any of the unincorporated Towns or Villages in such District.

Preamble.

District Councils in U. C. may acquire Land for establishing Lock-up-Houses, in certain Towns and Villages.

II. And be it enacted, That it shall be lawful for each of the said District Councils, in their discretion, whenever requested so to do by the Petition of two thirds of the inhabitant householders of any such Town or Village, to authorize a sum not exceeding one hundred pounds, to be expended in the purchase of land, and the immediate erection of a Lock-up-House in any such Town or Village, under the direction of two Justices of the Peace residing in, or within three miles of such Town or Village.

On the requisition of inhabitants the Council may authorize a certain sum to be expended for erection of a Lock-up-House.

III. And be it enacted, That it shall be lawful for each such District Council to establish a Lock-up-House in any such Town or Village containing not less than one hundred adult inhabitants, and not being distant less than ten miles from the District Town: And that the said Lock-up-Houses shall be severally placed in the charge and keeping of a Constable, to be specially appointed for that purpose by the Magistrates of the District in which such Town or Village may be situated, at any General Quarter Sessions of the Peace for the said District; and such Constable shall be resident in such Town or Village, and be one of the Constables of the Township in which such Town or Village may be situated, and the said Justices in Quarter Sessions may allow such salary or fees as they may think proper to such Constable.

District Councils to establish Lock-up-Houses and the magistrates in Q. S. to appoint Keepers and fix their fees or salaries

IV.

Councils may impose an additional Assessment to defray the cost of Lock-up Houses and their sites.

The expenses of Lock-up Houses after their first erection to be defrayed as other charges for the administration of Justice.

Assessments to be levied in the same manner as for other purposes.

Justices of the peace residing in or near the Town or Village, may commit persons charged with certain crimes to the Lock-up-House.

* *Sic.*

Expense of conveying prisoners to Lock-up-Houses how defrayed.

IV. And be it enacted, That it shall and may be lawful for the District Councils aforesaid, to cause an additional assessment in their discretion, to be levied on the inhabitants of such Town or Village, for the purpose of defraying the cost of any Lock-up-House and the site thereof, and the expenses of maintaining the same, after it shall have been so erected, shall be provided for out of the District Funds, and shall be included in the sum charged thereon as an expense incurred in the administration of Justice; and any such District Council shall and may, by any By-Law, direct and appoint how the expenditure of the said monies shall be accounted for, and the said additional Assessment, on such Town or Village shall be imposed, levied, and collected in the same manner and under the same provisions as the other taxes or assessments for the District for Local purposes, are imposed, levied, and collected under any By-Law of any such District Council as aforesaid.

V. And be it enacted, That it shall be lawful for any Justice of the Peace, residing at or near any Town or Village where a Lock-up-House may have been established, or nearer to the same than to the District Town, to authorize by written order to * confinement or detention therein of any person or persons who may be charged on oath with having committed any criminal offence, and whom it may be lawful and necessary to detain until such person may be examined and fully committed for trial to the Common Jail, or dismissed as the case may be, so as such confinement or detention shall not exceed the period of two days: And also, all persons found in the streets or highways in a state of intoxication, and all persons who may have been convicted of unlawfully desecrating the Sabbath, and generally all persons convicted, on view of such Justice of the Peace, or on the oath of one or more credible witnesses, of any offence cognizable by the law of that part of this Province, formerly Upper Canada, so as such detention or confinement in any of the last mentioned cases shall not exceed the period of twenty four hours: And to authorize the detention therein of any person committed to the Common Jail, until such person can be conveyed to such Jail.

VI. And be it enacted, That the expense of conveying any prisoner to, and detaining and keeping him or her in any such Lock-up-House, shall be defrayed in the same manner as the expense of conveying such prisoner to and keeping him or her in the Common Jail of the District would by law be.

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ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. XLII.

An Act to confer limited Corporate Powers on the Towns and Villages of Canada West, not specially incorporated.

[28th July, 1847.]

WHEREAS it is expedient, for the good order and safety of all Towns and Villages in that part of the Province of Canada which formerly constituted the Province of Upper Canada, that limited corporate powers should be conferred on the inhabitants thereof: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the passing of this Act the inhabitant householders of every such Town and Village not otherwise incorporated, in that part of this Province mentioned in the preamble to this Act, wherein there may be thirty inhabited houses shall if they think fit on the first Monday in October next after the passing of this Act and in every year thereafter, at the hour of ten in the morning, meet at such place as may be fixed upon and determined by the Senior (or in his default by any other) Justice of the Peace residing in (or in default the Justice of the Peace residing nearest to, or in his default by any Justice of the Peace residing within five miles of) such Town or Village, by a public notice to be posted up in not less than three of the most frequented places in such Town or Village, not less than eight nor more than twelve days previous to the said day of meeting, and having elected as Chairman such person among them as the majority of persons present shall decide upon to preside at the said meeting, the said householders shall, after this Act shall have been read by the said Chairman, proceed if they think fit to the election by a majority of votes, of three such inhabitant householders, if such Town or Village shall contain thirty inhabited houses and less than fifty, and if such Town or Village shall contain fifty or more inhabited houses, then of five such inhabitant householders, to be Trustees of such Town or Village, and who shall be invested with the powers hereinafter specified: Provided always that if separate notices be given under this section by more than one Justice of the Peace within the time appointed for that purpose, then the notice given by the Justice first entitled to give the same under this section shall be the valid notice, and all others shall be null.

Preamble.

Inhabitant householders of certain Towns or Villages to meet and choose Trustees.

Who shall call the meeting.

Notice.

Chairman.

Number of Trustees to be chosen.

Proviso for the case of several notices.

II.

Trustees to
choose an in-
spector.
His duties.

II. And be it enacted, That the said Trustees shall choose one from among themselves to be an Inspector in and for the Town or Village ; which said Inspector shall cause to be executed the Rules and Regulations hereinafter established and provided.

Trustees to
remain in office
one year.

III. And be it enacted, That the Trustees chosen as aforesaid, shall remain in office one year from the day of their election or nomination as aforesaid, or until others shall be elected or appointed in their stead, and shall then be replaced by an equal number of householders who shall be invested with the same powers ; Provided always, that nothing herein contained shall prevent the re-election or re-appointment of any of the said Trustees.

Proviso.

Certain articles
declared Rules
and Regula-
tions of Police.

IV. And be it enacted, That the following articles shall be taken and considered, and the same are hereby declared to be Rules and Regulations of Police, for the said Towns or Villages, that is to say :

Article first.
Ladders to
roofs.

Article First. All and every the proprietors of a house or houses of more than one story in height in any of the said Towns or Villages, shall, from and after the passing of this Act, place or caused to be placed a ladder or ladders on the roof of their respective houses, near to or adjoining the chimney or chimneys, and another ladder reaching from the ground to the roof of each and every of their respective houses as aforesaid, under the penalty of five shillings for every neglect so to do, and of ten shillings currency, for each and every week during which they shall neglect to provide themselves with such ladder or ladders as aforesaid.

Article second
Fire buckets.

Second. All and every householder or householders in the said Towns or Villages shall, from and after the passing of this Act, be held to furnish and provide himself or themselves with two buckets fit and proper for carrying water in case of accidents by fire, under the penalty of five shillings for each bucket which may be deficient.

Article third.
Lights in
barns, stables,
&c.

Third. Any person or persons who shall enter into any mill, barn, out-house or stable within the limits of the said Towns or Villages with a candle or lamp, without having the same well inclosed in a lantern, shall for every such offence, incur a fine and penalty of five shillings current money aforesaid, and any person or persons who shall enter into any mill, barn, stable or out-house within the limits of any of the said Towns or Villages with a lighted pipe or cigar, or carry any fire not properly secured into such barn, stable or out-house, shall for every such offence incur a penalty of five shillings currency.

Article fourth.
Fires in wood-
en buildings.

Fourth. No person or persons shall be allowed to light or have a fire in any wooden house or out-house of any description within the limits of any of the said Towns or Villages, unless the same be in a brick or stone chimney or in a stove of iron or other metal, under a penalty of five shillings currency for each offence.

Article fifth.
Fire conveyed
through
streets, &c.

Fifth. All and every person or persons who shall carry or convey fire into or through any street, lane, place, yard or garden in any of the said Towns or Villages, or cause fire to be carried or conveyed, without having the same confined in some copper, iron or tin vessel, shall, for every such offence, incur a forfeiture and penalty of two shillings and six pence currency, and for every subsequent offence of a like nature, a further forfeiture and penalty of five shillings currency.

Sixthly.

Sixth. Any person or persons who shall put or cause to be put or placed any hay, straw or fodder, in any dwelling house, within the limits of any of the said Towns or Villages shall incur a penalty of five shillings currency for the first offence, and a penalty of ten shillings currency, for every week during which he or she shall neglect to remove the said hay or straw from the said dwelling-house.

Article sixth.
Hay or straw
in houses.

Seventhly. It shall not be lawful for any baker, potter, brewer, manufacturer of pot and pearl ashes, or any other person, to build, make or cause to be built and constructed, any oven or furnace within the limits of any of the aforesaid Towns or Villages, unless the same adjoin and be properly connected with a chimney of stone or brick, which chimney shall rise at least three feet higher than the house or building in which the said oven or furnace may be, and three feet higher than any building within one chain of the said oven or furnace, under a penalty which shall not exceed ten shillings currency, and for non-compliance with this Regulation the offender shall incur a penalty of fifteen shillings currency, for each week during which he shall neglect to comply therewith.

Article seventh.
Furnaces for
certain trades.

Eighthly. All and every person or persons who shall keep or have gunpowder for sale in any of the said Towns or Villages shall keep the same in boxes of copper, tin, or lead; and for every omission or neglect so to do such person or persons shall incur a penalty of twenty shillings for the first offence, and forty shillings for every subsequent offence.

Article eighth.
Gunpowder.

Ninthly. Any person or persons in any of the said Towns or Villages who shall sell or permit gunpowder to be sold, at night, in his or their houses, store-houses or shops, out-house or other building, shall, on being thereof convicted, incur a forfeiture and penalty of forty shillings currency, for the first offence, and of sixty shillings currency, for every subsequent offence.

Article ninth.
Gunpowder.

Tenthly. All and every person or persons who shall throw or cause to be thrown any filth, rubbish or ordure into any of the streets, lanes or public places within the limits of any of the said Towns or Villages, shall, for every such offence, incur a penalty of two shillings and six pence currency, and of five shillings currency, for every week during which they shall neglect to remove the same, after notification to that effect by the Inspector, or by some other person authorized by him for that purpose.

Article tenth.
Filth or ordure
in streets, &c.

Eleventhly. It shall not be lawful for any person in any of the said Towns or Villages to conduct any stove-pipe through any wooden or lathed partition or through any floor, unless there be a space of six inches between the pipe and the partition or floor or the nearest wood-work; the pipe of every stove shall be inserted into a chimney, and there shall be left at least ten inches in the clear between any stove and any wooden or lathed partitions or other wood-work; and each and every person offending against this Regulation shall incur a penalty of ten shillings currency.

Article eleventh.
Stove pipes
through parti-
tion.

Twelfthly. No person or persons shall erect or cause to be erected, any furnace for making charcoal of wood within the limits of any of the said Towns or Villages, under a penalty of twenty shillings.

Article twelfth.
Charcoal
making.

Thirteenthly.

Article
thirteenth.
Fires in streets
&c.

Thirteenthly. Any person who shall light a fire in any of the streets, lanes, or public places of any of the said Towns or Villages by this Act intended, shall for every such offence incur a penalty of five shillings currency.

Article
fourteenth.
Ashes or cin-
ders.

Fourteenthly. Any person or persons who shall in any of the said Towns or Villages keep or deposit any ashes or cinders of any kind (ashes in the possession of manufacturers of pot and pearl ashes excepted) in any wooden vessel, box or other thing not lined or doubled with sheet iron, tin or copper, so as to prevent all danger of fire or combustion from such ashes or cinders, shall, for every such offence, incur a fine and penalty of five shillings currency.

Article
fifteenth.
Quick lime.

Fifteenthly. Any person or persons who shall in any of the said Towns or Villages place or deposit any quick or unslacked lime in any house, out-house or building, so that such lime may be in contact with or touch any wood thereof, whereby there may be any danger of fire or combustion, shall, for every such offence, incur a penalty of five shillings currency, and a further penalty of ten shillings currency for each day until such lime shall be removed or secured to the satisfaction of such Inspector, and in such manner as not to cause any danger of accident by fire.

Penalties to be
sued for within
ten days.

VI. And be it enacted, That the penalties and forfeitures appointed by this Act shall be sued for within ten days after the offence for which they shall have been incurred shall have ceased, and not afterwards.

Penalties how
recoverable.

VII. And be it enacted, That all penalties and forfeitures incurred by any person or persons resident or living in the aforesaid Towns or Villages shall be sued for and recovered by the Inspector in and for such Town or Village, before any one Justice of the Peace of the District, residing in or within five miles of such Town or Village, if any there be, or else before any other Justice of the Peace within the District, (provided the distance from any of the said Towns or Villages do not exceed ten miles,) who shall hear and determine such information in a summary manner, and upon the oath of one credible witness, and shall cause such penalty or forfeiture to be levied by distress and sale of the goods of the offender, and the whole of such penalty or forfeiture shall go to and be applied to the repairs and improvement of the streets, avenues and lanes of the said Towns or Villages by the said Inspector and Trustees, and the same shall be paid to the Pathmaster or Pathmasters respectively of the Division or Divisions as the case may be.

And how
levied and ap-
plied.

Penalty on In-
spectors or
Trustees
neglecting
their duties.

VIII. And be it enacted, That any Inspector or Trustee of any of the said Towns or Villages, who shall wilfully neglect or omit to fulfil any of the duties imposed upon the said Inspector and Trustees, or to prosecute any offender against the Regulations of Police aforesaid at the request of any inhabitant householder offering to adduce proof of the offence, shall, on being thereof convicted in manner aforesaid, incur a penalty of five shillings current money of this Province.



ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. XLIII.

An Act to define the limits of the Town of Bytown, to establish a Town Council therein, and for other purposes.

[28th July, 1847.]

WHEREAS from the great increase of population and growing importance of the Town of Bytown, in the District of Dalhousie, it is necessary to make further provision than by law exists for the internal regulations thereof: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That there shall be in the Town of Bytown a Town Council to be composed and constituted in manner hereinafter to be described, which shall be and is hereby declared to be a Body Corporate and Politic in fact and in law by the name of *The Mayor and Town Council of Bytown*, and by that name they and their Successors shall have perpetual succession, and be capable of suing and being sued, impleading and being impleaded in all Courts, and in all actions, causes and complaints whatsoever, and shall have a common seal, and may alter the same at pleasure, and shall be in Law capable of receiving titles by gift, and of purchasing, holding and conveying any estate, real or personal, for the use of the said Town.

Preamble.

A Town Council established in Bytown.

Corporate name and powers.

II. And be it enacted, That the said Town of Bytown shall be comprised within the following limits or boundaries, that is to say: commencing at the waters of the River Rideau on the line which divides lots E and F in concessions D and C, and thence in a continuous direct line across lot number Forty to the side line dividing lots numbers Thirty-nine and Forty, thence following the said side line northerly in the first concession to the line dividing concession A and the first concession, and in concession A embracing the whole of the broken lot number Thirty-nine to the River Ottawa, including all the islands down to the southerly end of the Chain Bridge, thence following the waters of the Ottawa in the centre of the Channel to the western branch of the waters of the River Rideau, thence against the stream on the River Rideau to the place of beginning; any law, usage or proclamation to the contrary notwithstanding.

Limits of Bytown fixed.

III.

Town divided
into three
wards.

III. And be it enacted, That the said Town of Bytown, comprising the Upper Town and Lower Town, shall be divided into three Wards, by the names of North Ward, South Ward, and West Ward.

Limits of the
several wards
fixed.

IV. And be it enacted, That Lower Bytown shall consist of that portion of the Town, lying easterly from the Rideau Canal, which shall constitute two Wards by the names of North Ward and South Ward; and South Ward shall consist of all that portion of the said Lower Town South and East of the centre of York Street to the centre of King Street, following King Street until it intersects the waters of the River Rideau; and from the West end of York Street across Sussex Street to the line dividing lots F and G on Sussex Street and continuing the bearing of that line to the Canal locks; and North Ward shall consist of all that portion of the said Lower Town north and west of the line above described; and Upper Bytown shall consist of all that portion of the Town lying westerly from the Rideau Canal, which shall constitute one Ward by the name of West Ward.

Two Mem-
bers of the
Town Coun-
cil to be elected
for each
Ward.

Qualification
of such mem-
bers.

Non-residents
not eligible.

V. And be it enacted, That each of the said Wards in the Lower Town shall elect annually two persons, and West Ward, in the Upper Town, shall elect annually three persons, to be members of the said Town Council, from among the inhabitant householders of the said Town, who, being subjects of Her Majesty, and of the age of twenty-one years, shall be freeholders therein to the assessed value of three hundred pounds currency, or persons who have built a dwelling house on leasehold property and residing therein, which would *bonâ fide* rent for thirty pounds currency per annum, or proprietors of a dwelling house or other buildings erected on leasehold property, which is rented or would rent for thirty pounds per annum; and that no person shall be eligible to be elected or be capable of holding the office of Member of the said Town Council who shall not be resident in the said Town for the time then being.

Who shall be
Electors.

Freeholders.
Tenants of
dwelling
houses.

Leaseholders.

VI. And be it enacted, That the persons entitled to vote in any of the Wards for the election of such Members to serve in the said Town Council shall be the male freeholders and inhabitant householders of the said Town, of the age of twenty-one years, within their respective Wards, being subjects of Her Majesty, possessed of freehold estate in any of the said Wards of the assessed value of thirty pounds, or tenants being like subjects of Her Majesty, of the age of twenty-one years, and rated upon the Assessment Roll of the said Town, and who shall have paid six months before the said election, rent for their dwelling house within the said Ward, at the rate of not less than ten pounds currency per annum; and leaseholders, being like subjects of Her Majesty, of the age of twenty-one years, who shall have built a dwelling house on such leasehold and residing therein, which would *bonâ fide* rent for the sum of ten pounds currency per annum.

Mayor to be
chosen.
His powers.

VII. And be it enacted, That the Members of the said Town Council so elected, or a majority of them, shall choose one of their number to be Mayor, who shall preside over their meeting, and preserve order thereat.

First election.
Sheriff, and
Deputies to
preside in each
Ward.

VIII. And be it enacted, That the first election of Members for the said Town Council under this Act, shall be holden on such day within six months after the passing of this Act, as the Sheriff of the District of Dalhousie shall appoint, at some place in each Ward respectively, to be appointed by the said Sheriff, who shall give public notice

notice at least six days previous to the election, and at such election the said Sheriff shall preside in such one of the said Wards as he may select, and shall appoint fit and proper persons under his hand and seal to hold the said elections for the other two Wards, and the said Sheriff and the persons so appointed by him, shall hold the said election for each of the said Wards respectively, and shall keep the Poll open for receiving and entering votes for the election of Members of the said Town Council, from the hour of Nine of the clock of the forenoon until Five of the afternoon of such day, and at the close of the Poll at the hour aforesaid shall declare the person or persons in each Ward who shall have the greatest number of votes duly elected Members of the said Town Council, and shall give notice thereof to the persons so elected, within three days after such election; and that all subsequent elections of Members shall be held by Officers to be appointed by the said Town Council, the time, place, and all proceedings to be had at such elections to be regulated from time to time by the said Town Council; and that the Members of the said Town Council so chosen as aforesaid, shall serve until the first Monday in April in the then next year, and until a new Town Council shall be chosen and formed as hereinafter mentioned; and that on the first Monday in April in every year an election shall be held in each Ward of the said Town, for choosing Members of the said Town Council according to the general provisions of this Act; and the Members elected shall take the Oath of Office herein contained, before any Justice of the Peace for the District of Dalhousie, who is hereby empowered to administer the same, that is to say:

During what hours the Poll shall be open.

Subsequent elections to be under rules to be made by the Town Council.

Period of service of the Members.

Election to be held in each year.

Members to be sworn.

“ I, A. B. do solemnly swear that I will well, faithfully, and impartially discharge the duties of a Member of the Town Council of Bytown, to the best of my knowledge and ability; So help me God.”

The Oath.

IX. And be it enacted, That in all elections held under this Act, the Poll-books containing the names of voters, and other matters, shall be verified by affidavit by each of the Officers holding such elections before any Justice of the Peace for the District of Dalhousie, which oath such Justice is hereby empowered to administer; and the said oath of the correctness of the said Poll-books shall be in the following form:

Poll-books to be sworn to.

“ I, A. B. do swear that the Annual Poll-book for _____ Ward in the Town of Bytown, is just and correct, according to the best of my knowledge and belief; So help me God.”

Form of oath.

X. And be it enacted, That before any person shall proceed to hold an election under this Act he shall take the following oath, which any Justice of the Peace for the District of Dalhousie is hereby empowered to administer, that is to say:

Persons presiding at any election to be sworn.

“ I do solemnly swear that I will faithfully and impartially, to the best of my ability, discharge the duty of Presiding Officer at the election which I am about to hold for Members of the Town Council of Bytown; So help me God.”

The oath.

XI. And be it enacted, That every Presiding Officer at any such election of a Member or Members shall have power, and is hereby required to preserve peace and order at such election, and for such purpose shall and may during its continuance commit to the Common Jail of the District of Dalhousie, any person or persons making or creating any disturbance, fighting or rioting at such election, practising any malicious mischief or using any threats of violence to deter any elector from coming forward to vote,

And may preserve peace at election—his powers for that purpose.

vote, retiring from voting, or remaining quietly at such election; and shall and may require and command the assistance of all persons present at such election, or any constable or peace officer in the said Town, who are hereby required to give such assistance in apprehending and committing the person or persons making or creating any such noise, interruption, disturbance or disorder aforesaid: Provided always that no such committal shall extend beyond the period of one month.

Proviso.

Officer presiding may swear Candidates or voters as to their qualification.

XII. And be it enacted, That the Officer presiding at any election under this Act shall have authority, and he is hereby required at the request of any person duly qualified to vote at such election, to examine on oath (or affirmation when by law an affirmation is allowed) any Candidate for the office of Member of the said Town Council respecting his qualification to be elected to the said office, and shall also have authority and is hereby required, upon such request as aforesaid, to examine on oath (or affirmation when by law an affirmation is allowed) any person tendering his vote at any such election, and that the oath to be administered for either of the two purposes shall be in the following form:

Form of the oath.

“You shall true answer make to all such questions as the Presiding Officer at this election shall put to you respecting your qualification to be elected at this election (or respecting your qualification to vote at this election, *as the case may be*); So “help you God.”

And the affirmation taken shall be in the common form of an affirmation to the same effect.

Wilful false swearing or affirming, to be perjury.

XIII. And be it enacted, That if any person being examined on oath or affirmation under this Act in regard to his qualification to vote or be elected, shall wilfully forswear himself he shall be deemed guilty of wilful and corrupt perjury, and on conviction thereof shall be subject to the like pains and penalties as in other cases of wilful and corrupt perjury.

Penalty on persons elected refusing to take the oath of office within a certain time.

Mode of recovery.

Proviso as to Members elected during their absence. Unless with their consent. As to persons having served within three years, provided they give notice that they will not serve if elected.

XIV. And be it enacted, That if either or any of the Members elected as aforesaid, after notice thereof, shall neglect or refuse for the space of ten days to take the Oath of Office herein contained, which any one of the said Members so elected as aforesaid is empowered hereby to administer to the others, he shall for such neglect or refusal forfeit the sum of ten pounds currency, to be recovered with costs by information before any Justice of the Peace for the District of Dalhousie, who is hereby authorized to proceed in the same manner as hereinafter is provided for the recovery of any penalty for the transgression of any order or regulation of the said Town Council: Provided, that no person having been elected a Member of the said Town Council during his absence from the Town, (unless such Member shall have previously given his consent to be put in nomination,) nor any person who has discharged the duties of a Member of the said Town Council within three years of the said election, shall be subject to the penalty hereinbefore stated for the refusal to act, provided notice in writing be given to the Presiding Officer before such election, by such person who has already served, that he will not serve if elected; And provided also that the services of Members elected to serve in the Town Council shall be gratuitous.

XV. And be it enacted, That in case any vacancy shall at any time happen among the Members of the said Town Council by death or by neglect or refusal to take the Oath of Office hereinafter contained, within the time hereinbefore limited, or by removal from the Town, or from any other cause, the Town Council shall issue a precept to the Bailiff of the Ward for which the Member whose office shall have become vacant was chosen, to hold an election for the said Ward, giving notice of the time and place of holding the said election, and the Member so elected shall hold his office until another is chosen in his place; and in case any such vacancy shall happen from any of the causes hereinafter specified, or from any other cause whatever, amongst the Members elected at the first election of Members of the said Town Council, then the other Members of the said Town Council shall issue a precept to the Sheriff, and he shall proceed to hold an election to supply such vacancy, giving the same notice as hereinbefore required.

Mode of filling vacancies in the Town Council.

The like case among Members elected at the first election provided for.

XVI. And be it enacted, That the said Town Council, as soon as they shall have chosen a Mayor shall have the power of enacting such Laws and Regulations for the internal government of the Town as to them may seem expedient and necessary, and shall have the power of appointing all such Officers, Constables and Policemen as shall be required for the due execution of the laws to be by them enacted, and of requiring such security to be given by any of the said Officers as to the Town Council may seem meet, and of removing any of the said Officers at pleasure.

Town Council to have power to make By-laws and to appoint the requisite officers.

XVII. And be it enacted, That for the purpose of raising funds to provide for the purchase of any real estate for the use of the said Town, to erect a Market House, Town Hall and other buildings, to procure Fire Engines, and for lighting and paving and repairing the streets and side-walks of the said Town, and also for the paying the necessary expenses of the said Town Council, and for all other purposes which the said Town Council may deem expedient and necessary for the welfare and improvement of the said Town, it shall and may be lawful for the said Town Council to levy by assessment annually upon the persons rated or liable to be rated upon any valuation for property real and personal in the said Town, any sum not exceeding three pence in the pound; and it shall be the duty of the Officer or Officers to be appointed by the said Town Council to make a valuation or Assessment List for the said Town, and to lay the same before the said Town Council annually: Provided always, that from and after the period when the said Town Council is organized under this Act, all assessments levied within the said Town under any By-Law of the Municipal Council of the District of Dalhousie, save and except the Assessment for the year then current, and also save and except all arrears of taxes or assessments then due and owing; and all assessments and taxes levied under any statute of that part of the Province formerly Upper Canada or of the Province of Canada, within the said Town, shall determine and cease; and the said Municipal Council shall not thereafter exercise any Municipal control over the Town of Bytown; any law, by-law, or usage to the contrary notwithstanding.

Town Council to have power to impose assessments for certain purposes.

Amount of assessments limited to three pence in the £.

Assessment list to be made.

Proviso: other assessments to cease in the said Town.

Exception.

XVIII. And be it enacted, That such rates as shall be so imposed, shall be collected by the Officer to be appointed by such Town Council, according to such By-Laws as shall be enacted for that purpose by the said Town Council, and be paid into the Treasury of the said Town Council.

Rates to be collected under the By-Laws of the Town Council.

XIX.

Instead of any assessments for District purposes, a certain sum shall be paid annually to the District by the said Town. How such sum shall be ascertained.

Proviso: in what manner the award as to said sum may be set aside.

Property liable to taxation.

XIX. And be it enacted, That from and after the first day of January, in the year of our Lord one thousand eight hundred and forty-eight, no taxes, rates or assessments shall be collected by the Township Collector or District Officer for or on account of any property, real or personal, within the limits of the said Town of Bytown; and that in lieu of any taxes, rates or assessments heretofore, now or hereafter by law payable to the District Treasurer of the said District of Dalhousie on account of such real or personal estate, an equivalent shall annually be paid by the Treasurer of the said Town to the District Treasurer on or before the first day of November next, after the amount of such equivalent shall be ascertained by the award of the Warden of the District Council of the said District and Mayor of the said Town, with such other person consenting to act as they shall choose as Umpire, or any two of them, which award the said Warden, Mayor and Umpire are hereby required to make during the month of January in each year: Provided always, that the discharge of the duties hereby imposed on the said Warden and Mayor, and Umpire consenting to act, and the performance of any award made as aforesaid may in the discretion of the Court of Queen's Bench of Upper Canada be enforced by Mandamus from such Court, and the usual proceedings thereon; And provided also, that in the event of no award being made, or payment of the sum awarded being neglected or refused, the Treasurer of the said Town shall pay to the Treasurer of the said District the amount of taxes which would have been levied and assessed for District purposes in the said Town had not this Act been passed.

XX. And be it enacted, That the property liable to taxation, within the limits of the Town of Bytown, shall be (except as hereinafter provided)—

Firstly. All lands, town lots and parts of town lots with all buildings and erections thereon, at their real value.

Secondly. The following personal property at the value herein specified:

Every horse kept for the purpose of covering Mares for hire or gain, at £200.

Every horse, mare, or gelding, above the age of three years, at £10.

Oxen and all other horned cattle, except milch cows, at the age of four years and upwards, at £4 each.

All horned cattle, except milch cows, under four years of age, at £1 each.

Milch cows, at £3 each.

Every close carriage with four wheels, kept for pleasure, at £100.

Every phaeton or open carriage, with four wheels, kept for pleasure, at £40.

Every curricule, gig or other carriage, with two wheels, kept for pleasure, at £25.

Every wagon kept for pleasure, at £15.

Every two horse sleigh, kept for pleasure, at £20.

Every one horse sleigh, kept for pleasure, at £10.

Thirdly. The stock in trade of all descriptions, kept by merchants and dealers, exposed for sale on shelves in shops, or kept in store-houses: Provided always, that no annual rate shall be declared or collected on such stock, to exceed one-tenth part of one per

per centum on the estimated value of such stock : Provided always, that in the valuation and assessment of land and real property in the said Town, any parcel of land whether consisting of one or more Town lots, or of a greater or less quantity than a Town lot or Town lots held and occupied together with the dwelling-house or other building, to the extent of one acre, shall be assessed and valued with such dwelling-house or building according to their real value ; and that all parcels of land upon which no such dwelling-house or building is erected, and also any quantity of land held with such dwelling-house or building over the quantity of one acre, shall be assessed and valued at a fixed rate as vacant Town land, that is to say, at the valuation of forty pounds for each acre, and in the same proportion for a greater or less quantity ; and that all pieces or parcels of vacant Town land under half an acre in extent shall be rated and valued at the rate of half an acre, and all surplus over and above one or more even half acres shall be in like manner valued and assessed as half an acre.

Proviso as to the mode of assessing lands held with or without being attached to a dwelling house.

XXI. And be it enacted, That the following property shall be exempt from taxation in the Town of Bytown : all lands and property belonging to Her Majesty, Her Heirs and Successors, or vested in or held by any public body, office, person or party, in trust for the uses or service of Her Majesty, Her Heirs and Successors, whether held in fee simple, or for any less estate, during the continuance of such estate, and all Provincial property and buildings, every place of public worship, every burying ground, every public school house and school lands ; all buildings, ground and property occupied by or for the public uses of the Corporation, or held by the Corporation and not in the possession of the tenant or tenants of the Corporation, the District Court House and Jail and the grounds attached thereto : Provided always, this exemption shall not extend to lots or to buildings built upon, leased or occupied by tenants under the Ordnance Department in the said Town, but the same shall be valued and assessed in like manner as other property, and such rate or assessment shall be paid by the tenant or tenants thereof

Certain property exempted from taxation.

Lands belonging to Her Majesty, or held for other public purposes.

XXII. And be it enacted, That it shall be the duty of the Town Council, as soon as the current assessment year for District purposes shall have expired, and annually thereafter, to appoint one or more discreet persons, resident freeholders or leaseholders, whose individual property shall be worth not less than five hundred pounds, to appraise and value all the rateable property, (not herein otherwise exempted,) according to its real value ; and when notified by the Mayor or Town Clerk of such appointment, they shall as directed proceed to discharge the said duties, and for every neglect, refusal or delay, shall forfeit and pay a sum not exceeding ten pounds except a good and sufficient excuse is offered and accepted, in which case the Mayor, or Mayor and Town Council, may appoint another valuator instead, and when the valuation or Assessment Roll is placed into the hands of the Town Council or the Town Clerk, it shall for the space of fifteen lawful days be open to public inspection, and parties within that period may record an appeal to the Town Council for excessive valuation, which appeal may be determined upon by the said Town Council at their next meeting, receiving such allegations by parties and their witnesses, upon Oath, to be administered by the Mayor or person presiding, after which they shall declare and collect the rate for the current year.

Town Council to appoint Appraisers.

Qualification.

Penalty for refusing to act.

Rolls of valuation or assessment to lie open for inspection for a certain time.

Revision of the same.

XXIII. And be it enacted, That tenants or leaseholders for any space of ground exceeding one acre, possessed by them before the passing of this Act, whose lease is terminable

Tenants to be rated only for their buildings

and improve-
ments in cer-
tain cases.

terminable without the right of converting the same into freehold, shall be valued and rated only for their buildings and improvements, and such grounds shall be wholly or separately valued and treated as vacant ground, and shall be liable to be sold and disposed of as hereinafter provided, except when it shall have been otherwise specially agreed between the proprietor and tenant.

Town Council to have power to make By-laws for certain purposes.
Special powers.
Streets and Roads.
Licencing for certain purposes.
Weighing and measuring
Cruelty to animals.
Nuisances.
Fire works.
Sabbath.
Gambling.
Theatres, Shows, Stills, &c.

Charivaries.

Trees.

Signboards.
Offences.

Examining premises of townsmen.

Fires and their preventions.

Chimnies.

Gunpowder.

Water.

Fires.
Excessive driving, &c.

Assize of bread.

XXIV. And be it enacted, That the said Town Council of Bytown shall have full power and authority from time to time to make, revive, alter and amend, administer and enforce such By-laws as they may deem proper and necessary for making, gravelling, flagging, paving, ditching, levelling, raising, repairing, mending, lighting, macadamizing and changing any of the streets, squares, alleys, lanes, walks, side-walks, cross-walks, roads, highways, bridges, public wharves, docks, quays, market places, shores and sewers, now laid out or erected within the limits of the said Town,—to regulate and license market-places, victualling houses and ordinaries, where fruit, victuals and liquors not distilled are sold to be eaten and drunk in such houses or on the street, and groceries,—to regulate the weighing of hay, and measuring of wood,—to regulate carts and carters, and to punish inhuman treatment of any animals by excessive beating or otherwise,—to regulate or prevent slaughter houses, tanneries and all manufactories,—to prevent the firing of any guns, pistols, muskets, squibs or fire balls,—to enforce the due observance of the Sabbath day,—to regulate, license or suppress all public billiard tables, roulette tables, all games and ball alleys, as well as any species of gambling or gambling apparatus,—to regulate and license all theatres kept for profit, stills kept for the purpose of distilling spirituous liquors for sale, auctioneers, butchers, hawkers, pedlars, hucksters and all persons exhibiting for gain or profit, any puppet show, wire dance, circus riding and circus riders, and all other shows, and to provide for the licensing the same,—to prevent and punish parties engaged in charivaries,—to prevent the injuring or destroying of trees, planted or growing, for shade or ornament in the said Town,—to prevent the pulling down or defacing of sign boards,—to prevent and punish breaches of the peace, and generally to prevent and punish vice, drunkenness, profane swearing, obscene language, and every other species of immorality, and to preserve good order in the said Town,—to enter into and examine all dwelling houses, warehouses, shops, yards and outhouses, to ascertain whether any such places are in a dangerous state with respect to fire, or otherwise, and to direct them to be put in a safe and secure condition,—to appoint Fire Wardens and Fire Engineers,—to appoint and remove firemen,—to make such Rules and By-laws as may be thought expedient for the conduct of such Fire Companies as may be raised with the sanction of the said Town Council,—to compel any person to aid in the extinguishing of fires,—to require the inhabitants of the said Town to keep fire buckets, and to provide and keep scuttles and ladders to their houses,—to regulate and enforce the erection of party walls,—to regulate and enforce the cleansing and sweeping of chimnies,—to regulate the manner of depositing and keeping ashes at the time they are taken from fire places,—to regulate the keeping and transporting of gunpowder or other dangerous combustible material in the possession of private parties,—to make, preserve and regulate public wells and cisterns, and other conveniences for the stopping or preventing fires,—to prevent the extension and ravages of fire by pulling down adjacent buildings,—to stop or authorize any other person to stop any immoderate riding or driving in any street in the said Town, or riding or driving, or drawing or tying any horse or horses, or sleigh or wagon, or carriage or cart, or any vehicle on any of the side-walks in the said Town,—and to inflict fines for any such offence,—to regulate the assize of bread,—

bread,—and to provide for the seizure and forfeiture of any bread baked contrary thereto,—to prevent and abate and remove any nuisance,—to regulate or restrain any horses, cows, oxen and other cattle, sheep, goats, swine and other animals, geese and other poultry, from running at large within the limits of the said Town,—to prevent and regulate the running at large of dogs, and to impose a reasonable tax on the owners or possessors thereof,—to prevent and remove encroachments, buildings, fences, or anything else of whatsoever nature in any streets,—to establish and regulate one or more Pounds,—to require the Road Labour of the said Town to be commuted for money, and such money to be paid to the Treasurer of the said Town Council, to be at the disposal of the said Town Council for the purpose of improving the public highways of the said Town,—to provide for the registration of voters under this Act,—to provide for taking the Census or other statistical information as required by law,—to punish or fine parties for refusing to give any, or giving erroneous statistical information required by any Officers under the Corporation, or for giving a false or erroneous statement of any rateable property in their possession,—to establish one or more Public Libraries,—to promote and encourage Literary, Scientific and Agricultural Institutions,—to regulate Public Hospitals,—to establish and support a House of Industry and enforce labour and discipline in the same, and to authorize the arrest and detention of any offender against such By-law until convicted, bailed or discharged; and generally to make all such laws as may be necessary and proper for carrying into execution the power hereby vested, or hereafter to be vested in the said Town Council or in any Department thereof, for the peace, welfare, and good government of the said Town, as they may from time to time deem expedient, not repugnant to the laws of this Province, except in so far as the same may be virtually repealed by this Act.

Nuisances.
Animals at large.
Dogs.
Encroachments.
Pounds.
Statute Labour.
Registration of voters.
Census.
Public Libraries, &c.
House of Industry.
General powers.

XXV. And be it enacted, That it shall be lawful for the Town Council when in Session, or by any By-law enacted by them, to order and authorize the Sheriff of the District of Dalhousie, to give notice of at least ten days to parties who may have made encroachments by buildings, fences, or any other obstruction of whatsoever nature upon any of the streets or public grounds in the said Town, specifying and describing such encroachments in such order or By-law, and in such notice; and if the same be not removed by such parties within the time specified in such notice, the said Sheriff shall immediately remove the same, taking with him sufficient assistance if need shall be, and shall be allowed his necessary expenses and the usual and customary fees for such services, to be paid in the first instance by the said Town Council and recovered by the Corporation from the party having made such encroachment or obstruction, in the same manner as other monies due to the Corporation.

Sheriff of Dalhousie District to give ten days' notice to parties having made encroachments, after which he may remove them.

XXVI. And be it enacted, That any Rule or Regulation of the said Town Council for the infraction of which any penalty is inflicted, before it shall have any effect, shall be published in one or more of the newspapers of the said Town, and that in like manner shall be published in each and every year before the annual election, an account of all monies received and in the Treasury, and the amount expended, and for what purpose.

Rules imposing penalties to be published. Also accounts of Town monies.

XXVII. And be it enacted, That if any one shall transgress any By-law made by the said Town Council under the authority of this Act, such person shall, for every such offence, forfeit the sum which in every such Order, Rule or Regulation, shall be specified, with costs to be recovered by information before one or more Members

Mode of recovering penalties imposed for the infraction of any By-laws of the

of

Town Council.

Inhabitants to be competent witnesses.
 Proviso: period within which prosecutions must be brought.
 Proviso: amount of penalty or imprisonment limited.

of the said Town Council, and to be levied of the goods and chattels of such offender, and in default of such goods and chattels, the offender shall be liable to be committed to the Common Jail of the said District of Dalhousie for a time not exceeding two months in the discretion of the Member or Members of the Town Council before whom such offender shall have been convicted; and no person shall be deemed an incompetent witness upon any information under this Act, by reason of his or her being an inhabitant of the said Town of Bytown; Provided always, that the information and complaint for a breach of any Orders or Regulations of the said Town Council must be within fourteen days after the offence committed; and provided also that for any such offence the fine or forfeiture shall not be less than five shillings or more than five pounds, and that no imprisonment for any such offence shall be for a longer period than two calendar months; and that such imprisonment shall be at the expence of the said Corporation.

Penalties to be paid into Treasury of Town Council.

XXVIII. And be it enacted, That all the penalties recovered under the provisions of this Act shall be paid into the Treasury of the said Town Council, and the proceeds of all Licenses granted under this Act, and any income of whatsoever nature shall form part of the public funds of the said Town, any law or usage of this Province to the contrary notwithstanding, and shall be applied in the same manner as other monies coming into the said Treasury may be applied for the public uses of the said Town.

Rates if not paid within a certain time to be levied by distress and sale.

XXIX. And be it enacted, That if any person shall neglect or refuse to pay the sum or rate for which he or she stands rated in the manner hereinbefore mentioned, for the space of ten days after demand duly made of the same by the Collector, or other Officer to be appointed by the said Town Council for that purpose, the said Collector or other Officer, shall, and he is hereby required to levy the same by distress and sale of the goods and chattels of the person so neglecting or refusing to pay, after having obtained a warrant for that purpose from some one of the Justices of the Peace for the District of Dalhousie, who is by this Act authorized to grant the same, upon information made on oath before him of the neglect or refusal to pay the said assessment, and to render the surplus (if any) over and above the said rate to the owner thereof, after deducting the legal charges of the distress and sale.

Vacant lots belonging to non-residents, on which the rates shall not be paid, may be sold.

Proviso: Property to be first advertised.

Owners may resume possession on paying costs, into-

XXX. And be it enacted, That in all cases where the person who shall be rated in respect of any vacant ground or other real property within the Town, shall not reside within the said Town, and the rates and assessments payable in respect of such vacant ground or property shall remain due and unpaid for the space of four years, and no sufficient distress shall be found therein, (except as hereinbefore provided,) then and in such case it shall and may be lawful for the Mayor of the Town Council to issue a precept under the corporate seal of the said Town Council to the Sheriff of the Dalhousie District, commanding him to sell and dispose of such property by public sale, or so much thereof as shall be necessary for the payment of the arrears of taxes, together with all costs accruing by reason of such default, and the Sheriff is hereby authorized and required to dispose of such property as is herein directed: Provided always, that no property shall be sold without having been first advertised in a public newspaper published in the Dalhousie District, for three months next preceding such sale; and all owners of property sold under the authority of this clause in this Act shall be allowed to resume possession of the same within the space of twelve months next after the date of such sale, on paying or tendering to the purchaser the full amount of the purchase

purchase money, with legal interest thereon, together with the costs attendant upon the default and sale, with an addition of twenty-five per centum on the purchase money.

rest, and percentage in one year.

XXXI. And be it enacted, That the said Town Council shall assemble at least once in each month for the transaction of the business of the said Town, and shall hold their sittings in the Town Hall, when such a building shall have been provided, and until such a suitable public building shall have been provided, the said Town Council shall determine on the place of meeting, and that a majority of the said Town Council shall be a *Quorum* for the despatch of business: Provided always, that a smaller number may adjourn from time to time, and are hereby authorized to compel the attendance of absent Members in such manner and under such penalties as may be provided by any By-law of the said Town Council.

Sittings of the Town Council, when and where to be held.

Proviso as to adjournments.

XXXII. And be it enacted, That the Sheriff and Jailer of the District of Dalhousie shall be bound, and they are hereby authorized and required to receive and safely keep until duly discharged, all persons committed to their charge by the said Town Council or any Member thereof under the authority thereof.

Sheriff and Jailer to obey committals by Town Council.

XXXIII. And be it enacted, That except in General or Adjourned Quarter Sessions, the Magistrates of the District of Dalhousie, as such Justices, shall exercise no jurisdiction over offences committed within the said Town of Bytown, except in such cases as are excepted by this Act; and that the Members of the Town Council shall, by virtue of their offices, be Justices of the Peace in and for the said Town, and exercise within the limits of the said Town the authority now given by law to Justices of the Peace, whether they have or have not the perfect qualification required of other Justices of the Peace: Provided always, that nothing in this Act shall be construed to give the Members of the said Town Council any right or authority to sit, act, or in any wise interfere in any Court of General or Adjourned Quarter Sessions; and that it shall and may be lawful for any person or persons to appeal to the Court of General Quarter Sessions in the same manner as is now provided by law, from any conviction of one or more Members of the said Town Council, when such conviction shall have been made in the exercise of their magisterial duty, and apart from the enforcement of any By-law or Regulation: Provided also, that if any action or suit shall be brought against any Member of the said Town Council for any thing done by him as a Justice of the Peace as aforesaid, he shall be entitled to and receive the same notice of action as is now required to be given to Justices of the Peace in other cases.

What Jurisdiction the Justices of the Peace for the District shall have in the Town.

Members of the Town Council to be Justices for the Town.

Proviso: They shall not sit in Quarter Sessions, &c.

Appeal given in certain cases.

Proviso: Members to have notice of action as other Justices.

XXXIV. And be it enacted, That any contested election, either as to the qualification of the Members or that of the voters, or on any other ground whatsoever, shall be determined by the Member or Members whose return shall not be disputed, and the scrutiny shall take place within four days after the election complained of, and in case of the same being declared void from any of the above causes, or from any riotous or disorderly proceeding at such election, that a new election shall take place within eight days thereafter, such election to be held by the proper Officer, to whom a precept shall issue, and he shall be required to give four days' notice of such new election, by affixing not less than three notices in the Ward in which such election is to be held: Provided also, that the Town Council are hereby empowered to expel, punish or fine any Member of the said Town Council for disorderly or improper conduct.

How contested elections shall be decided.

New election to be ordered if the first be declared null.

Proviso.

XXXV.

Oath to be taken by any Member acting at such trial or scrutiny.

XXXV. And be it enacted, That before any Member of the said Town Council shall enter upon any such trial or scrutiny, he shall take an oath in the following form, before one of the Justices of the Peace for the District of Dalhousie, that is to say :

“ I do solemnly swear that I will truly and impartially, to the best of my judgment, try and determine the merits of the complaint against the election of A. B. ; So help me God.”

Witnesses summoned and not attending &c may be committed.

XXXVI. And be it enacted, That any witness who, being duly summoned to attend upon such trial of scrutiny, or upon any complaint before the Town Council, shall wilfully neglect or refuse to attend, shall, on conviction thereof before one of Her Majesty's Justices of the Peace for the District of Dalhousie, having been duly summoned to answer such complaint, be liable to be imprisoned, on the commitment of such justice, in the Common Jail of the said District, for a space of time not exceeding one calendar month ; and if any witness shall, upon any trial or scrutiny, wilfully and corruptly swear falsely, (and the Members of the said Town Council are hereby empowered to examine all such witnesses on oath and to administer such oath,) he or she shall be deemed guilty of wilful and corrupt perjury.

False swearing to be perjury.

Town Council not to be dissolved by failure to elect ; but the election may be thereafter had.

XXXVII. And be it enacted, That in case it shall at any time happen that an election of Members for the said Town Council shall not be had on any day when in pursuance of this Act it ought to have been had, the said Town Council shall not for that cause be deemed to be dissolved, but that it shall and may be lawful on any other day to hold an election of a Member or Members in such manner as shall have been regulated by the Laws and Ordinances of the said Town Council.

Mode of filling a vacancy in the office of Mayor.

XXXVIII. And be it enacted, That in case of a vacancy occurring in the office of Mayor of the said Town Council, either by his death, absence or from any other cause, the Members shall elect another of their number to fill that office ; and he shall hold the same until the vacancy is legally filled up.

In case of equality of votes at any election the person presiding shall give a casting vote.

XXXIX. And be it enacted, That in case an equality of votes should happen at any election of the Members of the said Town Council, in any or either of the said Wards, it shall and may be lawful for the person presiding at the said election to give a casting vote ; and he shall not be required to be possessed of the qualification necessary to enable him to vote at the said election for the said Wards respectively.

Corporation may borrow a certain sum.

XL. And be it enacted, That it shall and may be lawful for the said Town Council to borrow a sum of money not exceeding three thousand pounds, of or from any person or persons, body corporate or politic, who may be willing to lend the same, for the purpose of building a Market-house or such other public buildings, improvements, or investment as the said Town Council may deem expedient.

Interest to be provided for and principal paid off in twenty years.

XLI. And be it enacted, That the said Town Council shall set apart so much of the assessments authorized by this Act to be raised for the use of the said Town, as will be sufficient to pay the yearly interest of any such sum or sums of money as may be borrowed, and to liquidate the principal in a term not longer than twenty years, from and after the time when such loan shall have been made.

XLII. And be it enacted, That if any action or suit shall be brought against any person or persons, for any matter or thing done in pursuance of this Act, such action or suit shall be brought within six calendar months next after the fact committed, and not afterwards; and the defendant or defendants in such action or suit may plead the general issue, and give this Act and the special matter in evidence on the trial.

Time for bringing suit for things done under this Act limited.

General issue.

XLIII. And be it enacted, That no Clergyman of the Church of England or Scotland, nor any Priest of the Church of Rome, nor any Clergyman or Minister of any denomination whatever, shall be capable of being elected or serving as a Member of the said Town Council.

Certain persons not to be Members of the Corporation.

XLIV. And whereas doubts have arisen whether the side line between lots B. and C. in concession C. and D. of the Township of Nepean upon which Wellington and Rideau Streets in Bytown are laid out is accurately laid down according to the original Survey; and whereas these streets are principally built with valuable buildings, and much injury might arise from altering the present lines of the streets without any corresponding advantages to any party, and in order to preserve the present width and uniformity of said streets in straight lines on each side from the present buildings in Upper and Lower Bytown across the vacant ground: Be it therefore enacted, That the line upon which Wellington and Rideau Streets respectively as they now exist and are laid out, shall be deemed to be the true side line and streets between the said lots B. and C. in the concessions C. and D. any law to the contrary notwithstanding, and the present location and width of the said streets shall not be disturbed; Provided always, that the access to the Sappers' Bridge from the West end of Rideau Street and the East end of Wellington Street, shall not be altered, obstructed or contracted on the Ordnance reservation for the Canal although such Bridge shall not be in a direct line with the said respective streets.

Recital.

The present line of Wellington and Rideau Streets confirmed.

Proviso: access to the Sappers' bridge not to be interrupted.

XLV. And be it enacted, That the words "party" or "person," shall apply to a body politic or corporate as well as to a natural person; and all words importing the singular number or the masculine gender only shall include several persons and things of the same kind, and females as well as males, and the converse, unless there be something in the subject or context repugnant to or inconsistent with such construction; and whenever power is by this Act given to any officer or functionary to do or enforce the doing of any Act, all such powers shall be understood to be also given as shall be requisite to enable such officer or functionary to do or enforce the doing of such act; and generally all other words, terms and phrases in this Act shall receive such fair and liberal interpretation as shall be best adapted to give full effect to this Act, according to its true intent, meaning and spirit.

Interpretation clause.

Necessary powers to be understood.

General rule.

XLVI. And be it enacted, That this Act shall be a Public Act, and shall be construed and judicially noticed as such by all Judges and Justices of the Peace and by all other persons whomsoever.

Public Act.

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ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. XLIV.

An Act to provide for an Assessment of Real and Personal Property in the Town of Brockville, according to the annual value or rental thereof, and for other purposes.

[28th July, 1847.]

WHEREAS it is expedient to repeal the Assessment Laws of the late Province of Upper Canada so far as the same relate to the Town of Brockville—to prevent the operation within the said Town of any Act passed during the present Session of the Provincial Parliament relating to General Assessments—to provide by a special enactment for the Assessment of the said Town—and to amend an Act passed by the Legislature of Upper Canada in the second year of the Reign of His late Majesty King William the Fourth, intituled, *An Act to establish a Police in the Town of Brockville, in the District of Johnstown*: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and 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 Assessment Laws of Upper Canada imposing taxes, rates or assessments, and providing for the collection thereof, in so far as the same relate to the said Town of Brockville, be and are hereby repealed; and that any Act of the Provincial Legislature passed during the present Session relating to a General Assessment, shall not have force or operation in the said Town, except in the case mentioned in the twenty-second clause of this Act.

Preamble.

U. C. 2. Will.
4, c. 17, cited.

Assessment
Laws of U. C.
repealed in so
far as they re-
late to Brock-
ville.

Exception.

II. And be it enacted, That all Real and Personal Estate hereinafter designated within the limits of the said Town of Brockville, and not hereinafter exempted from taxation, shall be liable to taxation in the manner hereinafter provided for the purposes of the said Act, intituled, *An Act to establish a Police in the Town of Brockville, in the District of Johnstown*, for the support of Common Schools, for the purposes of this present Act, and for any other purpose now or hereafter authorized by law.

All real and
personal estate
not hereinafter
exempted from
taxation, to be
liable to taxa-
tion as herein
mentioned.

III. And be it enacted, That hereafter the tax year for the said Town shall be held and taken to commence with the first and end with the last day of each calendar year; and that all taxes to be levied and collected for the aforesaid purposes, shall be rated and

Tax year,
when to com-
mence.

and apportioned upon the said Real and Personal Estate according to the true annual value or rental thereof; except that two-thirds only of the value of all vacant Town Lots shall be taxed, on an annual value or rental thereof, not exceeding four per centum; and that the whole taxes so rated and apportioned, (exclusive or beyond Common School purposes which shall and may be apportioned and collected in addition to all other taxes,) shall in no one year exceed nine pence in the pound of the amount of such annual rental or value.

Limitation of Taxation.

Meaning of words "Real Estate."

"Personal Estate."

IV. And be it enacted, That the words "Real Estate," wherever the same occur in this Act, shall be held to mean and include all lands within the said Town, and all buildings, fences, trees and other articles or things erected, being or growing upon, or affixed to the same, not hereinafter exempted from taxation; and that the words "Personal Estate" shall be taken and held to include the following personal property only, that is to say: all horses, mares, geldings, oxen, bulls, cows and horned cattle above three years old; all carriages, phaetons, curricles, gigs, wagons, sleighs, or carioles, kept for pleasure only.

Certain Real Estate exempted from taxation.

V. And be it enacted, That the following Real Estate shall be exempted from taxation, that is to say: all Real Estate belonging to or reserved to Her Majesty, or vested in any public body, officer or person in trust for public uses; every place of public religious worship; every church-yard; every burying-ground; every building belonging to or used for any academy, seminary of learning, or public school; the District Jail and Court House, with the yards, buildings and lands appertaining thereto, or on which the same are erected; the Real Estate belonging to the Town; all public squares, public pleasure grounds, streets or highways, market places, and other public buildings; every poor-house, alms-house, house of industry, house for the reformation of offenders, and the Real Estate of every public library; Provided always that in case any rent or other valuable consideration is reserved or made payable for any Real Estate hereinbefore exempted from taxation to any private person or persons, then such Real Estate shall not be exempted from taxation, but the same shall be rated to, and the taxes paid by such person or persons according to its annual rental or value to such person or persons as aforesaid.

Proviso.

All taxes hereby imposed, to be rated to, occupant, &c. of Personal or Real Estate.

VI. And be it enacted, That all taxes imposed by authority of this Act shall be rated or assessed to the occupant or person or persons in possession of the Personal or Real Estate at the time of assessment, and shall be paid by the occupant or person in possession, or in case of a Bank, shall be rated to such Bank by its name, and shall be paid by the President, Cashier, Teller, or person in charge, or conducting the business of any Bank, Branch Bank, Bank Office, or Bank Agency in the said Town, at the time of assessment or collection; or in case of any other incorporated Company shall be rated or assessed to such incorporated Company by its name, and shall be paid by the President or any Officer, Agent or other person in charge of any office, place of business, or warehouse of such Company in the said Town, at the time of assessment or collection.

Proviso: when taxes are rated to occupant, &c. occupying as tenant or agent, and can-

VII. Provided, however, and be it enacted, That in case any taxes shall be rated or assessed to any occupant or person or persons in possession of any Personal or Real Estate within the said Town, who shall hold or occupy the same as tenant or agent, to the owner or special owner for the time being, and it shall really happen that by reason

reason of the actual poverty or removal of such occupant, or person or persons in possession, beyond the limits of the District of Johnstown, that such taxes cannot be collected from such occupant or person or persons in possession, then such owner or special owner for the time being shall be liable to pay the same, or so much thereof as shall remain unpaid: And in case the taxes or any part thereof, rated or assessed to any Bank or incorporated Company shall remain uncollected by reason of the poverty or removal from the District of Johnstown of the person or persons hereinbefore made liable for the payment of the same, then the said Bank or incorporated Company shall, in like manner, be liable to pay the same.

not be collected by reason of poverty, &c. of such occupant, &c. owner to pay the same.

VIII. And be it enacted, That all vacant or unoccupied Real Estate within the limits of the said Town liable to assessment as aforesaid shall be assessed to the freehold owner or owners thereof at the time of assessment, if the name or names of such owner or owners is or are known to, or can be truly ascertained by the Assessor or Assessors; and if such owner or owners, or any of them, shall be resident within the said Town or within two miles thereof, it shall be the duty of the Assessor or Assessors to apply to such owner or owners, or some one of them, to return the same for Assessment in the same manner as if such owner or owners, or some of them, was or were in the actual occupancy of such Real Estate; and in case such owner or owners of vacant or unoccupied Real Estate cannot be truly ascertained by the Assessor or Assessors at the time of Assessment, then it shall be the duty of such Assessor or Assessors to return such vacant or unoccupied Real Estate for assessment by such particular description as that the same and the whole thereof can be certainly known; and in case the owner or owners, or some one on the behalf of such owner or owners shall not pay the taxes rated for such vacant or unoccupied Real Estate, such taxes as are unpaid shall remain as a charge upon the same, and the owner or owners and any subsequent occupant of the same, or any part thereof, shall be liable to payment of all taxes in arrear on account thereof.

Vacant real estate, against whom assessed.

If the owner cannot be ascertained.

Taxes unpaid to be a charge on the property.

IX. And be it enacted, That all taxes for the purposes aforesaid, rated or assessed for or on account of any Real or personal Estate within the said Town, shall and may be levied and collected in the manner prescribed in this Act by any lawfully appointed and authorized Collector or Collectors of the said Town, at any place within the said Town, or within the District of Johnstown, from any person or persons, Bank or Incorporated Company to whom the same were rated or assessed, or who are by this Act declared, required, or made liable, in the manner therein stated, to pay the same.

Taxes, how to be levied.

X. And be it enacted, That in case any taxes, rated or assessed according to this Act, shall remain unpaid by reason of the person or persons, Bank or Incorporated Company, to whom the same were assessed or who are liable or required to pay the same, residing, being located or having removed beyond the limits of the said District of Johnstown, then it shall and may be lawful for the President and Board of Police of the Town of Brockville to sue for and collect the same, or so much thereof as shall remain unpaid as a simple contract debt, together with costs, from any such person or persons, Bank or Incorporated Company to whom the same were assessed, or who by this Act is or are required or made liable to pay the same, in any Court in this Province, having jurisdiction for debts of the amount sought to be recovered.

Provision when taxes shall remain unpaid by reason of the absence of the party from the District of Johnstown.

Tenant may in certain cases deduct amount paid for taxes, from rent payable by him for real or personal estate.

XI. And be it enacted, That if there be no covenant, agreement or understanding to the contrary, then whenever any of the taxes imposed for the purposes aforesaid, shall be for Real or Personal Estate held by any tenant paying rent therefor, or held or occupied by any trustee or agent for any person or persons, Bank or Incorporated Company, and such taxes shall be paid by such tenant, trustee or agent, and a receipt of payment in writing obtained therefor, such tenant shall and may deduct the amount so paid for taxes from the rent payable by such tenant for such Real or personal Estate, or in case no rent shall then or thereafter be payable, may ask, sue for, receive and recover the same from his or her immediate landlord as a simple contract debt; or such agent or trustee may charge against and collect the same from the person or persons, Bank or Incorporated Company for whom he or she is acting as such trustee or agent.

President and Board to appoint Assessors and Collectors.

XII. And be it enacted, That the President and Board of Police of the said Town may and shall, in the month of January in every year hereafter, appoint such and so many competent and trusty persons as they may deem necessary to be Assessor or Assessors, and Collector or Collectors for the said Town, or any part thereof.

Assessors to take an oath.

XIII. And be it enacted, That every person so appointed an Assessor shall, within ten days after he shall receive written notice from the Clerk of the said Board of his appointment, and before entering on the duties of his office, make and subscribe an oath before the President or any other Member of the Board, who is hereby authorized and required to administer the same, in the following form :

Form of oath.

“I do sincerely and solemnly swear that I will well, honestly, faithfully, truly and impartially discharge the duty of an Assessor of the Town of Brockville for the year “ of Our Lord, (*naming the year,*) to the utmost of my skill and ability; So help me “ God.”

Which oath shall be forthwith certified by such President or Member and delivered to the Clerk of the said Board, who shall record the same in his book of proceedings, and file and keep the same among the papers of the said Board.

Clerk of the Board to deliver to Assessor a blank Assessment Book.

The Form of such Book.

XIV. And be it enacted, That the Clerk of the aforesaid Board shall, within ten days after any Assessor of the said Town shall have taken such oath, prepare and deliver to such Assessor a Blank Assessment Book, with columns and headings written or printed in the following form, and of such dimensions as he shall deem sufficient to contain the whole assessment to be made by such Assessor, to which book additions may thereafter be made in case the same shall be found necessary; and in case any further columns should hereafter be required for showing the amount of any additional assessment for special purposes, the same may be added under the heading “ Taxes to “ be levied.”

The Assessor upon receipt of Book, shall make assessment.

XV. And be it enacted, That every such Assessor upon the receipt of his Assessment Book, shall forthwith proceed to make his assessment according to the provisions of this Act, having regard as far as practicable to the form aforesaid; and shall fully complete his assessment and return his Assessment Book, subscribed by him, to the Clerk of the said Board of Police, on or before the first day of April following, in every year, under the penalty of ten pounds and forfeiture of all compensation as such Assessor.

The Assessor shall require from persons, &c. to be assessed, the annual value of Real Estate separate from Personal Estate, and *vice versa*. Particulars to be required.

XVI. And be it enacted, That every such Assessor in making his assessment shall require from the person to be assessed, or agent or trustee of the person, Bank or Incorporated Company to be assessed, if residing within the said Town or within two miles thereof, a statement of the annual value of the Real Estate separate from the Personal Estate and of the Personal Estate separate from the Real Estate, liable to assessment according to the provisions of this Act, within the limits of the said Town or portion of the said Town for which such Assessor is appointed; and shewing whether such Real Estate be held by such person as freeholder, tenant, trustee or agent, and, if as tenant, trustee or agent, to whom; and shewing whether such Personal Estate be held as owner, trustee, tenant or agent, and if as trustee, tenant or agent, to whom; and shewing such other particulars as according to the provisions of this Act it shall be necessary for the said Assessor to return or enter upon his Assessment Book; and in case the person to be assessed, agent or trustee as aforesaid, shall neglect, after reasonable notice, to furnish such statement, such person, agent or trustee, shall be liable to be fined according to the provisions for imposing fines hereinafter contained; and if such Assessor shall consider the statement so furnished him untrue or not embracing the whole Real and Personal Estate for which the person furnishing the same is liable to be assessed or ought to return for assessment, he shall not be bound to adhere to the same, but shall make such an assessment as to him shall appear legal and just, and shall thereupon give notice to the person assessed, or such trustee or agent, (or leave such notice in writing for such person, trustee or agent, at his or her usual place of abode,) of the annual value or rental so assessed for Real and Personal Estate respectively: and in case such Assessor shall alter his assessment before returning his Assessment Book to the Clerk of the said Board, he shall forthwith give notice of such alteration to the person assessed, or liable, as trustee or agent, to pay the taxes on account of such assessment; and that all assessments of unoccupied or vacant Real Estate assessed to persons, Banks or Incorporated Companies not resident or located within the limits of the said Town, or of which the owner is not known to the Assessor, shall be entered by themselves with the description of the Real Estate assessed, at the end of the Assessment Book; and the Assessor shall and may make such brief remarks in the column of the Assessment Book headed *Remarks*, as he may deem necessary for elucidation or the proper understanding of the assessment made, but shall make no entry whatever in the columns for shewing the *Taxes to be levied*.

If the Assessor thinks the answer untrue, he may alter the same.

Notice of alteration to be given.

Entry to be made where the owner is not known.

Remarks.

Duty of Clerk, on Assessment Book being returned by Assessor.

XVII. And be it enacted, That upon the Assessment Book being returned by the Assessor to the Clerk of the Board of Police, such Clerk shall, by examination, ascertain whether the sums entered, in the column headed *Total Annual Value*, express the true aggregate of the sums assessed, as the annual value of Real and Personal Estate respectively, and in case any error appear, shall correct such error by an entry in red ink; and shall enter in red ink, opposite the name or entry of estate assessed, in the column appropriated to such purpose, the apportionment or share of taxes to be paid by

by the person, Bank, Company or estate assessed, and on account of such assessment, calculated at such rate per pound on the annual value or rental (not exceeding the limitation fixed by this Act) as shall be ordered by the said President and Board of Police of the said Town, and shall in the column headed *For Common Schools*, enter the amount to be paid by every resident inhabitant of the said Town for the support of Common Schools; and the said Clerk shall cause a copy of each Assessment Book to be affixed in some conspicuous place in each Market House in the said Town, within one calendar month after the return of the said Assessment Book to him as aforesaid; and shall enter upon such copy a notice of the day the same was so affixed, and specifying that all applications from persons dissatisfied, for the correction of errors or for alterations in the said assessment, must be made to the President and Board of Police of the said Town within thirty days from the date of such copy of the Assessment Book being so affixed.

XVIII. And be it enacted, That it shall be the duty of the President and Board of Police of the said Town forthwith summarily to examine into, in such manner as they shall deem just and proper, and decide upon such applications, and confirm the said Assessment Book, and order their Clerk to amend or alter the same by correcting any error which may be found therein, or by reducing or raising the assessment in any case, such alteration or amendment not being contrary to the provisions of this Act; and such Clerk shall thereupon make, and enter in red ink, the several amendments or alterations so ordered to be made, and the said President and Board of Police shall, within the said thirty days, finally review, correct and approve of the said Assessment Book; and after such amendments, corrections, alterations and approval are made, the said Clerk shall without delay make out a fair copy of such Assessment Book, as amended, altered, corrected and approved, which he shall lay before the President of the said Board of Police, who shall compare and examine the same with the said Clerk, and attach or add thereto a warrant with the seal of the said Corporation, and subscribed by him as such President, to the Collector, (or Collectors, *as the case may be*,) authorizing and requiring the Collector thereof to collect the taxes therein mentioned, which warrant shall be so attached or added, and the said copy of the Assessment Book made ready for delivery to the Collector who is to collect the same, on or before the first day of July in each year.

Duty of President and Board with reference to the revision and correction of the Assessment Book.

Warrant to the Collector.

XIX. And be it enacted, That every Collector, before entering on the duties of his office, shall enter into a bond, with two or more responsible and sufficient freehold sureties, being inhabitants of the said Town, to the President and Board of Police of the said Town, and to their satisfaction in such penal sum, and conditioned for the faithful collecting, paying over and accounting for the taxes to be collected by him, to the Treasurer of the said Corporation, according to law, in such form as the said President and Board of Police shall from time to time direct; and in case the said bond shall be approved and accepted by the said President and Board of Police, then it shall and may be lawful for the said Collector, after the first day of July in each year, and he is hereby required to apply for and receive from the said Clerk, the copy of the Assessment Book for the said Town, or that part thereof for which he is Collector, and the warrant for the collection thereof; and upon receipt thereof, shall proceed to the collection of the same, and shall fully complete the collection thereof so far as the same is capable of collection, pay over the monies collected in full, make his return upon or attached to the said copy of the said Assessment Book, (verified by his oath in a

Collector to give security.

His proceedings thereafter.

His return.

written

It must be sworn to by him.

Day of return and settlement of his accounts.

Mode of enforcing payment from Collectors in default.

Proviso.

Manner in which Collector shall demand payment of taxes.

And levy the same if not duly paid.

Penalty on Assessor, &c. making fraudulent assessment, &c.

Proviso.

After 1st January, 1848, no taxes to be

written affidavit sworn before the President, or any member of the said Board of Police, who is hereby authorized and required to administer such oath, and shewing in such return the amount collected and the amount in arrear, with a statement in detail of such arrears, from whom or on what account due, and why the same remains uncollected,) and deliver such return to, and finally settle with the said Treasurer, on or before the first day of December in the year for which he is appointed Collector; and in case such Collector shall neglect to make his return and final settlement as aforesaid by the time aforesaid, then it shall and may be lawful for the President and Board of Police of the said Town to issue a warrant requiring the officer or person to whom the same shall be directed, to levy the amount of taxes, which shall appear not to have been paid over or accounted for to the said Treasurer by such Collector, from the goods and chattels of the said Collector and of his sureties, together with five shillings to the Clerk of the said Board for drawing up such warrant; upon which warrant the officer or person to whom the same shall be directed, shall proceed in the same manner, and be entitled to the same fees, as if the same were a Writ of *Fieri Facias* issued out of the Court of Queen's Bench, and shall make his return, and pay over the amount collected to the said Treasurer, within the time specified in such warrant: Provided always, that the said Corporation may make such deductions from the amount appearing due for sums uncollectable as shall be considered just.

XX. And be it enacted, That every Collector aforesaid, shall personally, or by a written notice to be left at the usual place of residence of the person liable to the payment of taxes, demand from the person taxed or liable to the payment of taxes, if resident within the District of Johnstown, payment of the amount (specifying the same) for which he or she is taxed or is liable to pay; and if the same shall remain unpaid for the space of ten days after the day of such demand, or leaving of such demand, the Collector shall and may make oath of such default before the President, or any member of the said Board of Police, (who is hereby authorized and required to administer the same,) and such President or member shall thereupon issue his warrant to the said Collector, or any Constable he may name, (and for the performance of whose duty such Collector shall be responsible and answerable,) requiring such Collector or Constable to levy the taxes in arrear, with one shilling to the said Clerk for preparing such warrant, from the goods and chattels of the person in default, or who may be liable to pay the same, with costs, which costs and the proceedings upon such warrant shall be the same as upon a Writ of Execution issued out of any Division Court of the said District of Johnstown.

XI. And be it enacted, That if any Assessor, Collector or Constable, under this Act, shall knowingly make any unjust or fraudulent assessment, or exact more taxes or fees than are lawfully due or allowed, or shall wilfully omit any duty required of him by this Act, he shall be liable to a fine not exceeding twenty-five pounds, nor less than one pound, which may be recovered with costs before the said President and Board of Police of the said Town, and the collection enforced in the same manner as is in this Act provided in regard to other fines: Provided always, that such fine shall not hinder, impede or bar any other remedy in this Act provided against any Collector or his sureties.

XXII. And be it enacted, That from and after the first day of January, in the year of Our Lord one thousand eight hundred and forty-eight, no taxes, rates, or assessments, shall

shall be collected by any Township Collector, or District Officer, for or on account of any property real or personal within the limits of the said Town of Brockville; and that in lieu of any taxes, rates, or assessments heretofore, now or hereafter by law payable to the District Treasurer of the said District of Johnstown on account of such Real or Personal Estate, an equivalent shall annually be paid by the Treasurer of the said Town to the District Treasurer on or before the first day of November next after the amount of such equivalent shall be ascertained by the award of the Warden of the District Council of the said District and President of the Board of Police of the said Town, with such other person consenting to act as they shall choose as Umpire, or any two of them, which award the said Warden, President and Umpire are hereby required to make during the month of January in each year: And provided also, that the discharge of the duties hereby imposed on the said Warden and President and Umpire consenting to act, and the performance of any award made as aforesaid, may in the discretion of the Court of Queen's Bench of Upper Canada, be enforced by Mandamus from such Court, and the usual proceedings thereon; And provided also, that in the event of no award being made, or payment of the sum awarded being neglected or refused, the Treasurer of the said Town shall pay to the Treasurer of the said District the amount of taxes which would have been levied and assessed for District purposes in the said Town, had not this Act been passed.

collected by any Township Collector, &c. on account of property within limits of Brockville. Provision in lieu thereof.

Proviso.

Proviso.

XXIII. And be it enacted, That any rate now imposed or hereafter to be imposed in Upper Canada by any Act of the Legislature of the late Province of Upper Canada or of this Province in aid of the Provincial Lunatic Asylum, shall be levied and raised in the said Town in addition to all other rates and assessments imposed by this Act, and shall be paid by the Town Treasurer to the District Treasurer, to be paid and applied in the same manner as the said rate is now or may be hereafter paid and applied by law.

Rates for U. C. lunatic asylum to be levied over and above all others.

XXIV. And be it enacted, That the general Census and Property Return required or hereafter to be required by the laws of this Province to be made once in five years, or as may be hereafter provided by law, shall be made by the Assessors of the said Town of Brockville and returned to the Clerk of the Peace of the said District or to such person as such return should be made to; and for which such Assessors shall receive such extra compensation as shall be ordered by the said President and Board of Police, upon being satisfied that the said Assessors have performed such duty.

General Census Return to be made by Assessors, and returned to Clerk of Peace of District.

XXV. And be it enacted, That the annual election of members of the said Board of Police of the said Town, shall on and after the first day of January, in the year of Our Lord one thousand eight hundred and forty-nine, be held on the first Monday in the month of January in every year, and the members so chosen, and the President of the Board, shall serve until the next annual election of members, and until a new Board shall be chosen and organized; and that until the first day of January, in the year of Our Lord one thousand eight hundred and forty-nine, the annual election shall be held at the time fixed by the said Act establishing a Police in the said Town.

Annual election of members of Board.

XXVI. And be it enacted, That from and after the first day of January, in the year of Our Lord one thousand eight hundred and forty-eight, so much of the third section of the said Act, intituled, *An Act to establish a Police in the Town of Brockville, in the District of Johnstown*, as relates to the qualification of members and electors of members

After 1st January, 1848, part of sect. 3 of U. C. 2 Will. 4, c. 17, repealed.

of

Qualification of members of the Board of Police and of Electors.

of the said Board of Police, shall be and the same is hereby repealed; and that thenceforth the members of the said Corporation shall be chosen from those male subjects of Her Majesty of the full age of twenty-one years, whose names shall be entered, and who shall severally be rated or assessed on the last Assessment Book or Books of the said Town as freeholders or tenants, or as freeholders and tenants for Real Estate of the annual rental or value of twenty-five pounds, and in case of a tenant, shall have paid all rent due for the estate on which he claims to be qualified: and that the electors of such members shall be those male subjects of Her Majesty of the full age of twenty-one years, whose names shall be entered, and who shall be severally assessed on the said last Assessment Book or Books as freeholders, tenants, agents or trustees of Real Estate, of the annual value or rental of three pounds, who shall have paid their taxes in the said Town for the previous year, and, in case of a tenant, shall have paid all rent for the estate so qualifying him to vote, due prior to the time of voting; and no person shall vote in more than one Ward, or more than once at any election, and every person shall vote in the Ward in which his estate or the greater part of his estate is situated on which he is qualified to vote; and the person presiding at any Ward election, shall have power, and he is hereby authorized and required, if there-to requested by any elector of the said Town, to examine on oath any candidate for the office of member of the said Board of Police, or person offering to vote for any such member, touching his qualification for such office, or for voting at such election, as the case may be, and shall decide as to such qualification of any candidate or elector at such election.

In what ward any elector shall vote.
Electors and candidates may be examined on oath as to their qualification.

Person presiding at election of members of Board of Police, to take the oath herein prescribed.

XXVII. And be it enacted, That every Bailiff or other person presiding at any election of a member or members of the said Board of Police, shall, before he proceeds to hold such election, take and subscribe before some one of the members of the said Board (which he is hereby authorized and required to administer and certify, and which such person presiding shall return with his return of such election) the following oath, that is to say:

The oath.

“I do solemnly and sincerely swear, that I will faithfully and impartially, to the best of my ability, discharge the duty of Presiding Officer at the election which I am about to hold for the election of a member (or members, *as the case may be*) of the Board of Police of the Town of Brockville, and make a true return thereof; and that I will, during the continuance of such election, use reasonable endeavours to preserve peace and order thereat, and to afford each elector free access to and from the place of voting; So help me God.”

And to appoint and swear a competent Clerk.

XXVIII. And be it enacted, That the person presiding at any such election of a member or members of the said Board, may, and he is hereby required to appoint a competent clerk to record the votes at such election, and swear such clerk faithfully, truly and impartially, to record the votes given at such election, and discharge his duty as such clerk.

And may preserve peace at election: his powers for that purpose.

XXIX. And be it enacted, That every Presiding Officer at any such election of a member or members shall have power, and he is hereby required to keep peace and order at such election, and for such purpose shall and may commit during its continuance to the Common Jail of the District of Johnstown, any person making or creating any disturbance, fighting or rioting at such election, practising any malicious mischief

mischief or using any threats or violence to deter any elector from coming forward to vote, retiring from voting or remaining quietly at such election; and shall and may require and command the assistance of all persons present at such election, or any constable or other peace officer in the said Town, who are hereby required to give such assistance in apprehending and committing the person making or creating any such noise, interruption, disturbance or disorder aforesaid: Provided always, that no such committal shall extend beyond the termination of such election.

May appoint constables.

XXX. And be it enacted, That every person who shall neglect or violate any of the provisions of this Act, or of the said Act establishing a Board of Police in the said Town, or any By-law lawfully enacted by the said President and Board of Police, shall for every such neglect or violation be liable to such fine or penalty as is provided in this Act, or if no such fine or penalty is provided by this Act, then to such fine or penalty, not exceeding one pound and ten shillings currency, as shall be fixed by any By-law of the said President and Board of Police of the said Town.

Penalty on persons violating provisions of this Act, &c.

XXXI. And be it enacted, That every fine or penalty to which any person may lawfully become liable according to the provisions of this Act, or the said Act of Incorporation, intituled, *An Act to establish a Police in the Town of Brockville, in the District of Johnstown*, or of any By-law lawfully passed or to be passed by the President and Board of Police of the said Town, shall be recoverable with costs (the party charged having been summoned to answer thereto) before the said President and Board of Police of the said Town, or any two members thereof (unless otherwise provided in this Act,) who shall and may enforce the collection thereof by warrant against the goods and chattels of the person convicted, and in default of such goods and chattels, by committal to the Common Jail of the District of Johnstown, (the expense of maintenance during such committal to be borne by the said Town,) for any time not exceeding thirty days, unless the fine and costs shall be more than five pounds, and if more than five pounds, then not exceeding three calendar months, or until (within such limitation as to time of committal) the fine or penalty and costs be paid; and the fees and proceedings as to goods and chattels upon such warrant, if the fine or penalty imposed exceed ten pounds, shall be the same as upon a Writ of Fieri Facias issued out of the District Court, or if under ten pounds, the same as upon a like Writ issued out of any Division Court of the District of Johnstown.

Fines under this Act or 2 Will. 4. c. 17, how recoverable.

How levied or enforced if not forthwith paid.

XXXII. And be it enacted, That the salary, compensation or allowance to every Assessor, Collector, Treasurer, Clerk and other Officer appointed by the said Corporation, and the fees to be paid, allowed or taken for costs in any prosecution or proceeding authorized by this Act, or the said Corporation Act, or any By-law, lawfully passed, or to be passed by the said Corporation, shall, in cases not provided for in this Act, be regulated, fixed and declared from time to time, by By-law of the said Corporation.

Salary, &c. of Assessors, &c. to be regulated by By-law of Corporation.

XXXIII. And be it enacted, That in every case where an oath is required or may become necessary to be administered by or under the provisions of this Act, the said Corporation Act or any legal By-law of the said Corporation, an affirmation may be substituted where the person to be sworn is one of those persons allowed by law to affirm; and that any person knowingly swearing or affirming falsely in any matter or thing wherein an oath or affirmation instead of an oath is or may be required or allowed according

"Oath" to mean "Affirmation" in certain cases.

according to the provisions of this Act, or the said Corporation Act, or any lawful By-law of the said Corporation, shall be deemed guilty of wilful and corrupt perjury, and shall and may be prosecuted and punished therefor as in other cases of wilful and corrupt perjury.

Persons assessed to be competent witnesses upon any prosecution for fine or penalty.

XXXIV. And be it enacted, That no person rated, assessed or taxed upon any Assessment Book of the said Town, shall by reason thereof be deemed an incompetent witness upon any prosecution for any fine or penalty, or in any matter or thing in which the said Corporation or the inhabitants of the said Town, or any of them, may be interested.

Proceedings in case of sickness, &c., of President.

XXXV. And be it enacted, That in all cases in which the President of the said Board shall be absent, sick, or unable, or shall neglect to attend to the duties assigned to him in this Act, the said Corporation Act or any By-law of the said Corporation, the majority of the said Board of Police shall and may meet and appoint an Acting President to the Board, who shall and may discharge each and every duty which ought to be performed by the President, and with the same effect as if performed by the said President, until the said President shall attend a meeting of the said Board, and resume his duties as such.

Laws providing for Statute Labour to be repealed in so far as regards Brockville.

Provision in lieu thereof.

XXXVI. And be it enacted, That so much of the general laws of this Province as provides or declares, and so far only as the same provides and declares the number of days of statute or road labour which every inhabitant or person shall perform, or be liable to perform, shall, from and after the first day of January in the year of Our Lord one thousand eight hundred and forty-eight, as far as regards the Town of Brockville, be repealed, and the same is hereby repealed; and thenceforth each and every inhabitant of the said Town shall be liable, and shall do and perform, or commute for in money, or cause to be done and performed, or commuted for in money, in the manner now or hereafter provided for by Statute Law, or as is now or may be hereafter provided for by any By-law of the said Corporation, the following number of days of statute or road labour, that is to say:

Every male inhabitant above the age of twenty-one years, when not assessed on any Assessment Book last taken for the said Town,—one day.

Every inhabitant, male or female, assessed on any assessment last taken for the said Town for Real or Personal Estate, or both, to an annual rental or value as follows, that is to say:

For the first ten pounds and under,—two days.

If over ten pounds and not exceeding fifteen pounds,—three days.

If over fifteen pounds and not exceeding twenty pounds,—four days.

If over twenty pounds and not exceeding thirty pounds,—five days.

If over thirty pounds and not exceeding forty pounds,—six days.

If over forty pounds and not exceeding fifty pounds,—seven days.

And for every fifteen pounds thereafter,—one day.

XXXVII. And be it enacted, That a majority of the members of the said Board of Police of the said Town shall be a Quorum or Board for the despatch and transaction of any business appertaining to the said Corporation : Provided always, that a smaller number may adjourn from time to time, and may enforce the attendance of absent members in such manner as may be provided by any By-law, Regulation or Ordinance of the said Corporation.

Majority of members to be quorum.

XXXVIII. And be it enacted, That every By-law, Regulation or Ordinance of the said Corporation for the violation or non-observance of which a fine or penalty may be imposed, or which may affect the interest of the inhabitants of the said Town, shall be published in one or more of the newspapers of the said Town, or in case there be no newspaper published in the said Town, the same shall be published by written or printed hand-bills to be affixed in some conspicuous place in the Court-house and on each of the Market-houses in the said Town ; and that the said Corporation shall in like manner cause to be published in each year, one week at least before the annual election of members of the said Board, an account of all monies received in and paid out of the Treasury of the said Town, and for what ; and in like manner an account of all statute and road labour and commutation monies therefor, and all other monies of the said Town, received and expended by or through any officer of the said Corporation.

By-laws, &c. to be published in newspapers of Brockville.

XXXIX. And be it enacted, That if the election of any member of the said Board of Police shall be complained of either on the ground of want of qualification in the person returned, or on the ground that such person had not the majority of legal voters at such election, and a written requisition signed by ten electors having a right to vote in the Town or Ward for which such member is returned, shall, within seven days after the termination of such election, have been served on the President or any other member of the said Board, requiring the said Corporation to appoint a time and place within the Town or Ward for which the election was held, for entering upon a scrutiny into the matters complained of, it shall be lawful for the said Corporation upon service of such requisition as aforesaid, and they are hereby required to appoint a time and place within the said Town or Ward for entering upon a scrutiny of the matters complained of, which time shall be within ten days after such election ; and the Members of such Corporation, whose election may not, by such requisition, be complained of, shall form a tribunal for the trial of such matters, and shall severally take and subscribe the following oath, to be administered by any other member of the said tribunal, which oath every such member is hereby authorized and required to administer, that is to say :

Proceedings on contested elections of members of Board, to be had by the remaining Members of the Board.

Members to be sworn.

“ I, (name the member sworn,) do solemnly swear that I will truly and impartially, to the best of my knowledge and ability, try and determine the merits of the complaint against the election of (naming the person whose election is to be tried,) as a member of the Board of Police of the Town of Brockville.”

The oath.

XL. And be it enacted, That such tribunal shall have power to summon witnesses, and require the production of written instruments, and take evidence on oath respecting the matters to be enquired into ; and shall determine upon the validity of such election or return, and amend or make void the same, as shall appear to be right, and according to law and the evidence ; and in case the election shall be declared void and it shall not appear proper, for any cause, to amend the return or substitute the name of any other person as entitled to have been returned at such election, then the said tribunal, through their Chairman, shall forthwith issue a precept for a new election, which shall

Witnesses may be summoned, &c. Other proceedings.

New election if the former be declared void.

shall be held at the time to be named in the said precept, within five days after the decision of the said trial, in the like manner as in other cases of election of members of the said Corporation.

Penalty on witnesses refusing to attend.

XLI. And be it enacted, That any witness who, being duly summoned, neglects or refuses to attend before the President and Board of Police of the said Town, or any of the members of such Board upon any trial, matter or proceeding authorized by law, shall upon conviction before any two of Her Majesty's Justices of the Peace for the said District of Johnstown, or the said Board, having been duly summoned to answer for such neglect or refusal, be liable to and may be imprisoned on the commitment of such Justices, or the said Board, in the Common Jail of the said District, for a term not exceeding thirty days, the expense of maintenance during such imprisonment to be paid by the said Corporation.

Duty of Sheriff and Jailer with respect to parties committed by Corporation.

XLII. And be it enacted, That it shall and may be lawful, and the Sheriff and Jailer of the said District are hereby authorized and required to receive and safely keep until duly discharged or the terms of committal are performed, all persons lawfully committed to their or either of their custody by the said Corporation or any of its members.

President and members to be *ex-officio* Justices of the Peace for Town of Brockville.

XLIII. And be it enacted, That the President and every member of the said Board of Police shall, by virtue of his office, be a Justice of the Peace in and for the said Town; and when acting as such shall affix to his signature the words *Police Justice for Brockville*, and shall and may within the limits of the said Town exercise all and every lawful authority, jurisdiction and power now or hereafter exercised by Justices of the Peace, subject to the same responsibilities and liabilities, and in the same manner as may lawfully now or hereafter be exercised by Justices of the Peace: Provided always, that nothing in this Act shall extend or be construed to extend to give to the said President or any member of the said Board of Police, any right or authority to sit, vote, act or in anywise interfere in any Court of General Quarter Sessions or adjourned Quarter Sessions of the said District of Johnstown: and provided that it shall and may be lawful for any person or persons to appeal to the said General Quarter Sessions in the same manner as is now or may hereafter be provided for by law, from any conviction had or made by the said President or any member or members of the Board of Police when exercising the said office of Justice of the Peace respectively, but not from any conviction made by them or any of them as a Board of Police or as members thereof, when not acting as Justices of the Peace: and provided also, that the said President and every such member of the said Board of Police, when acting as such Justice of the Peace, shall be entitled to and receive the same protection in law and to the same notice of action before action brought, for any matter or thing done by them or any of them as such Justice or Justices of the Peace, as is allowed or required to be given to any Justice of the Peace by law: and provided also, that no member of the said Board of Police shall be authorized to act or shall act as a Justice of the Peace as aforesaid, unless he shall be possessed of the like property qualification as, and shall take the same oath as to such qualification as is required to be taken by Justices of the Peace by the Statute Law of this Province; which oath may and shall be administered to any such member desirous of taking the same, by the person now or hereafter authorized by law to administer such property qualification oath to Justices of the Peace; and every affidavit of such qualification of a member of the said Board, shall be filed and kept by the Clerk of the Peace of the District of Johnstown, in the same manner as other qualification oaths of Justices of the Peace.

Proviso: they shall not sit at the Quarter Sessions.

Appeal given from their decisions.

Exception.

Protection of members when acting as Justices of the Peace.

They must have the property qualification and take the oath required of other Justices.

XLIV. And be it enacted, That the limits of the said Town of Brockville shall be so far extended as to embrace and take in so much of the waters of the River St. Lawrence and the land under the wharves and buildings built in such waters, as lie within three hundred yards in every direction of the water's edge in front of the present limits of the said Town, together with the small Island in front of the said Town.

XLV. And be it enacted, That the said Act, intituled, *An Act to establish a Police in the Town of Brockville, in the District of Johnstown*, except such parts thereof as are repealed, contrary to, inconsistent with or clearly superseded by the provisions of this Act, shall be taken and construed, and shall have the same effect and operation as if the same had been embodied in this Act, and expressly re-enacted.

XLVI. And be it enacted, That in addition to or confirmation of the powers conferred by the said Act establishing a Police in the said Town, it shall and may be lawful for the President and Board of Police of the said Town from time to time to pass By-laws, Regulations or Ordinances, to have force and operation within the limits of the said Town only, and not being contrary to law and this Act, to alter, amend or repeal any By-law, Regulation or Ordinance, heretofore made or hereafter to be made by the Corporation of the said Town; for making, preserving, planking, flagging, gravelling, macadamizing, paving, raising or lowering, levelling, mending, repairing, cleansing, watching or lighting any street, alley, lane, highway, road, bridge, side-walk, cross-walk or other walk, public squares or grounds, public wharves, slips, docks, market-houses and market-places, shores, gutters, and sewers, and for the prevention, abatement or removal of any nuisance, incumbrance or obstruction, in, to, upon or affecting the same respectively; for enforcing the performance of statute or road labour, or payment of the commutation money therefor; for the restraining or regulating the running or being at large of any geese, turkeys and other poultry, goats, rabbits, sheep, dogs or other animals; to regulate, license or prevent the selling of meat, vegetables, cakes, fruit beer or any other beverage, in the public streets or public grounds; to prevent or regulate fishing with fire-lights, or bathing and swimming in the waters of the St. Lawrence within the limits of the said Town; to prevent any indecent public exposure of the person, or other indecent exhibitions whatever; to prevent profane swearing, and the use of blasphemous, obscene or indecent language; to license, prevent or regulate all public theatrical performances, shows or exhibitions of wild animals, wax-figures, puppet shows, wire-dancers, circus riders, jugglers, mountebanks or other showmen; to prevent the excessive beating or other inhuman treatment of horses, cattle or other beasts; to suppress all tippling-houses and houses of ill-fame, and restrain or punish all persons for keeping or resorting to the same; to prevent the sale or giving to drink of any strong or intoxicating drink to any child, servant or apprentice, without the consent of his or her master, employer or protector; to regulate or suppress all billiard-tables, roulette-tables, faro-banks or games, as well as any other species of gambling or gambling apparatus; to regulate the market-houses and places, the selling of fish, meats, vegetables and other articles thereat, and the licensing of butchers, butchers' stalls, and other stalls in such market-houses and market-places for vending meats, eatables, fruits and other articles; to regulate any tavern or house for vending or keeping for sale any ale, beer, cider, spirituous liquors or other fermented drinks, to limit their number, and provide for the proper licensing of the same at such rates as to the said Corporation may seem expedient, the proceeds of such licenses (excepting tavern licenses) to form part of the public funds of the said Town, and to be disposed of as the said Corporation may consider advisable, any law of this Province to the contrary notwithstanding; to prevent the forestalling, regrating or monopoly of market grains, meats,

Limits of Brockville extended.

Parts of U. C. 2 Will. 4. c. 17 which are not herein repealed to have effect as if embodied in this Act.

President and Board may establish By-laws, &c., for certain purposes.

Streets and highways.

Statute labour.

Animals straying.

Licensing persons for certain purposes.

Fishing and bathing.

Indecency, swearing, &c.

Theatres and shows.

Cruelty to animals.

Tippling or houses of ill-fame.

Sale of strong liquors to children &c.

Gambling. Markets.

Taverns, &c.

Forestalling, regrating, &c.

Chimnies and
flues.

Ashes.

Gunpowder,
lights in stables
&c.

Fires.

Public wells,
cisterns, &c.Town pro-
perty.
Pounds.Public Burial
ground.
Bills of mor-
tality.Oaths of
office, bonds,
&c.General pro-
vision.Proviso.
Amount of
fines limited.

Public Act.

Commence-
ment of this
Act.

meats, fish, fruits, roots and vegetables ; to regulate or prevent the selling or purchasing for sale of fresh fish and butchers' meat by hucksters and persons called runners ; to regulate and require chimneys and smoke flues hereafter to be built to be of suitable materials, and not under certain dimensions, to be securely built, and carried to a proper height above roofs of buildings ; to regulate, remove or prevent the construction of any chimney, fire-place, hearth, stove-pipe, smoke flue or fire arch, or place for using fire therein, which is or shall be dangerous, and tend to promote the firing or burning of houses, and other buildings in the said Town ; to regulate and require the construction of safe deposits for fire ashes, and regulate the mode of removing, depositing and keeping of the same ; to regulate the keeping and removal of gunpowder or other explosive or dangerous combustible or material, and the manner of using candles, lanterns and lights in livery and other stables, and out-buildings containing shavings or other combustible materials ; to regulate the conduct of inhabitants at fires ; to prevent fires and the extension thereof by the necessary pulling down of adjacent buildings or otherwise, and to provide for the prevention of stealing or purloining of goods and the preservation of property thereat ; for the erection, preservation and regulation of public cisterns, pumps, wells, and other conveniences for the stopping or prevention of fires or supplying the said Town with good and wholesome water ; to provide for managing, keeping and preserving the public property of the said Town ; to provide and regulate one or more pound or pounds, and appoint one or more pound-keeper or pound-keepers to the same, and declare and limit the fees and allowances to be taken by each pound-keeper ; to provide a public and general burial-ground for the use of the said Town, and the fencing, enclosing and regulating the same ; to require and enforce the keeping and returning bills of mortality by physicians, sextons and others ; to regulate and prescribe the oaths to be taken, and bonds, recognizances and securities to be given by all municipal officers of the said Town, in cases not provided by the Public Statutes ; and generally to make and enact all such By-Laws, Regulations and Ordinances as may be necessary and proper for carrying into effect the powers hereby vested, or which may hereafter be vested in the said Corporation, or any department or office thereof, and for the peace, safety, order and good government of the said Town, not being repugnant to the laws of this Province, except in so far as the same may be expressly or virtually repealed by this Act, and to enforce the observance of the provisions of this Act or of any By-Law, Regulation or Ordinance which may lawfully be made by the said Corporation by the infliction of penalties or fines, in cases not already provided for by this Act, for every violation or non-observance thereof, to be recovered in the manner hereinbefore provided : Provided always, that no fine or penalty imposed by any By-Law, Regulation or Ordinance of the said Corporation shall (except in those cases already provided for in this Act or the said Act intituled, *An Act to establish a Police in the Town of Brockville in the District of Johnstown*.) exceed the sum of one pound and ten shillings.

XLVII. And be it enacted, That this Act shall be and is hereby declared to be a Public Act, and as such shall be judicially noticed by all Courts of Law and Equity, Judges, Justices of the Peace, and other persons, without being specially pleaded.

XLVIII. And be it enacted, That this Act shall commence and have force and effect on and after the first day of January, in the year of Our Lord, one thousand eight hundred and forty-eight, and not before.



ANNO DECIMO ET UNDECIMO

VICTORIÆ REGINÆ.

CAP. XLV.

An Act to incorporate the Town of Dundas.

[28th July, 1847.]

WHEREAS from the great increase of population in the Town of Dundas, in the District of Gore, it is necessary to make provision for the internal regulation thereof: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That there shall be in the said Town of Dundas, a Town Council, to be composed and constituted in the manner hereinafter described, which shall be, and is hereby declared to be a Body Corporate and Politic in fact and in law, by the name of *The President and Town Council of Dundas*, and by that name they and their successors may have perpetual succession, and be capable of suing and being sued, impleading and being impleaded in all Courts and in all actions, causes and complaints whatsoever, and may have a common seal, and may alter the same at pleasure, and shall be in law capable of receiving titles by gift, and of purchasing, holding and conveying any estate, real or personal, for the uses of the said Town.

Preamble.

A Town Council established and incorporated.

Corporate name and powers.

II. And be it enacted, That the said Town of Dundas shall be comprised within the following limits or boundaries, that is to say: Commencing on the division line between the property of George Rolph, Esquire, and the property of the late Harker Lyons, on the York Road, thence following the said road westerly to the road leading up the mountain to John Keagy's, the younger, thence in a straight line by compass to a monument within a few feet of the site of the old Oat-meal Mill, thence across the creek or stream to a stone monument placed at the distance of five hundred feet from the west bank thereof, thence following the said creek or stream at a distance throughout of five hundred feet from the west and south bank thereof, to where a stone monument is placed south of Mr. Ewart's mill-dam, thence running in a straight line to a stone monument placed on the boundary line between the property owned by John O. Hatt, Esquire, and the estate of the late Manuel Overfield, thence to a stone monument placed on the boundary line between the property owned by Thomas Hatt and the said John O. Hatt, thence along the said boundary line to a stone monument placed in South Street, thence following South Street till it intersects East Street, thence descending the hill in a northerly

Limits of Town of Dundas defined.

northerly direction till it intersects the Governor's Road, thence following the said road easterly to a stone monument placed in a line at right angles with the place of beginning, thence along the said line to the place of beginning.

Division of
Town into four
Wards.

III. And be it enacted, That the said Town shall be divided into four Wards by the names of "Ward Number One," "Ward Number Two," "Ward Number Three," and "Ward Number Four":

Limits of
Ward Num-
ber One.

That, Ward Number One shall consist of all that part of the said Town described as follows: Commencing on the Sydenham Road at the northern boundary of the said Town, thence running along the said Sydenham Road until it intersects King Street, thence along the said King Street in an easterly direction until it intersects Main Street, thence along the said Main Street until it intersects Baldwin or Flamboro' Street, thence along the same to the Basin of the Desjardin's Canal, thence along the said canal until the eastern boundary or limit of the said Town is intersected, thence following the said eastern boundary to the northern boundary line of the said Town, thence following the same to the place of beginning.

Ward Num-
ber Two.

That, Ward Number Two shall consist of all that part of the said town described as follows: Commencing on King Street at a post planted between the lands owned by Orlando Morley and John Walker, thence running south to the southern boundary of the said town, thence along the said boundary to the eastern boundary until the Desjardin's Canal is intersected, thence along the said Canal in a westerly direction until East Street is intersected (Coates' Paradise), thence along Baldwin or Flamboro' Street to Main Street, thence along the said Main Street in a northerly direction till it intersects King Street, thence along the said King Street to the place of beginning.

Ward Num-
ber Three.

That, Ward Number Three shall consist of all that part of the said town described as follows: Commencing on King Street at a post planted between the lands owned by Orlando Morley and John Walker, thence along the said King Street west until it intersects Peel Street, thence south until James Street is intersected, thence westerly along the said James Street until it intersects the western boundary of the said town, thence along the western and southern boundary of the said town until the boundary between Wards Number Two and Three is intersected, thence northerly to the place of beginning.

Ward Num-
ber Four.

That, Ward Number Four shall consist of all that part of the said town described as follows: Commencing at the northern boundary of the said town on the Sydenham Road, thence following the northwestern limits of the said town, to a stone monument within a few feet of the site of the Old Oatmeal Mill, thence across the stream or creek to a stone monument placed at the distance of five hundred feet from the west bank thereof, thence along the western boundary of the said town to a stone monument placed on a line at right angles with James Street, thence along James Street easterly until Peel Street is intersected, thence along Peel Street to King Street, thence along King Street to Sydenham Road, thence along Sydenham Road to the place of beginning.

Election of
Members of
Town Coun-
cil, their qua-
lification, &c.

IV. And be it enacted, That each of the said Wards shall annually, after the first election, elect one person to be a Member of the said Town Council from among the male inhabitant householders of the said Town, who being subjects of Her Majesty, shall be freeholders therein, whose freehold property shall be valued by the Assessor

or

or Assessors for the Town, at the rental or annual value of fifteen pounds; and at the first election under the authority of this Act the Returning Officers respectively shall judge of the qualification of the candidates respectively and their decision shall be final, and that no person shall be capable of holding the office of Member of the said Town Council who shall not have been a resident within the said Town for the space of one year or upwards, previous to his election; Provided always, that no person shall be capable of serving as Member of the said Town Council who shall be a Minister, Priest, Ecclesiastic or Teacher under any form or profession of religious faith or worship.

Proviso.

V. And be it enacted, That the persons entitled to vote at either of the Wards, for the election of such Members, shall be male inhabitant freeholders resident within their respective Wards, being subjects of Her Majesty, whose names shall be entered upon the last Assessment Roll of the said Town, or Tenants, like subjects of Her Majesty, being rated upon the Assessment Roll of the said Town, and who shall have paid within one year next before the election, one year's rent for the dwelling house or dwelling houses, (if they shall within one year have changed their place of residence) within the said Ward in which they shall have resided, at the rate of five pounds per annum or upwards; and all persons as aforesaid shall vote in the Wards in which they reside respectively, and no person shall be entitled to vote in more than one Ward, or more than once in any Ward at any election of the Members of the said Town Council; and for the first election to be held under the authority of this Act, persons whose names shall appear on the Assessment Roll of the Town shall be entitled to vote for Members of the said Town Council under the limitations and provisions hereinbefore contained.

Qualification of Voters.

Where each shall vote.

First election

VI. And be it enacted, That the first election of four Members for the said Town Council under this Act shall be holden on the first Monday in September next at some place within each Ward respectively, to be appointed by two or more Magistrates resident within the limits of the said Town, for the time being, who shall give public notice at least six days previous to the election, at which election, the Senior Magistrate residing within the limits of the said Town shall be the Returning Officer, who shall preside himself at one of the Wards and shall appoint a deputy to preside at each of the other three Wards, who shall keep the poll open for receiving and entering votes for the election of Members of the said Town Council, from the hour of nine of the clock of the forenoon until three of the clock of the afternoon on the said first Monday in September next, and at the close of the poll at the hour aforesaid shall declare the persons who have the greatest number of votes, duly elected Members of the said Town Council, and shall give notice thereof to the persons so elected, within three days after such election; and that all subsequent elections of Members shall be held by the officers to be appointed by the said Town Council, the time, place and all proceedings, to be had in such elections, to be regulated from time to time by the said Town Council, and that the Members of the said Town Council so chosen as aforesaid, shall serve until the first Monday in September next year, and until a new Council shall be chosen and formed as hereinafter mentioned; and that on the first Monday in September in every year, after the first election, an election shall be holden in each Ward of the said Town of Dundas, for choosing Members of the said Town Council according to the general provisions of this Act.

Time for first election; and notice, &c.

Proclamation of persons elected.

Notice to them.
Period of service of persons so elected.

Annual elections.

Oath of persons presiding at such election.

VII. And be it enacted, That before any person shall proceed to hold an election under this Act, he shall take the following oath, which any Justice of the Peace for the District of Gore is hereby authorized to administer, that is to say :

Oath.

“ I do solemnly swear, that I will faithfully and impartially, to the best of my ability, discharge the duty of Presiding Officer at this election which I am about to hold for a Town Council in the Town of Dundas: So help me God.”

Candidates may be examined as to their qualification.

And so of voters.

VIII. And be it enacted, That the officer presiding at any election under this Act, shall have authority and is hereby required, at the request of any person qualified to vote at such election, to examine on oath or affirmation (when the party is allowed by law to affirm) any candidate for the office of Member of the said Town Council respecting his qualification to be elected to the said office; and shall also have authority, and is hereby required upon such request as aforesaid, to examine upon oath or affirmation, when the party is allowed by law to affirm, any person tendering his vote at any election, respecting his right to vote; and that the oath to be administered for either of the said purposes shall and may be in the following form :

Oath of a voter or Candidate examined as to his qualification.

“ You shall true answer make to all such questions as the presiding officer at this election shall put to you, respecting your qualification to be elected at this election, (or respecting your qualification to vote at this election, as the case may be;) So help you God.”

And the affirmation taken shall be in the common form of an affirmation to the same effect.

Wilful false swearing to be perjury.

IX. And be it enacted, That if any person being examined upon oath or affirmation under this Act, in regard to his qualification to vote or to be elected, shall wilfully forswear himself, he shall be guilty of wilful and corrupt perjury, and on conviction thereof he shall suffer as in other cases of wilful and corrupt perjury.

Penalty on persons elected refusing to swear, &c.

X. And be it enacted, That if any of the Members of the said Council elected as aforesaid, after notice thereof, shall neglect or refuse for two days after having been elected, to take the oath of office hereinafter contained, which any one of the said Members so to be elected is hereby authorized to administer to the others, he shall, for such neglect or refusal, forfeit the sum of ten pounds, to be recovered with costs by information before any Justice of the Peace, who is authorized to proceed as is hereafter provided for the recovery of any penalty for the transgression of any order or regulation of the said Town Council: Provided, that no person having been elected a Member of the said Town Council, during his absence from the said Town, (unless such Member shall previously have permitted himself to be put in nomination for the said office,) or who, at the time of the election shall openly give notice to the officer presiding that he will not accept the office, shall be subject to the penalty hereinbefore stated, for his refusal to act as a Member of the said Town Council.

Proviso as to persons absent or publicly refusing to be candidates.

Election of a fifth member and of the President

XI. And be it enacted, That after the first and every subsequent election of Members of the said Town Council, so soon as they shall respectively have taken the oath of office hereinafter contained, it shall be the first duty of the said Town Council, and they are hereby required to elect another Member qualified as aforesaid, and that such last chosen Member with the others shall forthwith proceed to the election

of

of a President from their number; and as soon as they shall have chosen a President, the said Town Council shall have power to enact such laws and regulations for the internal government of the said Town as to them shall seem meet, not repugnant to the laws of this Province, and shall have the power of appointing all such officers as shall be required for the due execution of the laws to be by them enacted, and of requiring such security to be given by any of the said officers as to the said Council may seem meet, and of removing the said officers at pleasure; and in case the Members of the said Town Council cannot agree in the election of such fifth Member, they shall issue a precept to the Senior Magistrate residing within the Town after the first election, and to any one of the Bailiffs so to be appointed as aforesaid after every subsequent election, requiring him to appoint some proper time and place within the said Town, giving forthwith six days' notice thereof, and then and there proceed to the election of such fifth Member of the Town Council by the electors of the Town generally, at which election the said Magistrate shall preside after the first election of Members, and the said Bailiff so to be appointed as aforesaid, (to whom the said precept shall be directed after every subsequent election,) and the Magistrate or Bailiff, as the case may be, shall declare that person elected who shall have the greatest number of votes of the persons present qualified to vote, and shall give notice thereof to the person so elected within three days after such election: Provided always, that should the office of President of the said Council become vacant from any cause whatsoever, it shall and may be lawful for the said Council, and they are hereby required to proceed to elect one from their number to fill the said office until the expiration of the term of office of the then existing Council; and during the absence of the President, the said Council are required to elect from their number an acting President, who shall in the absence of the President perform all the duties and functions of President of the said Council; that the services of the Members of the said Town Council shall be wholly gratuitous, and that the oath to be taken by the Members of the said Town Council shall be according to the following form, that is to say:

“ I, A. B., do swear that I will faithfully discharge the duties of Member of the Town Council of the Town of Dundas, to the best of my ability: So help me God.”

XII. And be it enacted, That in case any vacancy at any time shall happen among the Members of the said Town Council, by neglect or refusal to take the oath of office hereinbefore contained, within the time limited, or by death, removal from the Town, or from any other cause, the Town Council shall issue a precept to the proper officer, who (unless otherwise ordered by the said Town Council) shall be the Bailiff of the Ward for which the Member whose office shall have become vacant was chosen, to hold an election for the said Ward, giving six days' notice of the time and place of holding the said election, and the Member so elected shall hold his office until the next annual election, and until another is chosen in his place.

XIII. And be it enacted, That in case an equality of votes shall happen at any election for the Members of the said Town Council, it shall and may be lawful for the person presiding at the said election, and he is hereby required to give a casting vote whether qualified as hereinbefore mentioned or not; and that, except in cases of the votes being equal, it shall not be lawful for the person presiding at any election to vote at such election.

Power to make By-Laws.

Appointment of Officers.

Fifth Member how chosen, in case of disagreement of the other four as to such Member.

Proviso.

Vacancy in the office of President how filled. And for the case of his absence.

Members to serve gratis.

Oath of Office.

Vacancy among Members how filled.

Casting vote of person presiding at an election, who shall not otherwise vote.

Contested
elections of
Members to be
decided by the
Town Council.
Scrutiny.

XIV. And be it enacted, That if the election of any Member of the Town Council shall be complained of, either on the ground of want of qualification in the person returned or on the ground that such person had not the majority of legal votes at such election, a written requisition, signed by ten inhabitants of the Ward in which such election shall have taken place, having a right to vote at such election, shall, within two days after the termination of such election, be served upon the President or any other Member of the said Town Council, requiring the said Town Council to appoint a time and place within the Town or Ward for which the election was held, for entering upon a scrutiny into the matters complained of, and that such time shall be within six days after the election complained of, and it shall be lawful for the said Town Council upon service of such requisition as aforesaid, and they are hereby required to appoint a time and place within the Town for entering upon a scrutiny of the matters complained of, which time shall be within six days after such election; and the Town Council or such Member or Members thereof as shall not be individually concerned in the question to be disposed of shall have power to summon witnesses and to take evidence on oath respecting the matters to be inquired into, and shall determine upon the validity of the election or return as shall appear to be right according to the evidence; and in case the election shall be declared void, and it shall not appear proper for any cause to amend the return or substitute the name of any other person as entitled to have been returned at such election, then the Town Council shall issue their precept for a new election, as in the other cases under this Act.

Summoning
and examining
of witnesses.

Decision upon
the Evidence.

Members who
shall try any
election, to be
sworn.

XV. And be it enacted, That before any Member of the said Town Council shall enter upon any such trial or scrutiny as aforesaid, he shall take an oath or affirmation (where the party is allowed by law to affirm) in the following form, which oath or affirmation the Members of the said Town Council shall have authority to administer to one another, that is to say :

Oath.

“ I do solemnly swear that I will truly and impartially to the best of my judgment, try and determine the merits of the complaint against the election of A. B., as a Member of the Town Council of the Town of Dundas.”

Punishment
of witnesses
refusing to at-
tend.

False swear-
ing

XVI. And be it enacted, That any witness who, being duly summoned to attend upon such trial or scrutiny, shall wilfully neglect or refuse to attend, shall, upon conviction before any of Her Majesty's Justices of the Peace for the Gore District, having been duly summoned to answer such complaint, be liable to be imprisoned on the commitment of such Justice, in the Common Jail of the District for a term not exceeding one month; and if any witness shall, upon any trial or scrutiny, wilfully and corruptly swear falsely, he shall be deemed guilty of wilful and corrupt perjury.

On what sub-
jects the Town
Council may
make By-
Laws.
Roads and
Streets.

Cattle, &c.
running at
large.

Dogs.

XVII. And be it enacted, That the said Town Council of Dundas shall have full power and authority from time to time to make, revise, alter and amend, administer and enforce such By-laws as they may deem proper for making, gravelling, flagging, paving, pitching, levelling, raising, repairing, mending, lighting, macadamizing and cleaning any of the streets, squares, alleys, lanes, walks, side-walks, roads, highways, bridges, public wharves, docks, slips, shores, and sewers, now laid out or to be erected within the limits of the said Town; and to regulate or restrain cattle, horses, sheep, goats, swine and other animals, geese or other poultry, from running at large within the limits of the said Town; and to prevent and regulate the running at large of dogs, and to impose a reasonable tax upon the owners or possessors thereof; to regulate or prevent

prevent the encumbering or injuring the streets, squares, lanes, walks, side-walks, cross-walks, roads, highways, bridges, public wharves, docks and slips with any wheelbarrows, carts, carriages, lumber, stones, merchandize or other materials whatsoever; to prevent the selling or vending by retail in the public highways, any meat, vegetables, fruits, cakes, cider, beer or other beverage whatsoever; to prevent the sale of any strong or intoxicating drink to any child or apprentice or servant without the consent of his legal protector; to prevent the immoderate riding or driving horses or other cattle in any of the public highways of the said Town; to prevent the leading, riding or driving horses upon the side-walks of the streets or other improper places; to regulate wharves or quays; to prevent all obstructions in or on the canals, wharves, slips or bridges near or opposite to any dock, wharf or slip; to prevent or regulate bathing and swimming in and about the docks, wharves, slips and shores within the limits of the said Town; to suppress tippling houses and restrain persons from keeping the same; to prevent Charivaris; to enforce the due observance of the Sabbath; to regulate the licensing of or to prevent the exhibition of wax figures, wild animals, mountebanks and all other shows exhibited by common showmen; to prevent the excessive beating or other inhuman treatment of horses, cattle or other beasts on the public highways; to regulate or suppress all public billiard tables, roulette Tables as well as any species of gambling apparatus whatsoever, and to regulate and license all theatres kept for profit; auctioneers, butchers, cartmen and cartage, hawkers and pedlars and all persons exhibiting for gain or profit any puppet show, wire dance, circus riding or any other idle acts or feats which common showmen, circus riders, mountebanks or jugglers usually practise or perform, and to limit the number and to provide for the purpose of licensing of the same: to regulate and prevent the firing of guns, pistols and other fire arms and to prevent the making bonfires or the firing of squibs and crackers; to regulate or prevent the erection of slaughter houses and tanneries; to abate or cause to be removed any nuisances or houses of ill-fame within the said Town; to regulate any ale-houses, victualling houses and all houses where fruit, cysters, clams or victuals may be sold or eaten or drunk therein, and all other places for the reception and entertainment of the public, and to limit the number of them and to provide for the proper licensing of them at such rates as to the Town Council may seem expedient, the proceeds of such license to form part of the public funds of the said Town, and to be disposed of in such manner as to the said Town Council may seem meet for the benefit of the said Town (excepting Tavern Licenses); to regulate the place and manner of selling and weighing hay, and the selling pickled and other fish; to restrain and regulate the purchase of butchers' meat and fish by persons called runners and hucksters; to regulate the weighing and measuring of coal, cord-wood and other fuel, salt and lime exposed for sale in any part of the Town; to regulate and assize the price of bread and to provide for the seizure and forfeiture of bread baked contrary thereto; to regulate the vending of meat, vegetables and fruit; to regulate any market or markets that may be hereafter erected in the said Town; to regulate and enforce the erection of party walls; to provide for the permanent improvement of the said Town, in all matters whatsoever, as well ornamental as useful; to enforce the sweeping and cleaning of chimneys, and to regulate the dimensions of chimneys hereafter to be built, and to regulate one or more Fire Companies; to regulate and require the safe construction of deposits for ashes, and to regulate the manner of depositing and keeping ashes at the time they are taken from the fire-places; to regulate, remove or prevent the construction or erection of any fire-places, hearth, chimney, stove, stove pipe, oven, boiler, kettle or apparatus used in

Incumbering the streets, &c.

Selling in the streets.
Sale of strong liquors.

Immoderate driving, &c.
Obstructions in Canal, &c.

Bathing, &c.

Tippling.

Sabbathbreaking.

Exhibitions.
Cruelty to animals.
Gambling.

Theatres.
Certain callings.

Circus Riding shows, &c.

Fire arms and fire works.

Nuisances.

Taverns, and eating houses, &c.

Public weigh-houses.

Sales of certain articles or by certain persons.

Assize of Bread.

Vending of meat, &c.

Markets. Regulations for preventing fires, &c. and improving the town, &c.
Ashes.

Chimnies.

any

any house, building, manufactory or business which may be dangerous in causing or promoting fires ; to regulate the keeping and transporting of gunpowder or other combustible or dangerous materials, and the use of light and candles in livery and other stables ; to regulate or prevent the carrying on manufactories dangerous in causing or promoting fire ; to regulate the conduct of inhabitants at fires to provide for keeping of fire buckets, ladders and fire hooks, and the making them a part of the real property to which they are attached ; to preserve, erect and regulate public cisterns and other conveniences for the stopping or preventing fires ; to provide for the preservation of property exposed at fires, and to prevent goods and other effects from being purloined thereat ; to adopt and establish all such other regulations for the preservation and suppression of fires, and the pulling down of adjacent houses for such purposes as they may deem necessary or expedient to provide for the security of the public property of the said Town ; to establish and regulate a Town Watch, and to prescribe the powers of Watchmen ; to license and appoint by warrant under the common seal of the said Town, or otherwise, such and so many inferior officers other than those mentioned in this Act as shall from time to time be found necessary or convenient to enforce and execute such By-laws and regulations as may hereafter be made by the said Town Council, and to displace all or any of them as often as the said Town Council shall think fit ; to establish or regulate one or more Pounds ; to direct the returning and keeping the bills of mortality and to impose penalties on physicians, sextons and others for default in the premises ; to regulate the Police of the Town ; to preserve the wells, pumps and cisterns and to provide for the supply of good and wholesome water to the said Town, and to prevent the waste of water ; to regulate the bonds, recognizances and other securities to be given by all Municipal Officers for the faithful discharge of their duties and the amount for which the same shall be taken ; to inflict reasonable penalties and fines for the refusing to serve in any Municipal Office when duly elected or appointed thereto, and for the infringement of any and every law of the said Town ; to regulate the time and place of holding elections for such Municipal Officers as are elective and to make provision for a Register of Electors or Voters for Members of the Town Council ; to impose and provide for the raising, levying and collecting annually for the sole use of the said Town by a tax on the real and personal property in the said Town, in addition to the rates and assessments payable to the general fund of the Gore District, a sum of money the better to enable them to carry into effect fully the powers hereby vested in them : Provided, that such additional tax shall not exceed in one year, nine pence in the pound upon the assessed value of property lying and being within the limits of the Town according to the real rack-rent or full yearly value thereof ; to require the Road Labor of the said Town to be commuted for money, and such money paid to the Treasurer of the said Town Council, to be at the disposal of the said Town Council for the purpose of improving the public highways of the said town ; and generally to make all such laws as may be necessary and proper for carrying into execution the powers hereby vested or hereafter to be vested in the said Town Council or in any department or office thereof, for the peace, welfare, safety and good government of the said Town, as they may from time to time deem expedient, such laws not being repugnant to this Act or the general laws of this Province ; Provided always, that no person shall be subject to be fined more than ten pounds or less than five shillings for the breach of any By-law or regulation of the said Town, and in default of payment of such fine to be imprisoned in the Common Jail of the said Gore District for a period of not more than thirty days or less than one day ; and that such imprisonment shall be at the expense of the Town Council : and provided also, that

no person shall be compelled to pay a greater fine than two pounds ten shillings for refusing to serve in any Municipal office when duly elected or appointed thereto.

XVIII. And be it enacted, That for carrying the several purposes of this Act into execution, and for the securing, raising and paying any monies which shall or may be borrowed under the authority thereof, and the interest of such monies, there shall be made, assessed and levied under the authority of the Town Council at yearly periods not later than the first Monday in March in each year, a certain rate and assessment upon all and every person who shall inhabit, hold, use and occupy any house, shop, warehouse, manufactory, building, or piece or parcel of land being a separate tenement, situate, lying, and being within the said Town, according to the yearly value thereof, respectively, to be ascertained in manner hereinafter mentioned; and the time for which the first yearly rate or assessment under this Act shall be held to be given, shall be the first day of March, one thousand eight hundred and forty-eight, and shall end the last day of February in the year following, and the Assessor or Assessors of the said Town, in addition to the duties devolving upon them by any Act of the Parliament of this Province, shall make a fair return of the Assessment Roll of their respective Wards to the said Town Clerk on or before the fifteenth day of April in each year, who shall furnish to the Treasurer a true copy duly certified.

Certain rates and assessments to be levied, &c. yearly.

XIX. And be it enacted, That, except as respects vacant grounds or other property hereinafter specially mentioned and provided for, the annual value of all such houses, shops, warehouses, manufactories, buildings, gardens, grounds, lands, tenements, and parts and portions thereof, being separate tenements as aforesaid, so as to be rated and assessed as aforesaid, shall be settled according to the real-rack rent or full yearly value, which said rent or yearly value shall be ascertained by the said Assessor or Assessors once in each year: Provided always, that the said Assessor or Assessors shall in every instance wherever they can truly ascertain the same, assess the said yearly value at the annual rent actually and *bonâ fide* charged or paid for such premises, and no more.

Annual value of houses, shops &c. to be settled according to real rack rent.

Proviso.

XX. And be it enacted, That all vacant lots situate within the limits of the said Town shall be taxed according to their actual value; the legal annual interest of that valuation shall be the basis of the tax to be levied upon them.

Vacant Lots.

XXI. And be it enacted, That the rate or rates aforesaid shall also be raised and assessed upon the owners or possessors of the following chattel property, that is to say: Stallions (kept for covering mares,) horses, and horned cattle as hereinafter mentioned, coaches, phaetons, curricles, gigs, wagons, sleighs and other carriages kept for pleasure only, or for hire according to the yearly value thereof, as ascertained as hereinafter mentioned: Provided always, that nothing in this Act contained shall extend or be construed to extend to any house, lands, property, goods or effects herein enumerated which shall belong to or be in the sole and actual possession, control or occupation of Her Majesty, Her Heirs or Successors, and shall not be leased to individuals nor to any churches, chapels, places of public divine worship, school houses (when not used as dwellings) or burying grounds.

The said rates to be also levied upon owners of chattel property in this section mentioned.

Proviso.

XXII. And be it enacted, That every lot and parcel of ground whereon any house or other building or houses or buildings to be valued as aforesaid, are situate and being held

Lots of Land to be valued

with houses in certain cases. held therewith as the same tenements, when such lot of ground is not above half an acre in extent, and to the amount of half an acre thereof, shall be assessed and valued with the house or building, houses or buildings thereon, and the overplus (if any) over half an acre, shall be valued as a separate tenement and vacant ground.

Values at which certain personal property shall be assessable. XXIII. And be it enacted, That all chattel property hereinafter named and mentioned, shall be assessed at the following sums respectively, that is to say: Every stallion (kept for covering mares) for hire or gain, at forty pounds of yearly value; every other horse, mare or gelding, three pounds; every head of cows and other horned cattle, one pound;—on each of the following vehicles kept for pleasure only as follows: Every close four wheeled carriage, fifty pounds of yearly value; every phaeton or other open four-wheeled carriage, thirty pounds; every pleasure wagon or other carriage, buggy or gig, twelve pounds ten shillings;—on each of the following vehicles kept for conveying passengers for hire or gain only: Every four wheeled carriage, twelve pounds; every two wheeled carriage, eight pounds; for every two horse sleigh kept for pleasure only, at twenty-five pounds yearly value; and every one horse sleigh kept for pleasure only, at twelve pounds ten shillings of yearly value; for every two horse sleigh kept for conveying passengers for hire or gain only, ten pounds of yearly value.

Town Council to appoint Assessors and Collectors. XXIV. And be it enacted, That it shall and may be lawful for the Town Council of the said Town, from time to time, to appoint one or more fit and discreet person or persons, inhabitant freeholder or freeholders of the said Town, to be Assessor or Assessors of the said Town, and in like manner to appoint one or more fit and discreet person or persons to be Collector or Collectors of the said Town.

Assessors to be sworn. XXV. And be it enacted, That every Assessor of the Town before entering upon the duties as such Assessor, shall be first sworn by the President or acting President of the Town Council of the said Town, well, faithfully and impartially to perform and fulfil the duties of Assessor to the best of his knowledge and ability, which said oath the President or acting President of the said Town Council is hereby authorized to administer.

Duty of the Assessors. Valuation. Notice of valuation. Deposit of assessment Rolls. Correction of such rolls. XXVI. And be it enacted, That it shall be the duty of the Assessor or Assessors of the said Town, to make such valuation according to rack-rent as aforesaid, as soon as conveniently may be, on the requisition of the President or acting President of the said Town Council, in pursuance of any resolution of the said Town Council authorizing any such valuation as aforesaid, and also to leave for every person or persons so rated, whether he, she or they shall reside within the Ward in which such property is situated or elsewhere in the said Town, at the residence of such person or persons, a notice of the value of the property in respect whereof he or she or they shall be so rated, and immediately after such assessment or valuation shall be completed, the Assessor or Assessors respectively, shall deposit with the Clerk of the Town Council of the said Town, or such other person as by the said Town Council shall be authorized to receive the same, distinct Assessment Rolls, books or returns of the said value which shall be rated as aforesaid, and in case any person shall think himself, herself or themselves overcharged in such Assessment Rolls, book or return, it shall and may be lawful for such person or persons within six days after the said notice shall have been given or left at his, her or their residence as aforesaid, to give notice in writing to the President or

or acting President of the said Town Council, of the overcharge complained of, and the same shall be tried by the said Town Council at such times and meetings of the said Town Council, as the members composing the same shall direct and appoint, reasonable notice of such times and meetings to be given to the complaining party, and after hearing the said party and his, her or their witnesses upon oath (or affirmation as the case may be,) the said Town Council shall by a majority of voices or votes finally decide and determine upon such complaint, and affirm or amend the return of such Assessor accordingly: Provided always, that if the said complaining party shall neglect to appear at such meeting of the said Town Council, he or she having had reasonable notice thereof as aforesaid, the said Town Council shall proceed to make their final decision without hearing such party, and in case it shall appear to any two or more members of the said Town Council that the value has in any case been given in or returned too low, they shall cause a notice to be served on the person who made such rate of the time and place of the meeting of the said Town Council at which the said matter shall be heard, and the same shall be finally determined by the said Town Council in like manner as aforesaid, after hearing the said parties and their witnesses upon oath or affirmation as aforesaid, and that the said Town Council shall have power to adjourn as they shall see fit.

Trial of complaints against assessment Rolls.

Proviso. Complainant neglecting to appear.

And if property be rated too low.

XXVII. And be it enacted, That any member of the Town Council shall have full power to administer such oath or affirmation as aforesaid, and that the President or acting President or any one of the said Town Council shall have full power and authority to issue a summons for each witness who shall be required to attend before the said Town Council, and if any person shall neglect or refuse to obey such summons upon being tendered a reasonable remuneration for his services not exceeding two shillings and six pence *per diem*, he shall be liable to such fine not exceeding two pounds ten shillings, as the said Town Council on proof upon oath or affirmation, as the case may be, of the due service of such summons and of such neglect or refusal, shall impose; and in default of payment of such fine, it shall and may be lawful for the President or any member of the said Town Council, to commit such person to the Common Jail of the Gore District: Provided always, that such imprisonment shall not exceed in any case thirty days, and if any person shall knowingly swear or affirm falsely in any of the cases referred to in the next preceding section of this Act, he shall be deemed guilty of wilful and corrupt perjury, and shall be punished accordingly, on conviction before any Court having cognizance thereof.

Summoning of Witnesses, administering oaths, &c.

Fine for non attendance, &c.

Imprisonment.

Proviso.

False swearing to be perjury.

XXVIII. And be it enacted, That it shall and may be lawful for the said Town Council of the said Town, at some convenient time after the return of the Assessment Rolls aforesaid, to pass a yearly rate declaring the amount in the pound on such valuation, which shall be raised and levied for the year in which the rate shall be passed, provided that the same doth not exceed nine pence in the pound.

Town Council to make a yearly rate.

Limitation of Rate.

XXIX. And be it enacted, That it shall and may be lawful for the said Town Council, to hear on memorial or petition, the case or cases of such persons as, during any one year, for which such rates aforesaid shall be respectively levied, shall have been assessed for any house or building, or any part thereof, which during such year shall have continued vacant for more than three calendar months of such year, and also the case or cases of such persons not assessed in respect of any property in the said Town, who from sickness, extreme poverty, or any other cause shall be unable to pay any rate

Town Council empowered to grant relief from rates in certain cases.

rate by this Act imposed; and on hearing such case or cases it shall and may be lawful for the said Town Council to compound for or receipt the whole of any such rate or rates.

By whom the rates shall be paid.

XXX. And be it enacted, That all proprietors, lessees and others, who shall let for rent, any premises within the said Town, shall themselves, as well as the occupiers of such premises, be liable and responsible for the rate and assessment aforesaid, and such assessment shall and may be recovered from the lessee or occupant (if any) in the first place, and in default of distress, then from the proprietor, by the Collector or Collectors of the said Town, under any By-law for that purpose, made by the said Town Council.

Male inhabitants not paying more than a certain amount of assessment to be subject to a rate per head.

XXXI. And be it enacted, That each male inhabitant of the age of twenty-one years and upwards, and not above the age of sixty years, not otherwise rated under this Act, or whose assessment shall not be over six shillings and three pence, and who by the laws now in force would be liable to perform statute labor, shall be rated and assessed in the sum of two shillings and six pence yearly, which said sum shall be paid to the general public uses of the said Town, in like manner as the other rates, levies and assessments under the authority of this Act; and it shall be the duty of the Collector or Collectors of the Town to collect and receive such sum and sums of money and pay over the same in like manner as other monies to be levied and raised under the authority of this Act.

Warrant for levying rates in arrear for more than fourteen days.

XXXII. And be it enacted, That if any person or persons rated or assessed as in manner herein directed, shall refuse or neglect to pay the rates or assessments charged upon him, her or them, for the space of fourteen days next after such rates shall be due and demanded by the Collector of the Town, it shall and may be lawful for the said Collector to apply to the President or acting President of the said Town Council, for a warrant to the High Bailiff, or any Constable of the said Town, to enter into the house or houses, or other dwellings or premises of such person or persons, and seize and take possession of his, her or their goods and effects, whether in the Ward in which the assessed property is situated or elsewhere in the said Town, which warrant the President or acting President of the said Town Council is hereby authorized to grant, upon a certificate signed and sworn to by such Collector, of a demand of such rate having been made and of such person or persons being in arrear to the amount stated in such certificate; and if such rate or assessment shall not be paid within five days next after such seizure, the said Collector is hereby authorized to sell at public auction, at such place as may be proper, such part of the said goods and effects as shall be sufficient to pay the said rates and assessments, with the costs and charges attending such seizure and sale, returning the overplus (if any) to the owner; and that in cases where any person or persons not rated as respects any property, but under the authority of the next preceding section of this Act, shall neglect or refuse to pay the rate of assessment charged upon him or them for the space of fourteen days next after such rates shall be due and demanded by any Collector of the said Town, it shall and may be lawful for the said Collector to apply to the President or acting President of the said Town Council, and on proof upon oath (or affirmation, as the case may be) of such person or persons being in arrear, and of demand of such rate having been made, and when no goods or effects of such person or persons can be found to satisfy such rates, it shall and may be lawful for the President or any Member of the said Town Council, to commit such person to the

Sale of property seized.

Mode of collecting the Capitation Tax.

the Common Jail of the District of Gore until such rate shall be paid: Provided always, Proviso.
that such imprisonment shall not exceed in any case thirty days.

XXXIII. And be it enacted, That from and after the passing of this Act, every landlord, proprietor, factor or agent, who shall wilfully grant a certificate or receipt which contains a less sum than the rent really paid or payable for the premises therein mentioned or referred to, and every tenant who shall present to the Assessor as aforesaid or otherwise alter or publish such a receipt or certificate, in order to procure a lessening or abatement of such rate or assessment, shall be liable to a penalty not exceeding ten pounds to be recovered and disposed of in the same manner as other penalties are recovered and disposed of in the said Town, for the breach of any of the By-laws or regulations thereof. Penalty for falsely relating amount of rent.

XXXIV. And be it enacted, That in all cases where the person who shall be rated in respect of any vacant ground or other real property within the Town, shall not reside within the said Town, and the rates and assessments payable in respect of such vacant ground or property, shall remain due and unpaid for the space of four years, and no distress shall be found therein, then, and in such case, it shall and may be lawful for the said Town Council to issue a precept to the Sheriff of the Gore District, commanding him to sell and dispose of such property by public sale, or so much thereof as shall be necessary for the payment of the arrears of taxes, together with all costs accruing by reason of such default, and the Sheriff is hereby authorized and required to dispose of such property as is herein directed; Provided always, that no property shall be sold without having been first advertised in two newspapers published in the Gore District for the three months next preceding such sale, and all owners of property sold under the authority of this Act, shall be allowed to resume possession of the same within the space of twelve months next after the date of such sale, on paying or tendering to the purchaser the full amount of the purchase money with legal interest thereon, together with the costs attendant upon the default and sale, with an additional five per centum on the purchase money. Sale of real property for arrears of rates.

XXXV. And be it enacted, That in case it shall at any time happen that an election of Members of the said Town Council shall not be made on the day when, pursuant to this Act, it ought to have been made, the said Town Council shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any other day to hold an election of members, in such manner as shall have been regulated by the laws and ordinances of the said Town Council. Proviso: redemption of property seized by owner.

XXXVI. And be it enacted, That any rule or regulation of the said Town Council for the infraction of which a penalty is inflicted, before it shall have effect, shall be published in one or more of the newspapers published within the District, and shall be affixed in four public places in each Ward within the said Town; and in like manner shall be published in each Ward every year, one month previous to each general election for members to serve in the said Town Council, an account of all monies received into the Treasury, and the amount expended, and for what purpose. Town Council not to be dissolved from failure of any election.

XXXVII. And be it enacted, That if any person shall transgress the orders or regulations made by the said Town Council under the authority of this Act, such person shall, for every offence, forfeit the sum which in every order, rule or regulation shall be specified, with costs, to be recovered by information before the said Town Council, By-Laws imposing penalties to be published;
And accounts yearly.

Made of enforcing payment of penalties imposed by By-Laws.
or

Inhabitants of Dundas may be witnesses. Proviso: limitation of time for prosecution.

or any Member or Members thereof, to be levied of the goods and chattels of such offender, and in default of such goods and chattels, the offender shall be liable to be committed to the Common Jail of the Gore District, for a term, in the discretion of the members of the said Town Council, before whom such offender shall have been convicted, not less than one day, and not exceeding thirty days; and no person shall be deemed an incompetent witness, upon any information under this Act, by reason of his being a resident of the said Town of Dundas: Provided always, that the information and complaint for any breach of any order or regulation of the said Town Council shall be made within fifteen days next after the time of the offence committed.

Application of penalties.

XXXVIII. And be it enacted, That all penalties recovered under the provisions of this Act shall be paid into the Treasury for the public uses of the said Town.

Protection of persons acting under this Act.

XXXIX. And be it enacted, That if any action or suit shall be brought against any person or persons for any matter or thing done under the authority or in pursuance of this Act, such action or suit shall be brought within six calendar months next after the fact committed and not afterwards; and the defendant or defendants in such action or suit may plead the general issue only, and give this Act and the special matter in evidence on the trial.

Meetings of Town Council.

Place of meeting.

XL. And be it enacted, That the said Town Council shall assemble at least twice in each month for the transaction of the business of the said Town, and shall hold their sittings in the Town Hall, when such building shall have been provided, and until such suitable public building shall have been provided, the said Town Council shall determine on the place of meetings of the said Town Council.

Sheriff and Jailer to detain persons committed under this Act.

XLI. And be it enacted, That the Sheriff and Jailer of the District of Gore shall be bound and they are hereby authorized and required to receive and safely keep until duly discharged, all persons committed to their charge by the said Town Council, or any Member thereof, under the authority thereof.

Justices for the District not to have jurisdiction in the Town except in certain cases.

Proviso: as to Quarter Sessions.

Proviso: Protection of Members of Town Council when acting as Magistrates.

XLII. And be it enacted, That, except in General or Adjourned Quarter Sessions, the Justices of the Peace for the Gore District, as such Justices, shall exercise no jurisdiction over offences committed within the Town of Dundas; and that the Members of the Town Council shall, by virtue of their offices, be Justices of the Peace in and for the said Town, and exercise within the limits of the said Town, the authority now given by law to Justices of the Peace: Provided always, that nothing in this Act shall be construed to give the Members of the said Town Council any right or authority to sit, act or in any wise interfere in any Court of General or Adjourned Quarter Sessions, and it shall and may be lawful for any person or persons to appeal to the General Quarter Sessions, in the same manner as is now provided by law, from any conviction of any one or more Members of the said Town Council, when such conviction shall have been made in the exercise of their magisterial duty and apart from the enforcement of any By-laws or regulations: Provided also, that if any action or suit shall be brought against any member of the said Town Council, for any matter or thing done by him as such Justice of the Peace as aforesaid, he shall be entitled to and receive such notice of action as is now required to be given to Justices of the Peace in other cases.

XLIII. And be it enacted, That the Town Council of the said Town of Dundas shall have full power and authority, and they are hereby authorized and empowered to raise by law a sum of money, not exceeding two thousand pounds, for the purpose of erecting a good and sufficient building of brick and stone, for the purpose of a Market House and Town Hall on some central and convenient lot, to be selected and purchased by the said Town Council for that purpose, of such dimensions as to the said Town Council may seem expedient; and the said Town Council are hereby authorized and empowered to mortgage or place in security the said lot, to any person or persons willing to lend the said sum of two thousand pounds, or so much thereof as may be necessary, in the discretion of the said Town Council, on such terms as may be mutually agreed upon, and also to secure the same upon the credit of the rates and assessments to be levied and collected according to the provisions of this Act, for the purpose of securing the re-payment thereof, with interest, such interest not to exceed the rate of six per centum per annum; and the said Town Council are hereby authorized and empowered to apportion from the rents and profits hereafter to accrue from the said lot or any part thereof, as also from the rates and assessments to be levied and collected as hereinbefore provided, such amount as to the said Town Council may seem expedient, for the purpose of providing for a sinking fund for the payment of the said sum of two thousand pounds, or any part thereof, to be borrowed as aforesaid, with interest thereon, within such time as to the Town Council may seem expedient and prudent; and the said Town Council shall have full power and authority, and they are hereby authorized and empowered, to raise by law any sum of money not exceeding one thousand pounds, for the purposes of improvements, as the said Town Council may deem expedient; and the said Town Council are hereby authorized and empowered to secure the same upon the credit of the rates and assessments to be levied and collected under the provisions of this Act, for the purpose of re-paying the same, with legal interest thereon, in such manner as the said Town Council may see fit.

Town Council empowered to raise money by loan for a Market and Town Hall.

The land may be mortgaged as security for such loan, &c.

Town Council may create a sinking fund.

Town Council May raise a further loan, for improvements.

XLIV. And be it enacted, That nothing in this Act contained shall deprive or be construed to deprive the qualified inhabitants of the Town of Dundas of their right to be represented in the Municipal Council of the Gore District.

Saving of the right of representation in the District Council of Gore.

XLV. And be it enacted, That nothing in this Act contained shall be construed as giving power to the said Town Council to form or open up any street or streets through any farm or farm-lands within the limits of the said Town, without the consent of the owner or owners of the same.

Saving of the right of not having roads, &c., opened through farms without permission.

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Law Printer to the Queen's Most Excellent Majesty.



ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. XLVI.

An Act to amend the tenth section of the Act to incorporate the Town of Kingston as a City.

[23th July, 1847.]

WHEREAS by the tenth Section of the Act passed in the ninth year of Her Majesty's Reign, intituled, *An Act to incorporate the Town of Kingston as a City*, it is enacted, "That the Harbour of the said City shall consist of all the Water lying between the front of the said City and the opposite shore of the Township of Pittsburgh as far as Point Frederick, (except such parts as may belong to private individuals or be under the direct control of Her Majesty's Naval or Military authorities,) and beyond Point Frederick all the water lying in front of the said City (except as aforesaid) which may be distant five hundred yards from the main shore of Wolfe Island," and it was intended that the words "the main shore of Wolfe Island" in the said enactment should mean and include the whole of the Township of Wolfe Island and also Garden Island: Be it therefore declared and enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby declared and enacted by the authority of the same, That the words "the main shore of Wolfe Island" in the said enactment, do and shall mean and include any part of the shore of the Township of Wolfe Island, and any Island forming part of the said Township, and also Garden Island.

Preamble.
10th Section
9th Vict. c.
75 cited.

Certain words
in the said
section inter-
preted.

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



ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. XLVII.

An Act to provide for an Assessment of Real and Personal Property in the Town of Prescott according to the annual value or rental thereof, and for other purposes.

[28th July, 1847.]

WHEREAS it is expedient to repeal the Assessment Laws of the late Province of Upper Canada so far as the same relate to the Town of Prescott—to prevent the operation within the said Town of any Act passed during the present Session of the Provincial Parliament relating to General Assessments—to provide by a special enactment for the Assessment of the said Town—and to amend an Act passed by the Legislature of Upper Canada in the fourth year of the Reign of His late Majesty, King William the Fourth, intituled, *An Act to incorporate the Village of Prescott, and to establish an elective Police therein*: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council, and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Assessment Laws of Upper Canada imposing taxes, rates or assessments, and providing for the collection thereof, in so far as the same relate to the said Town of Prescott, be and are hereby repealed; and that any Act of the Provincial Legislature passed during the present Session relating to a General Assessment, shall not have force or operation in the said Town, except in the case mentioned in the twenty-second section of this Act.

Preamble.

Act of U. C.
4 W. 4. c. 27,
cited.

Assessment
Laws of U. C.
repealed in so
far as they re-
late to Brock-
ville.

II. And be it enacted, That all Real and Personal Estate hereinafter designated within the limits of the said Town of Prescott, and not hereinafter exempted from taxation, shall be liable to taxation in the manner hereinafter provided for the purposes of the said Act, intituled, *An Act to incorporate the Village of Prescott, and to establish an elective Police therein*, for the support of Common Schools—for the purposes of this present Act—and for any other purpose now or hereafter authorized by law.

All real and
personal estate
not hereinafter
exempted from
taxation, to be
liable to taxa-
tion as herein
mentioned.

III. And be it enacted, That hereafter the tax year for the said Town shall be held and taken to commence with the first and end with the last day of each calendar year; and that all taxes to be levied and collected for the aforesaid purposes, shall be rated and

Tax year
when to com-
mence.

and

Amount of taxes limited.

and apportioned upon the said Real and Personal Estate according to the true annual value or rental thereof; and that the whole taxes so rated and apportioned, (exclusive or beyond Common School purposes which shall and may be apportioned and collected in addition to all other taxes,) shall in no one year exceed nine pence in the pound of the amount of such annual rental or value.

Meaning of words "Real Estate."

IV. And be it enacted, That the words "Real Estate," wherever the same occur in this Act, shall be held to mean and include all lands within the said Town, and all buildings, fences, trees and other articles or things erected, being or growing upon, or affixed to the same, not hereinafter exempted from taxation; and that the words "Personal Estate" shall be taken and held to include the following personal property only, that is to say: all horses, mares, geldings, oxen, bulls, cows and horned cattle above three years old; all carriages, phaetons, curricles, gigs, wagons, sleighs, or carioles, kept for pleasure only.

And of the words "Personal Estate."

Certain Real Estates exempted from taxation, as being public property, &c.

V. And be it enacted, That the following Real Estate shall be exempted from taxation, that is to say: all Real Estate belonging or reserved to Her Majesty, or vested in any public body, officer or person in trust for public uses; every place of public religious worship; every church-yard; every burying ground; every building belonging to or used for any academy, seminary of learning, or public school; the District Jail and Court House, with the yards, buildings, and lands appertaining thereto, or on which the same are erected; the Real Estate belonging to the Town; all public squares, public pleasure grounds, streets or highways, market places, and other public buildings; every poor house, alms-house, house of industry, and house for the reformation of offenders; the Real Estate of every public library and of the Mutual Insurance Company of the District of Johnstown: Provided always, that in case any rent or other valuable consideration is reserved or made payable for any Real Estate hereinbefore exempted from taxation to any private person or persons, then such real estate shall not be exempted from taxation, but the same shall be rated to, and the taxes paid by such person or persons according to its annual rental or value to such person or persons as aforesaid.

Proviso if rent be received for the same.

All taxes hereby imposed to be rated to occupant &c., of Personal or Real Estate.

VI. And be it enacted, That all taxes imposed by authority of this Act shall be rated or assessed to the occupant or person or persons in possession of the Personal or Real Estate at the time of assessment, and shall be paid by the occupant or person in possession, or in case of a Bank, shall be rated to such Bank by its name, and shall be paid by the President, Cashier, Teller or person in charge, or conducting the business of any Bank, Branch Bank, Bank Office, or Bank Agency in the said Town, at the time of assessment or collection; or in case of any other incorporated Company shall be rated or assessed to such Incorporated Company by its name, and shall be paid by the President or any Officer, Agent, or other person in charge of any office, place of business, or warehouse of such Company in the said Town at the time of assessment or collection.

Proviso: when taxes are rated to occupant, &c. occupying as tenant or agent and cannot be collected by reason

VII. Provided, however, and be it enacted, That in case any taxes shall be rated or assessed to any occupant or person or persons in possession of any Personal or Real Estate within the said Town, who shall hold or occupy the same as tenant or agent to the owner or special owner for the time being, and it shall really happen that by reason of the actual poverty or removal of such occupant, or person or persons in possession,

beyond

beyond the limits of the District of Johnstown, that such taxes cannot be collected from such occupant or person or persons in possession, then such owner or special owner for the time being shall be liable to pay the same, or so much thereof as shall remain unpaid: and in case the taxes or any part thereof, rated or assessed to any Bank or Incorporated Company shall remain uncollected by reason of the poverty or removal from the District of Johnstown of the person or persons hereinbefore made liable for the payment of the same, then the said Bank or Incorporated Company shall, in like manner, be liable to pay the same.

of poverty,
&c. of such
occupant, &c.,
owner to pay
the same.

VIII. And be it enacted, That all vacant or unoccupied Real Estate within the limits of the said Town liable to assessment as aforesaid shall be assessed to the freehold owner or owners thereof at the time of assessment, if the name or names of such owner or owners is or are known to, or can be truly ascertained by the Assessor or Assessors; and if such owner or owners, or any of them, shall be resident within the said Town or within two miles thereof, it shall be the duty of the Assessor or Assessors to apply to such owner or owners, or some one of them, to return the same for assessment in the same manner as if such owner or owners, or some of them, was or were in the actual occupancy of such Real Estate; and in case such owner or owners of vacant or unoccupied Real Estate cannot be truly ascertained by the Assessor or Assessors at the time of Assessment, then it shall be the duty of such Assessor or Assessors to return such vacant or unoccupied Real Estate for assessment by such particular description as that the same and the whole thereof can be certainly known; and in case the owner or owners, or some one on the behalf of such owner or owners shall not pay the taxes rated for such vacant or unoccupied Real Estate, such taxes as are unpaid shall remain as a charge upon the same, and the owner or owners and any subsequent occupant of the same, or any part thereof, shall be liable to payment of all taxes in arrear on account thereof.

Vacant real
estate against
whom to be
assessed.

If the owner
cannot be
found, &c.

IX. And be it enacted, That all taxes for the purposes aforesaid, rated or assessed for or on account of any Real or Personal Estate within the said Town, shall and may be levied and collected in the manner prescribed in this Act by any lawfully appointed and authorized Collector or Collectors of the said Town, at any place within the said Town, or within the District of Johnstown, from any person or persons, Bank or Incorporated Company to whom the same were rated or assessed, or who are by this Act declared, required, or made liable, in the manner therein stated, to pay the same.

Taxes how
to be levied.

X. And be it enacted, That in case any taxes, rated or assessed according to this Act, shall remain unpaid by reason of the person or persons, Bank or Incorporated Company, to whom the same were assessed or who are liable or required to pay the same, residing, being located or having removed beyond the limits of the said District of Johnstown, then it shall and may be lawful for the President and Board of Police of the Town of Prescott to sue for and collect the same, or so much thereof as shall remain unpaid as a simple contract debt, together with costs from any such person or persons, Bank or Incorporated Company to whom the same were assessed, or who by this Act is or are required or made liable to pay the same, in any Court in this Province, having jurisdiction for debts of the amount sought to be recovered.

When taxes
shall remain
unpaid by rea-
son of the par-
ty owing
them being
out of the Dis-
trict.

XI. And be it enacted, That if there be no covenant, agreement or understanding to the contrary, then whenever any of the taxes imposed for the purposes aforesaid, shall

Tenant may in
certain cases
deduct amount
be

paid for taxes, from rent payable by him for real or personal estate.

Or recover the same from the owner.

be for Real or Personal Estate held by any tenant paying rent therefor, or held or occupied by any trustee or agent for any person or persons, Bank or Incorporated Company, and such taxes shall be paid by such tenant, trustee or agent, and a receipt of payment in writing obtained therefor, such tenant shall and may deduct the amount so paid for taxes from the rent payable by such tenant for such Real or Personal Estate, or in case no rent shall then or thereafter be payable, may ask, sue for, receive and recover the same from his or her immediate landlord as a simple contract debt; or such agent or trustee may charge against and collect the same from the person or persons, Bank or Incorporated Company for whom he or she is acting as such trustee or agent.

President and Board to appoint Assessors and Collectors.

XII. And be it enacted, That the President and Board of Police of the said Town may and shall, in the month of January in every year hereafter, appoint such and so many competent and trusty persons as they may deem necessary to be Assessor or Assessors, and Collector or Collectors for the said Town, or any part thereof.

Assessors to take an oath.

XIII. And be it enacted, That every person so appointed an Assessor shall, within ten days after he shall receive written notice from the Clerk of the said Board of his appointment, and before entering on the duties of his office, make and subscribe an oath before the President or any other member of the Board, who is hereby authorized and required to administer the same, in the following form :

Form of oath.

“ I do sincerely and solemnly swear that I will, honestly, faithfully, truly and impartially discharge the duty of an Assessor of the Town of Prescott for the year of Our Lord, (*naming the year,*) to the utmost of my skill and ability ; So help me God.”

Which oath shall be forthwith certified by such President or member and delivered to the Clerk of the said Board, who shall record the same in his book of proceedings and file and keep the same among the papers of the said Board.

Clerk of the Board to deliver to Assessor a blank Assessment Book in a certain form.

XIV. And be it enacted, That the Clerk of the said Board shall, within ten days after any Assessor of the said Town shall have taken such oath, prepare and deliver to such Assessor a blank Assessment Book, with columns and headings written or printed in the following form, and of such dimensions as he shall deem sufficient to contain the whole assessment to be made by such Assessor, to which book additions may thereafter be made in case the same shall be found necessary ; and in case any further columns should hereafter be required for showing the amount of any additional assessment for special purposes, the same may be added under the heading “ *Taxes to be levied.*”

(Form of Assessment.)

ASSESSMENT BOOK OF THE TOWN OF PRESCOTT, (OR TOWN OF PRESCOTT as the case may be) FOR THE YEAR 18 WARD OF THE

No.	Names of persons, &c., Assessed.	REAL ESTATE.		PERSONAL ESTATE.		Total Annual Value.	TAXES TO BE LEVIED.		REMARKS.
		Whether held as Freeholder or as Tenant, Trustee or Agent, and to whom.	Annual Value.	Whether held as Owner or as Tenant, Trustee or Agent, and to whom.	Annual Value.		For general purposes at the £	For Common Schools at d. in the £	
		£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.		

[Change the heading of PERSONAL ESTATE, when the entries are to be made at the end of Assessment Book of Vacant Lands, thus:

DESCRIPTION OF VACANT REAL ESTATE ASSESSED.]

Assessor, upon receipt of Book, shall make assessment.

XV. And be it enacted, That every such Assessor upon the receipt of his Assessment Book, shall forthwith proceed to make his assessment according to the provisions of this Act, having regard as far as practicable to the form aforesaid ; and shall fully complete his Assessment and return his Assessment Book, subscribed by him, to the Clerk of the said Board of Police, on or before the first day of April following, in every year, under the penalty of ten pounds, and forfeiture of all compensation as such Assessor.

Assessor shall require from persons, &c. to be assessed, the annual value of Real Estate separate from Personal Estate, and vice versa.

XVI. And be it enacted, That every such Assessor, in making his assessment, shall require from the person to be assessed, or agent or trustee of the person, Bank or Incorporated Company to be assessed, if residing within the said Town or within two miles thereof, a statement of the annual value of the Real Estate separate from the Personal Estate, and of the Personal Estate separate from the Real Estate, liable to assessment according to the provisions of this Act, within the limits of the said Town or portion of the said Town for which such Assessor is appointed ; and shewing whether such Real Estate be held by such person as freeholder, tenant, trustee or agent, and, if as tenant, trustee or agent, to whom ; and shewing whether such Personal Estate be held as owner, trustee, tenant or agent, and if as trustee, tenant or agent, to whom ; and shewing such other particulars as according to the provisions of this Act it shall be necessary for the said Assessor to return or enter upon his Assessment Book ; and in case the person to be assessed, agent or trustee as aforesaid, shall neglect, after reasonable notice, to furnish such statement, such person, agent or trustee, shall be liable to be fined according to the provision for imposing fines hereinafter contained ; and if such Assessor shall consider the statement so furnished him untrue or not embracing the whole Real and Personal Estate for which the person furnishing the same is liable to be assessed or ought to return for assessment, he shall not be bound to adhere to the same, but shall make such an assessment as to him shall appear legal and just, and shall thereupon give notice to the person assessed, or such trustee or agent, (or leave such notice in writing for such person, trustee or agent, at his or her usual place of abode,) of the annual value or rental so assessed for Real and Personal Estate respectively : and in case such Assessor shall alter his assessment before returning his Assessment Book to the Clerk of the said Board, he shall forthwith give notice of such alteration to the person assessed, or liable, as trustee or agent, to pay the taxes on account of such assessment ; and that all assessments of unoccupied or vacant Real Estate assessed to persons, Banks or Incorporated Companies not resident or located within the limits of the said Town, or of which the owner is not known to the Assessor, shall be entered by themselves with the description of the Real Estate assessed, at the end of the Assessment Book ; and the Assessor shall and may make such brief remarks in the column of the Assessment Book headed *Remarks*, as he may deem necessary for elucidation or the proper understanding of the assessment made, but shall make no entry whatever in the columns for shewing the *Taxes to be levied*.

And other particulars.

Penalty for not furnishing the same.

If the Assessor shall think the statement untrue.

Assessments of vacant property.

Remarks.

Duty of Clerk on Assessment Book being returned by Assessor.

XVII. And be it enacted, That upon the Assessment Book being returned by the Assessor to the Clerk of the Board of Police, such Clerk shall, by examination, ascertain whether the sums entered, in the column headed *Total Annual Value*, express the true aggregate of the sums assessed, as the annual value of Real and Personal Estate respectively, and in case any error appear, shall correct such error by an entry in red ink, and shall enter in red ink opposite the name or entry of estate assessed, in the column appropriated to such purpose, the apportionment or share of taxes to be paid by the person, Bank, Company or estate assessed, and on account of such assessment, calculated

calculated at such rate per pound on the annual value or rental (not exceeding the limitation fixed by this Act) as shall be ordered by the said President and Board of Police of the said Town, and shall in the column headed *For Common Schools*, enter the amount to be paid by every resident inhabitant of the said Town for the support of Common Schools; and the said Clerk shall cause a copy of each Assessment Book to be affixed in some conspicuous place in each Market House in the said Town, within one calendar month after the return of the said Assessment Book to him as aforesaid; and shall enter upon such copy a notice of the day the same was so affixed, and specifying that all applications from persons dissatisfied, for the correction of errors or for alterations in the said assessment, must be made to the President and Board of Police of the said Town within thirty days from the date of such copy of the Assessment Book being so affixed.

XVIII. And be it enacted, That it shall be the duty of the President and Board of Police of the said Town forthwith summarily to examine into, in such manner as they shall deem just and proper, and decide upon such applications, and confirm the said Assessment Book, and order their Clerk to amend or alter the same by correcting any error which may be found therein, or by reducing or raising the assessment in any case, such alteration or amendment not being contrary to the provisions of this Act; and such Clerk shall thereupon make, and enter in red ink, the several amendments or alterations so ordered to be made, and the said President and Board of Police shall, within the said thirty days, finally review, correct and approve of the said Assessment Book; and after such amendments, corrections, alterations and approval are made, the said Clerk shall without delay make out a fair copy of such Assessment Book, as amended, altered, corrected and approved, which he shall lay before the President of the said Board of Police, who shall compare and examine the same with the said Clerk, and attach or add thereto a warrant with the seal of the said Corporation, and subscribed by him as such President, to the Collector, (or Collectors, *as the case may be*), authorizing and requiring the Collector thereof to collect the taxes therein mentioned, which warrant shall be so attached or added, and the said copy of the Assessment Book made ready for delivery to the Collector who is to collect the same, on or before the first day of July in each year.

Duty of President and Board with reference to Assessment Book.

XIX. And be it enacted, That every Collector, before entering on the duties of his office, shall enter into a bond, with two or more responsible and sufficient freehold sureties, being inhabitants of the said Town, to the President and Board of Police of the said Town, and to their satisfaction in such penal sum, and conditioned for the faithful collecting, paying over and accounting for the taxes to be collected by him, to the Treasurer of the said Corporation, according to law, in such form as the said President and Board of Police shall from time to time direct; and in case the said bond shall be approved and accepted by the said President and Board of Police, then it shall and may be lawful for the said Collector after the first day of July in each year, and he is hereby required to apply for and receive from the said Clerk, the copy of the Assessment Book for the said Town, or that part thereof for which he is Collector, with the warrant for the collection thereof; and upon receipt thereof, shall proceed to the collection of the same, and shall fully complete the collection thereof so far as the same is capable of collection, pay over the monies collected in full, make his return upon or attached to the said copy of the said Assessment Book, (verified by his oath in a written affidavit sworn before the President, or any member of the said Board of Police,

Collector to give security.

And shall then enter upon his duty, and complete the same by a certain time.

Provision for enforcing payment from a Collector in default.

Proviso.

Police, who is hereby authorized and required to administer such oath, and shewing in such return the amount collected and the amount in arrear, with a statement in detail of such arrears, from whom or on what account due, and why the same remains uncollected,) and deliver such return to, and finally settle with the said Treasurer on or before the first day of December in the year for which he is appointed Collector; and in case such Collector shall neglect to make his return and final settlement as aforesaid by the time aforesaid, then it shall and may be lawful for the President and Board of Police of the said Town to issue a warrant requiring the officer or person to whom the same shall be directed to levy the amount of taxes, which shall appear not to have been paid over or accounted for to the said Treasurer, by such Collector, from the goods and chattels of the said Collector and of his sureties, together with five shillings to the Clerk of the said Board for drawing up such warrant; upon which warrant the officer or person to whom the same shall be directed, shall proceed in the same manner, and be entitled to the same fees, as if the same were a Writ of *Fieri Facias* issued out of the Court of Queen's Bench, and shall make his return, and pay over the amount collected to the said Treasurer, within the time specified in such warrant: Provided always, that the said Corporation may make such deductions from the amount appearing due for sums uncollectable as shall be considered just.

Manner in which Collector shall demand payment of taxes.

How the Collector shall proceed if the Taxes be not paid.

XX. And be it enacted, That every Collector aforesaid shall personally, or by a written notice to be left at the usual place of residence of the person liable to the payment of taxes, demand from the person taxed or liable to the payment of taxes, if resident within the District of Johnstown, payment of the amount (specifying the same) for which he or she is taxed or is liable to pay; and if the same shall remain unpaid for the space of ten days after the day of such demand, or leaving of such demand, the said Collector shall and may make oath of such default before the President, or any Member of the said Board of Police, (who is hereby authorized and required to administer the same,) and such President or Member shall thereupon issue his warrant to the said Collector, or any Constable he may name, (and for the performance of whose duty such Collector shall be responsible and answerable,) requiring such Collector or Constable to levy the taxes in arrear, with one shilling to the said Clerk for preparing such warrant, from the goods and chattels of the person in default, or who may be liable to pay the same, with costs, which costs and the proceedings upon such warrant shall be the same as upon a Writ of Execution issued out of any Division Court of the said District of Johnstown.

Penalty on Assessor, &c. making fraudulent assessment, &c.

Proviso.

XXI. And be it enacted, That if any Assessor, Collector or Constable, under this Act, shall knowingly make any unjust or fraudulent assessment, or exact more taxes or fees than are lawfully due or allowed, or shall wilfully omit any duty required of him by this Act, he shall be liable to a fine not exceeding twenty-five pounds, nor less than one pound, which may be recovered with costs before the said President and Board of Police of the said Town, and the collection enforced in the same manner as is in this Act provided in regard to other fines: Provided always, that such fine shall not hinder, impede or bar any other remedy in this Act provided against any Collector or his sureties.

After 1st January, 1848, no taxes to be collected by any Township Collector, &c.

XXII. And be it enacted, That from and after the first day of January, in the year of Our Lord one thousand eight hundred and forty-eight, no taxes, rates, or assessments, shall be collected by any Township Collector, or District Officer, for or on account of any property real or personal within the limits of the said Town of Prescott, and

and that in lieu of any taxes, rates, or assessments, heretofore, now or hereafter by law payable to the District Treasurer of the said District of Johnstown on account of such Real or Personal Estate, an equivalent shall annually be paid by the Treasurer of the said Town to the District Treasurer on or before the first day of November next after the amount of such equivalent shall be ascertained by the award of the Warden of the District Council of the said District and President of the Board of Police of the said Town, with such other person consenting to act as they shall choose as Umpire, or any two of them, which award the said Warden, President and Umpire are hereby required to make during the month of January in each year; And provided also, that the discharge of the duties hereby imposed on the said Warden and President and Umpire consenting to act, and the performance of any award made as aforesaid, may in the discretion of the Court of Queen's Bench of Upper Canada, be enforced by Mandamus from such Court, and the usual proceedings thereon; And provided also, that in the event of no award being made, or payment of the sum awarded being neglected or refused, the Treasurer of the said Town shall pay to the Treasurer of the said District the amount of taxes which would have been levied and assessed for District purposes in the said Town had not this Act passed.

on account of property within limits of Prescott. Provision in lieu thereof.

Proviso.

XXIII. And be it enacted, That any rate now imposed or hereafter to be imposed in Upper Canada by any Act of the Legislature of the late Province of Upper Canada, or of this Province, in aid of the Provincial Lunatic Asylum, shall be levied and raised in the said Town in addition to all other rates and assessments imposed by this Act, and shall be paid by the Town Treasurer to the District Treasurer, to be paid and applied in the same manner as the said rate is now or may be hereafter paid or applied by law.

Provision with regard to rates imposed for the Lunatic Asylum.

XXIV. And be it enacted, That the General Census and Property Return required or hereafter required by the laws of this Province to be made once in five years, or as may be hereafter provided by law, shall be made by the Assessors of the said Town of Prescott, and returned to the Clerk of the Peace of the said District or to such person as such return should be made; and for which such Assessors shall receive such extra compensation as shall be ordered by the said President and Board of Police, upon being satisfied that the said Assessors have performed such duty.

General Census Return to be made by Assessors, and returned to Clerk of Peace of District.

XXV. And be it enacted, That the annual election of members of the said Board of Police of the said Town, shall, on and after the first day of January, in the year of Our Lord one thousand eight hundred and forty-nine, be held on the first Monday in the month of January in every year, and the members so chosen, and the President of the Board, shall serve until the next annual election of members, and until a new Board shall be chosen and organized; and that until the first day of January, in the year of Our Lord one thousand eight hundred and forty-nine, the annual election shall be held at the time fixed by the said Act establishing a Board of Police in the said Town.

Annual election of members of Board.

XXVI. And be it enacted, That from and after the first day of January, in the year of Our Lord one thousand eight hundred and forty-eight, so much of the third section of the said Act, intituled, *An Act to incorporate the Village of Prescott, and to establish an elective Police therein*, as relates to the qualification of members and election of members of the said Board of Police, shall be and the same is hereby repealed; and that thenceforth the members of the said Corporation shall be chosen from those male subjects

After 1st January, 1848, part of sect. 3 of U. C. 4 Will. 4. c. 27. repealed. Other provision made in lieu thereof.

subjects of Her Majesty of the full age of twenty-one years, whose names shall be entered, and who shall severally be rated or assessed on the last Assessment Book or Books of the said Town as freeholders or tenants, or as freeholders and tenants for Real Estate of the annual rental or value of twenty-five pounds, and in case of a tenant, shall have paid all rent due for the estate on which he claims to be qualified; and that the electors of such members shall be those male subjects of Her Majesty of the full age of twenty one years, whose names shall be entered, and who shall be severally assessed on the said last Assessment Book or Books as freeholders, tenants, agents or trustees of Real Estate, of the annual value or rental of three pounds, who shall have paid their taxes in the said Town for the previous year, and, in case of a tenant, shall have paid all rent for the estate so qualifying him to vote, due prior to the time of voting; and no person shall vote in more than one Ward, or more than once at any election, and every person shall vote in the Ward in which his estate or greater part of his estate is situated on which he is qualified to vote; and the person presiding at any Ward election, shall have power, and he is hereby authorized and required, if thereto requested by any elector of the said Town, to examine on oath any candidate for the office of member of the said Board of Police, or person offering to vote for any such member, touching his qualification for such office, or for voting at such election, as the case may be, and shall decide as to such qualification of any candidate or elector at such election.

Persons presiding at election of members of Board of Police, to take the oath herein prescribed.

XXVII. And be it enacted, That every Bailiff or other person presiding at any election of a member or members of the said Board of Police, shall, before he proceeds to hold such election, take and subscribe before some one of the members of the said Board (which he is hereby authorized and required to administer and certify, and which such person presiding shall return with his return of such election) the following oath, that is to say:

Form of oath

“ I do solemnly and sincerely swear, that I will faithfully and impartially, to the best of my ability, discharge the duty of Presiding Officer at the election which I am about to hold for the election of a member (*or members, as the case may be*) of the Board of Police of the Town of Prescott, and make a true return thereof; and that I will, during the continuance of such election, use reasonable endeavours to preserve peace and order thereat, and to afford each elector free access to and from the place of voting; So help me God.”

And to appoint and swear a competent Clerk.

XXVIII. And be it enacted, That the person presiding at any such election of a member or members of the said Board, may, and he is hereby required to appoint a competent clerk to record the votes at such election, and swear such clerk faithfully, truly and impartially to record the votes given at such election, and discharge his duty as such clerk.

And may preserve peace at election.

XXIX. And be it enacted, That every Presiding Officer at any such election of a member or members shall have power, and he is hereby required to keep peace and order at such election, and for such purpose shall and may commit during its continuance to the Lock-up-House hereinafter mentioned, any person making or creating any disturbance, fighting or rioting at such election, practising any malicious mischief or using any threats or violence to deter any elector from coming forward to vote, retiring from voting or remaining quietly at such election; and shall and may require and command the assistance of all persons present at such election, or any constable or other

other peace officer in the said Town, who are hereby required to give such assistance in apprehending and committing the person making or creating any such noise, interruption, disturbance or disorder aforesaid: Provided always, that no such committal shall extend beyond the termination of such election.

XXX. And be it enacted, That every person who shall neglect or violate any of the provisions of this Act, or of the said Act establishing a Board of Police in the said Town, or any By-law lawfully enacted by the said President and Board of Police, shall for every such neglect or violation be liable to such fine or penalty as is provided in this Act, or if no such fine or penalty is provided by this Act, then to such fine or penalty, not exceeding one pound and ten shillings currency, as shall be fixed by any By-law of the said President and Board of Police of the said Town.

Penalty on persons violating provisions of this Act, &c.

XXXI. And be it enacted, That every fine or penalty to which any person may lawfully become liable according to the provisions of this Act, or the said Act of Incorporation, intituled, *An Act to incorporate the Village of Prescott, and to establish an elective Police therein*, or of any By-law lawfully passed or to be passed by the President and Board of Police of the said Town, shall be recoverable with costs (the party charged having been summoned to answer thereto) before the said President and Board of Police of the said Town, or any two members thereof (unless otherwise provided in this Act) who shall and may enforce the collection thereof by warrant against the goods and chattels of the person convicted, and in default of such goods and chattels, by committal to the Lock-up-House hereinafter mentioned, or to the Common Jail of the District of Johnstown, (the expense of maintenance during such committal to be borne by the said Town,) for any time not exceeding thirty days, unless the fine and costs shall be more than five pounds, and if more than five pounds, then not exceeding three calendar months, or until (within such limitation as to time of committal) the fine or penalty and costs be paid, and the fees and proceedings as to goods and chattels upon such warrant, if the fine or penalty imposed exceed ten pounds, shall be the same as upon a Writ of *Fieri Facias* issued out of the District Court, or if under ten pounds, the same as upon a like Writ issued out of any Division Court of the District of Johnstown.

Fines, &c., how recoverable.

How enforced if not paid on conviction.

XXXII. And be it enacted, That the salary, compensation or allowance to every Assessor, Collector, Treasurer, Clerk, and other officer appointed by the said Corporation, and the fees to be paid, allowed or taken for costs in any prosecution or proceeding authorized by this Act, or the said Corporation Act, or any By-law, lawfully passed, or to be passed by the said Corporation, shall, in cases not provided for in this Act, be regulated, fixed and declared from time to time, by By-law of the said Corporation.

Salary, &c. of Assessors, &c. to be regulated by By-Law of Corporation.

XXXIII. And be it enacted, That in every case where an oath is required or may become necessary to be administered by or under the provisions of this Act, the said Corporation Act or any legal By-law of the said Corporation, an affirmation may be substituted where the person to be sworn is one of those persons allowed by law to affirm; and that any person knowingly swearing or affirming falsely in any matter or thing wherein an oath or affirmation instead of an oath is or may be required or allowed according to the provisions of this Act, or the said Corporation Act, or any lawful By-law of the said Corporation, shall be deemed guilty of wilful and corrupt perjury, and

"Oath" to mean "Affirmation" in certain cases.

False swearing or affirming to be perjury.

and shall and may be prosecuted and punished therefor as in other cases of wilful and corrupt perjury.

Persons assessed to be competent witnesses upon any prosecution for fine or penalty. XXXIV. And be it enacted, That no person rated, assessed or taxed upon any Assessment Book of the said Town, shall by reason thereof be deemed an incompetent witness upon any prosecution for any fine or penalty, or in any matter or thing in which the said Corporation, or the inhabitants of the said Town, or any of them, may be interested.

Proceedings in case of sickness, &c. of President. XXXV. And be it enacted, That in all cases in which the President of the said Board shall be absent, sick, or unable, or shall neglect to attend to the duties assigned to him in this Act, the said Corporation Act or any By-law of the said Corporation, the majority of the said Board of Police shall and may meet and appoint an Acting President to the Board, who shall and may discharge each and every duty which ought to be performed by the President, and with the same effect as if performed by the said President, until the said President shall attend a meeting of the said Board, and resume his duties as such.

Laws providing for Statute Labour to be repealed in so far as regards Prescottt. Provision in lieu thereof. XXXVI. And be it enacted, That so much of the general laws of this Province as provides or declares, and so far only as the same provides and declares the number of days of statute or road labour which every inhabitant or person shall perform, or be liable to perform, shall, from and after the first day of January in the year of Our Lord one thousand eight hundred and forty-eight, as far as regards the Town of Prescottt, be repealed, and the same is hereby repealed; and thenceforth each and every inhabitant of the said Town shall be liable, and shall do and perform, or commute for in money, or cause to be done and performed, or commuted for in money, in the manner now or hereafter provided for by Statute Law, or as is now or may be hereafter provided for by any By-law of the said Corporation, the following number of days of statute or road labour, that is to say:

- Rates imposed. Every male inhabitant above the age of twenty-one years, when not assessed on any Assessment Book last taken for the said Town..... one day. Every inhabitant, male or female, assessed on any assessment last taken for the said Town for Real or Personal Estate, or both, to an annual rental or value, as follows, that is to say: For the first ten pounds and under..... two days. If over ten pounds and not exceeding fifteen pounds..... three days. If over fifteen pounds and not exceeding twenty pounds..... four days. If over twenty pounds and not exceeding thirty pounds..... five days. If over thirty pounds and not exceeding forty pounds..... six days. If over forty pounds and not exceeding fifty pounds..... seven days. And for every fifteen pounds thereafter..... one day.

Majority of members of the Board of Police to be quorum. XXXVII. And be it enacted, That a majority of the members of the said Board of Police of the said Town shall be a Quorum or Board for the despatch or transaction of any business appertaining to the said Corporation: Provided always, that a smaller number

number may adjourn from time to time, and may enforce the attendance of absent members in such manner as may be provided by any By-law, Regulation or Ordinance of the said Corporation.

XXXVIII. And be it enacted, That every By-law, Regulation or Ordinance of the said Corporation for the violation or non-observance of which a fine or penalty may be imposed, or which may affect the interest of the inhabitants of the said Town, shall be published in one or more of the newspapers of the said Town, or in case there be no newspaper published in the said Town, the same shall be published by written or printed hand-bills to be affixed in some conspicuous place in the said Town; and that the said Corporation shall in like manner cause to be published in each year, one week at least before the annual election of members of the said Board, on account of all monies received in and paid out of the Treasury of the said Town, and for what; and in like manner on account of all statute or road labour and commutation monies therefor, and all other monies of the said Town, received and expended by or through any officer of the said Corporation.

By-Laws, &c. to be published in newspapers of Prescott.

And also accounts.

XXXIX. And be it enacted, That if the election of any member of the said Board of Police shall be complained of, either on the ground of want of qualification in the person returned, or on the ground that such person had not the majority of legal voters at such election, and a written requisition signed by ten Electors having a right to vote in the Town or Ward for which such member is returned, shall, within seven days after the termination of such election, have been served on the President or any other member of the said Board, requiring the said Corporation to appoint a time and place within the Town or Ward for which the election was held, for entering upon a scrutiny into the matters complained of, it shall be lawful for the said Corporation upon service of such requisition as aforesaid, and they are hereby required to appoint a time and place within the said Town or Ward for entering upon a scrutiny of the matters complained of, which time shall be within ten days after such election; and the Members of such Corporation, whose election may not, by such requisition, be complained of, shall form a tribunal for the trial of such matters, and shall severally take and subscribe the following oath, to be administered by any other member of the said tribunal, which oath every such member is hereby authorized and required to administer, that is to say:

Proceedings on contested elections of members of the Board.

Members trying the same to be sworn.

“I, (*name the member sworn,*) do solemnly swear that I will truly and impartially, to the best of my knowledge and ability, try and determine the merits of the complaint against the election of (*naming the person whose election is to be tried,*) as a member of the Board of Police of the Town of Prescott.”

XL. And be it enacted, That such tribunal shall have power to summon witnesses, and require the production of written instruments, and take evidence on oath respecting the matters to be enquired into; and shall determine upon the validity of such election or return, and amend or make void the same, as shall appear to be right, and according to law and the evidence; and in case the election shall be declared void and it shall not appear proper, for any cause, to amend the return or substitute the name of any other person as entitled to have been returned at such election, then the said tribunal, through their Chairman, shall forthwith issue a precept for a new election, which shall be held at the time to be named in the said precept, within five

Witnesses may be summoned, &c.

five days after the decision of the said trial, in the like manner as in other cases of election of members of the said Corporation.

Penalty on witnesses refusing to attend.

XXI. And be it enacted, That any witness who, being duly summoned, neglects or refuses to attend before the President and Board of Police of the said Town, or any of the members of such Board upon any trial, matter or proceeding authorized by law, shall, upon conviction before any two of Her Majesty's Justices of the Peace for the said District of Johnstown, or the said Board, having been duly summoned to answer for such neglect or refusal, be liable to and may be imprisoned on the commitment of such Justices, or the said Board, in the Common Jail of the said District, or to the Lock-up-House hereinafter mentioned (as the case may be,) for a term not exceeding thirty days, the expense of maintenance during such imprisonment to be paid by the said Corporation.

Duty of Sheriff and Jailer with respect to parties committed by Corporation.

XLII. And be it enacted, That it shall and may be lawful, and the Sheriff and Jailer of the said District and the keeper of the said Lock-up-House are hereby authorized and required to receive and safely keep until duly discharged, or the terms of committal are performed, all persons lawfully committed to their or either of their custody by the said Corporation or any of its members.

President and members to be *ex officio* Justices of the Peace for Town of Prescott.

Proviso: this shall not entitle them to sit in Quarter Sessions.

Appeals.

Protection of Members acting as Justices.

They must have the property qualification and take the oath of office

XLIII. And be it enacted, That the President and every member of the said Board of Police shall, by virtue of his office be a Justice of the Peace in and for the said Town; and when acting as such shall affix to his signature the words *Police Justice for Prescott*, and shall and may within the limits of the said Town exercise all and every lawful authority, jurisdiction and power now or hereafter exercised by Justices of the Peace, subject to the same responsibilities and liabilities, and in the same manner: Provided always, that nothing in this Act shall extend or be construed to extend to give to the said President or any member of the said Board of Police, any right or authority to sit, vote, act or in anywise interfere in any Court of General Quarter Sessions or Adjourned Quarter Sessions of the said District of Johnstown: and provided, that it shall and may be lawful for any person or persons to appeal to the said General Quarter Sessions in the same manner as is now or may hereafter be provided for by law, from any conviction had or made by the said President or any member or members of the Board of Police when exercising the said office of Justice of the Peace respectively, but not from any conviction made by them or any of them as a Board of Police or as members thereof, when not acting as Justices of the Peace: and provided, also, that the said President and every such member of the said Board of Police, when acting as such Justice of the Peace, shall be entitled to and receive the same protection in law and to the same notice of action before action brought, for any matter or thing done by them or any of them as such Justice or Justices of the Peace, as is allowed or required to be given to any Justice of the Peace by law: and provided also, that no member of the said Board of Police shall be authorized to act or shall act as a Justice of the Peace as aforesaid, unless he shall be possessed of the like property qualification as, and shall take the same oath as to such qualification as is required to be taken by Justices of the Peace by the Statute Law of this Province; which oath may and shall be administered to any such member desirous of taking the same, by the person now or hereafter authorized by law to administer such property qualification oath to Justices of the Peace; and every affidavit of such qualification of a member of the said Board,

Board,

Board, shall be fyled and kept by the Clerk of the Peace of the District of Johnstown, in the same manner as other qualification oaths of Justices of the Peace.

XLIV. And be it enacted, That the limits of the said Town of Prescott shall be as follows : Commencing at the south-eastern angle of the Township of Augusta, thence north twenty-four degrees west to the rear of the first Concession of the said Township, thence south-westerly along the said Concession line to the limit between the east and west half of lot number five in the first Concession of Augusta aforesaid, thence south twenty-four degrees east to the River Saint Lawrence, thence north-easterly along the water's edge to the south-eastern angle of the said Township to the place of beginning, and shall take in so much of the waters of the River St. Lawrence and the land under the wharves and buildings built in such waters, as lie within three hundred yards in every direction of the water's edge in front of the present limits of the said Town.

Limits of Prescott extended and defined.

XLV. And be it enacted, That the said Act, intituled, *An Act to incorporate the Village of Prescott, and to establish an elective Police therein*, except such parts thereof as are repealed, contrary to, inconsistent with or clearly superseded by the provisions of this Act, shall be taken and construed, and shall have the same effect and operation as if the same had been embodied in this Act, and expressly re-enacted.

Parts of U. C. 4 Will 4, c. 27, which are not herein repealed, to have effect as if embodied in this Act.

XLVI. And be it enacted, That in addition to or confirmation of the powers conferred by the said Act establishing a Police in the said Town, it shall and may be lawful for the President and Board of Police of the said Town from time to time to pass By-laws, Regulations or Ordinances, to have force and operation within the limits of the said Town only, and not being contrary to law and this Act, to alter, amend or repeal any By-law, Regulation or Ordinance, heretofore made or hereafter to be made by the Corporation of the said Town ; for making, preserving, planking, flagging, gravelling, macadamizing, paving, raising or lowering, levelling, mending, repairing, cleansing, watching or lighting any street, alley, lane, highway, road, bridge, side-walk, cross-walk or other walk, public squares or grounds, public wharves, slips, docks, market-houses and market-places, shores, gutters, and sewers, and for the prevention, abatement or removal of any nuisance, incumbrance or obstruction, in, to, upon or affecting the same respectively ; for enforcing the performance of statute or road labour, or payment of the commutation money therefor ; for the restraining or regulating the running or being at large of any geese, turkeys and other poultry, goats, rabbits, sheep, dogs or other animals ; to regulate, license or prevent the selling of meat, vegetables, cakes, fruit, beer or any other beverage, in the public streets or public grounds ; to prevent or regulate fishing with fire-lights, or bathing and swimming in the waters of the St. Lawrence within the limits of the said Town ; to prevent any indecent public exposure of the person, or other indecent exhibitions whatever ; to prevent profane swearing, and the use of blasphemous, obscene or indecent language ; to license, prevent or regulate all public theatrical performances, shows or exhibitions of wild animals, wax-figures, puppet shows, wire-dancers, circus riders, jugglers, mountebanks or other showmen ; to prevent the excessive beating or other inhuman treatment of horses, cattle or other beasts ; to suppress all tippling-houses and houses of ill-fame, and restrain or punish all persons for keeping or resorting to the same ; to prevent the sale or giving to drink of any strong or intoxicating drink to any child, servant or apprentice, without the consent of his or her master, employer or protector ; to regulate or suppress all

President and Board may establish By-laws, &c. for certain purposes.

Highways &c. and public places.

Statute labour
Animals running at large.

Licensing persons exercising certain callings.

Bathing or fishing.

Indecency.
Swearing, &c.
Shows and Theatres.

Cruelty to animals.
Tippling houses, &c.
Sale of Liquor to children, &c.

Gambling.
Markets,
Butchers, &c.
Taverns, &c.
Forestalling
regrating, &c.
Precautions
for preventing
or extinguish-
ing fires.
Supply of
water.
Public proper-
ty.
Pounds.
Burial ground,
&c.
Bonds.
Lock-up-
house.
General pro-
vision.

all billiard-tables, roulette-tables, faro-banks or games, as well as any other species of gambling or gambling apparatus ; to regulate the market-houses and places, the selling of fish, meats, vegetables and other articles thereat, and the licensing of butchers, butchers' stalls and other stalls in such market-houses and market-places for vending meats, eatables, fruits and other articles ; to regulate any tavern or house for vending or keeping for sale any ale, beer, cider, spirituous liquors or other fermented drinks, to limit their number, and provide for the proper licensing of the same at such rates as to the said Corporation may seem expedient, the proceeds of such licenses (excepting tavern licenses) to form part of the public funds of the said Town, and to be disposed of as the said Corporation may consider advisable, any law of this Province to the contrary notwithstanding ; to prevent the forestalling, regrating or monopoly of market grains, meats, fish, fruits, roots and vegetables ; to regulate or prevent the selling or purchasing for sale of fresh fish and butchers' meat by hucksters and persons called runners ; to regulate and require chimneys and smoke flues hereafter to be built to be of suitable materials, and not under certain dimensions, to be securely built, and carried to a proper height above roofs of buildings ; to regulate, remove or prevent the construction of any chimney, fire-place, hearth, stove-pipe, smoke flue or fire arch, or place for using fire therein, which is or shall be dangerous, and tend to promote the firing or burning of houses, and other buildings in the said Town ; to regulate and require the construction of safe deposits for fire ashes, and regulate the mode of removing, depositing and keeping of the same ; to regulate the keeping and removal of gun-powder or other explosive or dangerous combustible or material, and the manner of using candles, lanterns and lights in livery and other stables, and out-buildings containing shavings or other combustible materials ; to regulate the conduct of inhabitants at fires ; to prevent fires and the extension thereof by the necessary pulling down of adjacent buildings or otherwise, and to provide for the prevention of stealing or purloining of goods and the preservation of property thereat ; for the erection, preservation and regulation of public cisterns, pumps, wells, and other conveniences for the stopping or prevention of fires or supplying the said Town with good and wholesome water ; to provide for managing, keeping and preserving the public property of the said Town ; to provide and regulate one or more pound or pounds, and appoint one or more pound-keeper or pound-keepers to the same, and declare and limit the fees and allowances to be taken by each pound-keeper ; to provide a public and general burying-ground for the use of the said Town, and the fencing, enclosing and regulating the same ; to require and enforce the keeping and returning bills of mortality by physicians, sextons and others ; to regulate and prescribe the oaths to be taken, and bonds, recognizances and securities to be given by all municipal officers of the said Town, in cases not provided by the Public Statutes ; for establishing, maintaining and regulating a public Lock-up-House in and for the said Town, for the detention and imprisonment of all persons sentenced under any of the provisions of this Act, by any member of the Board of Police to imprisonment not exceeding ten days, or arrested in the said Town on suspicion of any offence and detained for examination before a Magistrate prior to his discharge or committal for trial, and for appointing and remunerating the keeper of such Lock-up-House, and generally to make and enact all such By-laws, Regulations and Ordinances as may be necessary and proper for carrying into effect the powers hereby vested, or which may be hereafter vested in the said Corporation, or any department or office thereof, and for the peace, safety, order and good government of the said Town, not being repugnant to the laws of this Province, except in so far as the same may be expressly or virtually repealed by this Act, and to enforce the

the observance of the provisions of this Act or of any By-law, Regulation or Ordinance which may lawfully be made by the said Corporation by the infliction of penalties or fines, in cases not already provided for by this Act, for every violation or non-observance thereof, to be recovered in the manner hereinbefore provided: Provided always, that no fine or penalty imposed by any By-law, Regulation or Ordinance of the said Corporation shall (except in those cases already provided for in this Act or the said Act, intituled, *An Act to incorporate the Village of Prescott, and to establish an elective Police therein,*) exceed the sum of two pounds and ten shillings.

Proviso: fines limited.

XLVII. And be it enacted, That this Act shall be and is hereby declared to be a Public Act, and as such shall be judicially noticed by all Courts of Law and Equity, Judges, Justices of the Peace, and other persons, without being specially pleaded.

Public Act.

XLVIII. And be it enacted, That this Act shall commence and have force and effect on and after the first day of January, in the year of Our Lord one thousand eight hundred and forty-eight, and not before.

Commencement of this Act.

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Law Printer to the Queen's Most Excellent Majesty.



ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. XLVIII.

An Act to repeal the Act of Incorporation of the Town of London, and to establish a Town Council therein, in lieu of a Board of Police, and for other purposes therein mentioned.

[28th July, 1847.]

WHEREAS an Act was passed by the Parliament of Upper Canada, in the third year of the Reign of Her present Majesty, intituled, *An Act to define the limits of the Town of London, in the District of London, and to establish a Board of Police therein*; and whereas from the increase of the population and commerce of the said Town, and other causes, it is found that the provisions of the said Act are insufficient; And whereas the several laws now in force relative to the levying and collecting rates and assessments have in their application to the Town of London produced well founded complaints from the inhabitants of the said Town, and it is therefore expedient to provide for the more equal and just levying of the rates and assessments in the said Town; and whereas it is expedient that the whole of the rates and assessments rated and assessed on property within the said Town should be paid and applied to the uses of the said Town, the said Town paying to the funds of the London District a certain yearly sum as the proportion which the said Town ought to bear and pay of the general expenses of the District; and whereas it is expedient that the statute labor should be enforced in the said Town or commuted, at the discretion of the Mayor and Town Council hereinafter mentioned; and whereas it is expedient for the better protection and management of the best interests of the inhabitants, that the said Act should be repealed and provision made for the government of the said Town in manner hereinafter expressed: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and 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 said Act, intituled, *An Act to define the limits of the Town of London, in the District of London, and to establish a Board of Police therein*, and all other Acts and parts of Acts and Laws now in force repugnant to or inconsistent with the provisions of this Act, be and the same are hereby repealed, so far as they are applicable to the Town of London: Provided always, that the repeal of the said Acts and parts of Acts and Laws, shall not be held to revive or give force or effect to any enactment which has by the said Acts, or any of them, been repealed or determined.

Preamble.
U. C., 3 Vict.
c. 31, cited.

The said Act,
&c., repealed.

Proviso.
Exception.

II.

Limits of
Town of Lon-
don.

II. And be it enacted, That the said Town of London shall be comprised within the following limits or boundaries, that is to say: All the lands comprised within the old and new surveys of the said Town, together with the lands adjoining thereto lying between the said surveys and the River Thames, producing the northern boundary line of the new survey until it intersects the north branch of the River Thames, and producing the eastern boundary line of the same new survey until it intersects the east branch of the River Thames.

Town of Lon-
don divided
into four
Wards.

III. And be it enacted, That the said Town of London shall be and the same is hereby divided into four Wards, by the names of Saint George's Ward, Saint Patrick's Ward, Saint Andrew's Ward, and Saint David's Ward, in manner following, that is to say: All that part of the Town lying north of the northern line and continuation of Hitchcock and Duke Streets, shall comprise and be called Saint George's Ward; all that part of the Town lying between King Street and Saint George's Ward aforesaid, shall comprise and be called Saint Patrick's Ward; all that part of the Town lying between Horton Street and Saint Patrick's Ward aforesaid, shall comprise and be called Saint Andrew's Ward; and all that part of the Town lying south of Horton Street shall comprise and be called Saint David's Ward.

A Mayor and
Council to be
constituted for
the Town of
London, and
certain corpo-
rate powers
conferred on
them.

IV. And be it enacted, That after the passing of this Act, there shall be in the said Town a Mayor and Council, to be composed and constituted in manner hereinafter described, to be a body corporate in fact and in law, by and under the name of *The Mayor and Town Council of the Town of London*, and as such and under that name shall have perpetual 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 impleading and being impleaded, in all Courts of Law and Equity and other places in all manner of actions, causes and matters whatsoever, and of accepting, taking, purchasing and holding goods and chattels, lands and tenements, real and personal, moveable and immoveable estates, and of granting, selling and alienating, assigning, demising and conveying the same; and of entering into and becoming a party to contracts; and of granting and accepting any bills, bonds, judgments or other instruments or securities for the payment or security of the payment of any money borrowed or lent, or for the performance or securing the performance of any other duty, matter or thing whatsoever: Provided always, that the Mayor and Council shall have no power to sell or dispose of any land or other property which has been or may be granted or given to the Corporation for the public use and benefit of the inhabitants of the said Town.

Proviso.

Property in
possession of
President and
Board of Po-
lice vested in
Mayor and
Town Coun-
cil.

V. And be it enacted, That all the property real and personal in the possession of or belonging to the *President and Board of Police* of the said Town of London, shall vest in and belong to the said *Mayor and Town Council* of the said Town, and their successors; and all sums of money which are due or are to be raised under the authority of the said Act constituting the said President and Board of Police, or which may be raised under the authority of this Act, shall be paid and applied by the said Mayor and Town Council for the general benefit of the Town.

Application of
monies in pos-
session of Pre-
sident and
Board of Po-
lice.

VI. And be it enacted, That all the monies in the possession of the President and Board of Police of the said Town, or which are due or are to be raised under the authority of the Act constituting the said Board of Police, and first incorporating the said Town as aforesaid, or which may be received under the authority of this Act, shall be charged

charged and chargeable with the debts which have been legally contracted by the said President and Board of Police, and remain due and unpaid, and with the debts that may be contracted by the said Mayor and Town Council; but nothing in this Act shall prevent the said Mayor and Town Council from recovering any debts, dues, or demands due or accruing to the said Board of Police.

Proviso.

VII. And be it enacted, That until the first Town Council of the Town of London shall be constituted under the provisions of this Act, the President and Members of the Board of Police of the Town shall remain in office, and when the said Town Council shall be constituted they shall go out of office, and their whole duties and powers shall cease; but nothing in this Act shall prevent any member of the Board of Police of the said Town from being a candidate at the first election of Mayor and Town Councillors; and the qualification for the said Mayor and Town Councillors shall be the same as for a member of the Board of Police for the year one thousand eight hundred and forty-eight.

President and Board of Police to remain in office until the Town Council is constituted under provisions of this Act.

VIII. And be it enacted, That all and every the rules, orders, regulations and acts of authority for, touching or concerning the affairs of the Town of London, which may be in force at the time of the passing of this Act, shall continue, be and remain in full force and virtue until the same shall be rescinded, repealed or altered by the Town Council of the Town of London, or other competent legal authority, and all officers appointed by the President and Board of Police of the said Town shall continue to act in the same capacity as heretofore, and with the same remuneration for their services until removed by the Town Council or re-appointed under the provisions of this Act; the repeal of the said Act under which the same were made and appointed to the contrary notwithstanding.

Rules, &c. in force at the time of the passing of this Act to remain in force until altered or repealed by Town Council.

IX. And be it enacted, That the Legislative power of the Town of London shall be and is hereby vested in the Mayor and Town Council, who together shall form the Town Council.

Legislative power vested in Mayor and Town Council.

X. And be it enacted, That notwithstanding any thing in this Act contained to the contrary, the qualification for voters and candidates at the first general election of members of the said Town Council, to be held under the authority of this Act, and at any election to fill any vacancy in the said Town Council between the first and second general elections, shall be the same as that constituted and directed by the said recited Act hereinbefore repealed, and the qualification of candidates hereinafter mentioned shall apply to and be in force only as regards elections held for and after the year one thousand eight hundred and forty-nine.

Qualification of voters.

XI. And be it enacted, That the first election of a Mayor and Councilmen under this Act shall be holden on the second Tuesday in January after the passing of this Act, and the members of the said Town Council chosen at the said election shall remain in office until the second Tuesday in January thereafter, and until their successors shall be appointed at the election then to be holden, or otherwise under the provisions of this Act; and it shall be the duty of the President and Board of Police of the said Town, and they are hereby required to appoint under their seal a Returning Officer for each of the said Wards, in the same manner as the said Town Council are hereinafter required to make such appointments for future elections, and the powers, duties and authorities

First election under this Act, when to be held, and term of office of the Councillors.

authorities of the Returning Officers so appointed, shall be the same as those of the Returning Officers to be hereafter appointed by the said Town Council.

Election of Mayor. XII. And be it enacted, That the qualified voters of the said Town of London shall in manner hereinafter mentioned, elect annually on the second Tuesday in January, one fit and proper person to be Mayor of the said Town, and each of the said Wards at the time above mentioned, shall elect annually two persons to be members of the Town Council, from among the male inhabitant freeholders or leaseholders of the said Town, who, being subjects of Her Majesty of the age of twenty-one years, shall have been resident within the said Town for a period of not less than two years next previous to the day of election; and no person shall be capable of holding the office of Mayor unless he shall have been assessed in the Assessment Roll of the said Town for the year next previous to the year of holding such election, to the amount of three hundred pounds, and shall also be seized in fee of lands or real estate within the said Town, to the full value of the said sum, over and above all encumbrances, at the time of such election; and no person or persons shall be eligible to the office of Councilman unless they shall have been assessed on the said Assessment Roll to the amount of one hundred pounds, and shall also be seized in fee of lands or real estate, within the said Town, to the value of the said sum over and above all encumbrances, at the time of such election, or shall be leaseholders therein holding by lease for a term of years, and shall be assessed for and in respect of any property held by them as aforesaid, on the said Assessment Roll in the sum of two hundred pounds, and shall have paid the taxes in respect of such assessment: Provided always, that the qualification herein mentioned shall not extend to any election until the commencement of the year one thousand eight hundred and forty-nine; and no Mayor or Councilman elected under the authority of this Act shall receive, directly or indirectly, any salary or emolument for his services, as such Mayor or Councilman.

Qualification.

Qualification of Councillors.

Proviso.

Who may not serve as Councillmen. XIII. And be it enacted, That no person being in Holy Orders, or being a Minister or Teacher of any religious sect or congregation, nor any Judge or Judges, nor any Ministerial Law Officer of the Crown, nor any Military, Naval or Marine Officer in Her Majesty's service, on full pay, nor any person accountable for the Town revenues, or employed in any way in expending the monies of the said Town or superintending the outlay of any of the monies of the said Town, or holding office under the Town Council, nor Returning Officer or his Clerk, while so employed, shall be capable of being elected, or if elected of retaining his seat of Mayor or Councilman; neither shall any practising Physician or Surgeon be compelled to serve as Mayor or Councilman.

Certain persons exempted.

Qualification of voters. XIV. And be it enacted, That the persons entitled to vote at either of the Wards aforesaid, for the election of the Mayor and Councillmen, shall be the resident male inhabitants, householders and freeholders of the said Town, of the age of twenty-one years, being subjects of Her Majesty, and who shall have been so resident for six months next previous to the holding of the election, and who shall have been rated upon the Assessment Roll of the said Town, as householders or freeholders, for the year previous to such election, and shall have paid the taxes in respect of such assessment.

Voters to vote in the Ward in which the XV. And be it enacted, That persons entitled to vote at the election of Mayor and Councillmen as aforesaid, shall vote within the particular Ward in which the property constituting

constituting their qualification to vote shall be situated, and not elsewhere; and if any such person shall be possessed of property entitling him to vote in two or more Wards, he shall be entitled to vote in that Ward only in which he may reside.

property which qualifies them is situate.

XVI. And be it enacted, That the Town Council shall, at least one week before the annual Ward election, appoint under their seal a Returning Officer for each of the said Wards, whose duty it shall be to hold the election therein, beginning at nine o'clock in the forenoon, and continuing not later than four o'clock in the afternoon; and who shall give five days previous notice by written or printed placards, in at least six different public places in his said Ward, of the place where such election is to be held; and the said Returning Officer previous to the day of election, shall be sworn by the Mayor or any one of the Councilmen well and faithfully to hold the said election and to determine the election of Councilmen.

A Returning Officer to be appointed for each Ward.

XVII. And be it enacted, That the Returning Officers, and each of them, appointed under the authority of this Act, during the time of holding the election, shall have full power to keep the peace at such elections, and for that purpose to call upon all Constables and others to assist in quelling and stopping any disturbance, breach of the peace, or interruption of the proceedings at such elections; and to commit to the Common Jail of the said District of London on view, any person or persons guilty of, or assisting in such disturbances, breach of the peace or interruption, for a space of time not less than six hours, nor more than three days, and the Sheriff and Jailer of the said London District are hereby required to receive and keep all and every such person or persons until duly discharged.

Their duty and powers.

XVIII. And be it enacted, That the Mayor and Councilmen shall be chosen in each of the said Wards annually on the second Tuesday in January, and by the qualified voters, who shall assemble for the purpose; and the name of each elector voting at such election shall be written in a Poll list, to be kept at such election by the Returning Officer or his Clerk, and at the final close of the poll the Returning Officer shall publicly declare the number of votes given for each candidate, and shall also declare those candidates for the office of Councilman, having the majority of votes in their favor to be duly elected Councilmen, as the case may be, and in case of an equality of votes for two or more such candidates at the close of the poll, it shall be lawful for the Returning Officer, and he is hereby required whether otherwise qualified or not, to give a casting vote for one of the persons having such equality of votes, and so determine the election of Councilman; and the Poll list of the election of Mayor and Councilmen so kept, shall by three o'clock in the afternoon of the day after such election be delivered by the Returning Officer with his return thereon to the Town Clerk or Acting Town Clerk, who shall thereupon publicly declare the number of votes given for each candidate for the office of Mayor, at each of the polling places, and shall also declare the person having the majority of votes in his favor, to be duly elected Mayor, and in case of an equality of votes, the person having such equality of votes, who is rated highest in the Assessment Roll of the said Town for the previous year, shall be declared duly elected Mayor; Provided always, that no Returning Officer, (except as aforesaid) or his Clerk shall vote at any such election.

When the Mayor and Councilmen shall be elected.

Proceeding at such elections.

Case of equality of votes.

XIX. And be it enacted, That the Returning Officer at any election under this Act, shall have authority, and he is hereby required at the request of any person qualified to

Proviso. Returning Officer to admit to vote

nister oath to voters and candidates.

vote at such election, to examine on oath or affirmation (when the party is allowed by law to affirm) any candidate for the office of Mayor or Councilman respecting his qualification to be elected to the said office; and shall also have authority and is hereby required upon such request as aforesaid, to examine upon oath or affirmation, as aforesaid, any person tendering his vote at any election, respecting his right to vote, and that the oath to be administered for either of the said purposes shall and may be in the following form :

The oath.

“ You shall true answer make to all such questions as the Returning Officer at this election shall put to you respecting your qualification to be elected at this election, (or respecting your qualification to vote at this election, as the case may be) : So help you God.”

False swearing to be perjury.

XX. And be it enacted, That if any person being examined upon oath or affirmation under this Act, in regard to his qualification to vote, or be elected, shall wilfully forswear himself, he shall be guilty of wilful and corrupt perjury, and on conviction thereof, he shall suffer as in other cases of wilful and corrupt perjury.

Mayor and Councillors to take oath of office and qualification.

XXI. And be it enacted, That no person elected Mayor or Town Councillor, as aforesaid, shall be capable of acting as such until he shall have taken and subscribed before some one of Her Majesty's Justices of the Peace in and for the London District, (each and any of whom are hereby empowered to administer the said oaths) the oaths of allegiance to Her Majesty, Her Heirs and Successors, if required so to do, and shall also have lodged with the Town Clerk or Acting Clerk, within three days after the election, an affidavit in the words or to the effect following, that is to say :

The oath.

“ I, A. B., having been elected Mayor, (or a Councilman, in the Town Council, as *the case may be*) of the Town of London, do hereby solemnly swear (or affirm) that “ I shall faithfully fulfil the duties of the said office, according to the best of my judgment and ability; that I have been resident in the said Town of London for two years next previous to the day of my election, as such Mayor (or Councilman) that I have “ been assessed in the Assessment Roll of the said Town for the year next previous to “ my election, to the amount of three hundred (or one hundred) pounds; that such “ assessment is just, actual and in good faith, and that I did not fraudulently or collusively obtain the same for the purpose of qualifying me to be elected as aforesaid, and “ that I have paid the taxes in respect of such assessment, and that I am seized in fee “ of lands and real estate in the said Town at the value of three hundred (or one “ hundred) pounds over and above all encumbrances (or that I hold by lease for a term “ of years the property in respect of which such assessment is made) : So help me “ God.”

Mayor to preside at all meetings of Town Council.
In what cases he shall vote.

XXII. And be it enacted, That the Mayor shall preside at all meetings of the Town Council, (unless when the Council for the convenience of discussion, shall resolve itself temporarily into a Committee of the whole,) and on all questions in Council the said Mayor or presiding Councilman shall not be entitled to vote, unless in case the votes of the remainder of the Council shall be equally divided, when he may give a casting vote, and determine the question.

XXIII. And be it enacted, That a majority of the members of the Council, including the Mayor or presiding Councilman, shall compose a quorum for the despatch of business; and that in case of the absence of the Mayor, the assembled Councilmen shall choose one of their number to be their Chairman; Provided always, that a smaller number may adjourn from time to time and may be authorized to compel the attendance of absent members, in such manner and under such penalties as may be provided for by a By-law of the Council; and provided also, that no such quorum shall be constituted without the presence of at least four Councilmen.

*Quorum.**Proviso.**Proviso.*

XXIV. And be it enacted, That the said Town Council shall assemble at the least twice in each month for the transaction of the business of the Town, and shall hold their sittings in the Town Hall, or such other public place as they may by regulation establish, and it shall be lawful for the Mayor to call special meetings whenever urgent business may require.

Meetings of Council when and where to be held.

XXV. And be it enacted, That the said Mayor and Town Council of the Town of London shall have full power and authority from time to time to make, revive, alter and amend, administer and enforce, such By-laws as they may deem proper for graveling, flagging, pitching, levelling, raising, repairing, mending, lighting, macadamizing and cleaning any of the streets, squares, alleys, lanes, walks, side-walks, cross-walks, roads, highways, bridges and sewers now laid out or erected, or that may hereafter be laid out or erected, within the limits of the said Town, and to prevent and regulate the running at large of dogs, and to impose a reasonable tax upon the owners or possessors thereof; to regulate or prevent the encumbering or injuring of the streets, squares, lanes, walks, side-walks, cross-walks, roads, highways, bridges, with any wheelbarrows, carts, carriages, lumber, stone or other materials whatsoever; to prevent the selling or vending by retail in the public highways any meat, vegetables, fruit, cider, beer, or other beverage whatsoever; to prevent the sale of any strong or intoxicating drink to any child or apprentice, or servant, without the consent of his legal protector; to prevent the immoderate riding or driving of horses or other cattle in any of the public highways of the said Town; to prevent the leading, riding or driving of horses or other cattle upon the side-walks of the streets or other improper places; to prevent or regulate bathing or swimming in the River Thames, or any part or branch thereof, or any stream or water within or in front of the limits of the said Town; to suppress tippling houses, and restrain persons from keeping the same; to enforce the due observance of the Sabbath; to prevent the excessive beating or other inhuman treatment of horses, cattle or other beasts, on the public highways of the said Town; to regulate or suppress all public billiard-tables, roulette-tables, horse-racing, as well as any species of gambling and gambling apparatus whatsoever; and to regulate and license all theatres kept for profit, and persons exhibiting for gain and profit any wild beasts, puppet shows, wire-dance, circus-riding, or any other idle acts or feats which common showmen, circus-riders, or mountebanks or jugglers usually practise or perform, and to limit the number, and to provide for the purpose of licensing the same; to regulate and prevent the firing of guns, pistols, and other fire arms, and to prevent the firing of squibs and crackers; to regulate or prevent the erection of slaughter-houses or tanneries; to abate or cause to be removed any nuisances within the limits of the said Town; to regulate victualling houses and all other houses where fruit, oysters, or victuals may be sold to be eaten or drank therein, and all other places for the reception of the public, and to limit the number of them, and to provide for the proper licensing of them at such

*Power to Council to make By-laws for certain purposes.**Highways and public places.**Dogs.**Highways and public places.**Sale of liquors to children, &c. Immoderate driving, &c.**Bathing.**Tippling houses.**Sabbath.**Cruelty to animals.**Gambling.**Theatres and shows.**Fire arms and fire-works.**Nuisances.**Houses of entertainment.*

Weighing and measuring.

Hucksters.

Weighing and measuring.

Sale of Bread.

Markets.

Proviso as to fees.

Party walls. Improvement of the Town.

Chimnies.

Precaution for the prevention or extinguishment of fires.

Town watch.

Town officers.

Property of the Town.

Pounds. Bills of mortality. Water.

such rates as to the said Corporation may seem expedient, the proceeds of such licenses, (except tavern licenses so long as the duties thereon shall be payable into the general revenues of the Province,) to form part of the public funds of the said Town, and to be disposed of in such manner as to the said Corporation may seem meet for the benefit of the said Town, any usage or law of this Province to the contrary notwithstanding; to regulate the place and manner of selling, counting, weighing and measuring of all cordwood, lumber, shingles, grain, hay, straw, and all kinds of produce, and pickled and other fish; to restrain and regulate the purchase of butchers' meat and fish by persons called runners and hucksters; to regulate the weighing and measuring of coal, cordwood and other fuel, salt and lime exposed for sale in any part of the Town; to regulate the sale of bread by weight, and to provide for the seizure and forfeiture of bread baked contrary thereto; to regulate the vending of meat, vegetables and fruit, and all country produce; to regulate the present markets or any other markets that may be hereafter erected in the said Town, and to enforce the selling of all the produce and saleable articles aforesaid thereat, and to impose and collect reasonable tolls and market fees thereon: Provided always, that such tolls or market fees shall not exceed three pence for a wagon drawn by two horses or other beasts, two pence for a cart or wagon drawn by one horse or other beast, and a penny for a wheelbarrow, basket or other receptacle; to regulate and enforce the erection of party walls; to provide for the permanent improvement of the said Town in all matters whatsoever, as well ornamental as useful; to regulate the dimensions of chimnies hereafter to be built, as regards height and thickness, and to regulate one or more Fire and Hook and Ladder Companies; to regulate and require the safe construction of deposits for ashes; and to regulate the manner of depositing and keeping ashes at the time they are taken from the fire-places and stoves; to regulate, remove or prevent the construction or erection of any fire-place, hearth or chimney, stove, stove pipe, oven, boiler, kettle or apparatus, used in any house building or manufactory or business which may be dangerous in causing or promoting fires; to regulate the keeping and transporting of gunpowder or other combustible or dangerous materials, and the use of light and candles in livery and other stables; to regulate or prevent the carrying on of manufactories dangerous in causing or promoting fires; to regulate the conduct of inhabitants at fires; to provide for the keeping of fire-buckets, ladders and fire-hooks; and making them a part of the real property to which they are attached; to erect, preserve and regulate public cisterns and other conveniences for the stopping or preventing fires; to provide for the preservation of property exposed at fires, and to prevent goods and other effects from being purloined thereat; to adopt and establish all such other regulations for the preservation from and suppression of fires, and the pulling down of adjacent houses for such purposes as they may deem necessary to provide for the security of the public and of the property of the said Town; to establish and regulate a Town-watch, and prescribe the powers of watchmen; to license and appoint by warrant under the common seal of the said Town, or otherwise, such and so many inferior officers other than those mentioned in this Act, as shall from time to time be found necessary or convenient to enforce and execute such By-laws and regulations as may be hereafter made by the said Corporation, and to displace all or any of them as often as the said Corporation of the said Town shall think fit; to regulate the management and provide for the security of the public property of the said Town; to establish or regulate one or more pounds; to direct the returning of bills of mortality, and to impose penalties on Physicians, sextons and others for default in the premises; to regulate the Police of the Town; to preserve the wells, pumps and cisterns, and to provide for the supply of

of good and wholesome water for the said Town, and to prevent the waste of water ; to regulate the bonds, recognizances and other securities to be given by the Municipal Officers for the faithful discharge of their duties, and the amount for which the same shall be taken ; to inflict reasonable penalties and fines for the refusing to serve in any Municipal office when duly elected or appointed thereto, and for the infringement of any and every law of the said Town ; to regulate the time and place of holding elections for such Municipal Officers as are elective ; to impose and provide for the raising, levying and collecting annually for the use of the said Town, by a tax on the real and personal property in the said Town, a sum of money the better to enable them to carry into effect fully the powers hereby invested in them ; provided that such tax on real property shall not exceed in one year one penny in the pound upon the assessed value of real property lying and being within the limits of the said Town, and three pence in the pound upon the assessed value of personal property, according to the value as hereinafter provided ; and to impose a duty or duties, by a By-law or By-laws, on all hucksters, livery-stable keepers or carters, within the said Town ; on all ball-alleys or other means of gambling within the said Town ; and to assess the proprietors of real property for such sum or sums as may at any time be necessary to defray the expenses of making or repairing any common sewer in any public street or highway within the said Town, and immediately in front of such real property respectively ; and to regulate the mode in which such assessment shall be collected and paid, and to make a By-law or By-laws for assessing the inhabitants residing in any particular street, or lane, square or section of the Town, in any sum or sums necessary to meet the expenses of sweeping and watering the said street, lane, square or section of the said Town, provided that not less than two thirds of the said inhabitants residing as aforesaid in such street, lane, square or section, shall have first prayed or demanded to have the same swept or watered : And provided also, that the said assessment shall in no case exceed the amount of one farthing in the pound ; and generally to make all such laws as may be necessary and proper for carrying into execution the powers hereby vested or hereafter to be vested in the said Corporation, or in any department or office thereof, for the peace, welfare, safety and good government of the said Town, as they may from time to time deem expedient, such laws not being repugnant to this Act or the general laws of this Province ; provided always, that no person shall be subject to be fined more than five pounds for the breach of any By-law or Regulation of the said Town, and in default of payment of such fine, and of a sufficient distress being found for collection thereof, to be imprisoned in the Common Jail of the said London District for a period of not more than thirty days.

XXVI. And be it enacted, That there shall be appointed at the first General Meeting of the said Town Council in each year, two persons to be and be called *Town Auditors*, one of whom shall be appointed by the Mayor of the said Town, and the other elected by the Council : Provided always, that no person shall be appointed or elected Auditor who shall be a Member of the Council, or the Clerk or Treasurer, nor any person who shall have directly or indirectly, by himself or in conjunction with any other person, any share or interest in any contract or employment with, by or on behalf of the said Council ; and provided also, that no person appointed or elected an Auditor for the Town shall be capable of acting as such, unless he shall have previously made and subscribed before any of the Councilmen (who are hereby authorized to administer the same) an oath in the words or to the effect following, that is to say :

Bonds.

Municipal officers.

Elections.

Taxes.

Proviso :
Taxes limited.

Duties on certain callings.

Assessments for local purposes.

Proviso.

Proviso.

General provision.

Proviso :
Penalties and Imprisonment limited.

Two Auditors to be appointed.

Proviso.

Proviso.

The oath to be taken by them.

“ I, A. B., having been appointed (*or elected as the case may be*) to the office of Auditor for the Town of London, do hereby promise and swear, that I will faithfully perform the duties thereof, according to the best of my judgment and ability; and I do swear and declare that I have not directly or indirectly any share or interest whatever, in any contract or employment with, by or on behalf of the Town Council of the said Town; So help me God.”

Duty of Auditors.

XXVII. And be it enacted, That it shall be the duty of the Auditors to examine, settle and allow, or report upon, all accounts which may be chargeable upon or may concern the said Town, and which may relate to any matter or thing under the control of, or within the jurisdiction of the said Town Council, and may then remain unsettled; and to publish a detailed statement of the receipts and expenditures and liabilities of the said Council in two newspapers published in the said Town, at least a fortnight before each annual election.

Mayor, &c., may make, By-Laws, as to wooden buildings.

XXVIII. And be it enacted, That it shall be lawful for the said Mayor and Town Council to make, revive, alter, amend, administer and enforce any By-law or By-laws, Regulation or Regulations, partially or wholly restricting, prohibiting and preventing the erection of any wooden building or buildings, or any building or buildings with the outer walls and roof made partially or wholly of wood.

Council to be a Court of Record.

XXIX. And be it enacted, That the said Council shall be a Court of Record, and shall have the same power to punish for contempt as is by law vested in any other Court of Record; and the said Council shall have authority to punish its members for disorderly or disgraceful conduct, by fine, and to expel any member convicted of any crime before a legal tribunal, and the member so expelled shall by such expulsion forfeit all his rights and powers as a Councilman, and his seat shall thereupon be declared vacant.

Council to determine rules of its proceedings, &c.

XXX. And be it enacted, That the said Town Council shall determine the rules of its proceedings and judge of the qualification election and return of its members, and the said Council shall keep a journal of all business transacted, and during its meetings the doors shall be open to the public, except only when the Council are engaged in discussions relative to the misconduct of members of their own body, and in that case the door shall not be closed, unless the closing of the same be approved of by three-fourths of the members present; and all disputed elections shall be determined by the said Council within one month of such election.

Legislative Acts of the Town to be expressed to be enacted by Mayor and Town Council.

XXXI. And be it enacted, That every Legislative Act of the said Town be expressed to be enacted by the Mayor and Town Council of the Town of London, in Council assembled; and all such Legislative Act or Acts passed by the said Mayor and Town Council from time to time under the provisions of this Act, shall be and remain in full force from the time of the first publication of the same, and shall not require re-enactment or republication yearly by any succeeding Mayor and Town Council appointed under this Act.

Default to elect not to operate dissolution of Corporation.

XXXII. And be it enacted, That in case it shall at any time happen that an election of members of the said Corporation shall not be made on the day when, pursuant to this Act it ought to have been made, the said Corporation shall not for that cause be deemed

deemed to be dissolved, but it shall and may be lawful on any other day to hold an election of members, in such manner as shall have been regulated, or shall hereafter be regulated by the laws and ordinances of the said Mayor and Town Council.

XXXIII. And be it enacted, That if the Mayor of the said Town of London, or any of the Councilmen, shall be declared bankrupt, or shall apply to take the benefit of any Act for the relief of insolvent debtors, or shall compound by deed with his creditors, then, and in every such case, such person shall thereupon immediately become disqualified, and shall cease to hold such office of Mayor or Councilman, as the case may be, for the residue of the time for which, upon such bankruptcy, insolvency or composition with his creditors, such Mayor or Councilman was liable to serve; and in all cases of such, or any other disqualification and cessation of office of the Mayor, it shall be lawful for the remaining Councilmen, at a special meeting of the Town Council for that purpose to be convened within two days after such office shall so become vacant, to issue a warrant to hold an election for a successor to such Mayor, who shall hold his office for the remainder of the time of service of his immediate predecessor.

In what cases the Mayor and Councilmen shall become disqualified.

XXXIV. And be it enacted, That in case any vacancies shall happen among the Councilmen, or in the office of Mayor, by death, resignation, removal out of the Town, (which is hereby declared a disqualification) within the first nine calendar months of any year, it shall be lawful for the Town Council to direct an election to supply such vacancy, and to appoint a time and place for holding such election; and the Returning Officer appointed to hold such election shall conduct the same in the manner hereinbefore provided for the holding of the regular annual elections; Provided always, that no Mayor or Councilman shall resign his office, unless approved by the Town Council, under a penalty of twenty pounds.

Provisions as to vacancies in the Council.

Proviso.

XXXV. And be it enacted, That if any of the said vacancies shall occur in the last three months of any calendar year, the vacancy shall be supplied at the regular annual election; Provided always, that any person elected to supply the first above mentioned vacancies shall hold his office only for the residue of the term of office of his immediate predecessor; and provided also, that a continued absence by the Mayor or any Councilman from his duties, for a period of three months, shall be deemed a disqualification for office.

If vacancies occur in the last three months of any year.

Proviso.

Proviso.

XXXVI. And be it enacted, That it shall be lawful for the said Mayor and Town Council, from time to time, to appoint a fit and proper person, not being a member of the said Council, to be the Town Clerk, with such salary as they shall deem proper, and to remove the said Clerk at their pleasure.

Council may appoint a Town Clerk;

XXXVII. And be it enacted, That it shall be lawful for the said Mayor and Town Council, from time to time, to appoint a fit and trustworthy person, not being a member of the Town Council or their Clerk, to be the Town Treasurer, with such salary or allowance as they shall deem proper, and to remove the said Treasurer at their pleasure, and the said Treasurer shall at the end of every quarter of the calendar year render a correct account of his receipts and expenditure as Treasurer, showing the balance from the last quarter, and shall give a bond with two sureties conditioned for the due and faithful performance of the duties of his office, as required by the said Council.

And Treasurer;

He shall give security.

XXXVIII.

Assessors
to be appointed.

And Collectors.

Sureties.

XXXVIII. And be it enacted, That it shall and may be lawful for the Mayor and Council of the said Town, from time to time, to appoint three fit and discreet persons, inhabitant householders of the said Town to be Assessors for the said Town, and one or more fit and discreet person or persons, inhabitant householder or householders of the said Town to be Collector or Collectors of the said Town; such Assessors and Collector or Collectors so appointed, to hold office for one year, and which said Collector or Collectors shall before entering on the duties of office, give to the said Town Council a bond with two or more sufficient sureties, in such penalty as the said Town Council may direct, to the approval of the said Town Council, conditioned for the due performance of his or their office or offices of Collector, and the payment of the monies collected or to be collected, under the authority of such office, to the Town Treasurer by a day to be therein stated.

Assessors to
take oath of office.

XXXIX. And be it enacted, That every Assessor and Collector of the said Town, before entering upon his duties as such Assessor or Collector, shall be first sworn by the said Mayor, well, faithfully, honestly and impartially to perform and fulfil the duties of his office, or to the best of his knowledge, judgment and ability, which said oath the Mayor is hereby authorized to administer.

Assessments
may be levied,
for certain
purposes, and
upon whom.

Proviso.

XL. And be it enacted, That for the purpose of raising funds to provide for the purchase of any real estate for the use of the said Town, or building a market-house or market houses, or other public buildings for the said Town, for procuring fire engines, and for all other purposes deemed expedient and necessary by the said Corporation for the welfare and improvement of the said Town, it shall and may be lawful for the said Corporation to levy an assessment upon all and every person who shall inhabit, own, hold, use, or occupy any house, shop or warehouse, building or piece or parcel of land, or any landed or real estate, situate, lying and being within the said Town of London, according to the value thereof respectively, to be ascertained in manner hereafter mentioned, and the time for the commencement and first of such yearly rate or assessment shall be the second Tuesday in January after the passing of this Act, and the same shall end on the day preceding the second Tuesday in January thereafter, both days included; and the time for which every future yearly rate shall be so rated and assessed shall commence from the period at which the time for the last rate ended; Provided always, that nothing in this Act contained, shall prevent the collection by all lawful means of the rates and assessments already made and imposed on the inhabitants of the said Town for the year one thousand eight hundred and forty-seven, by any laws hereby repealed, and nothing herein contained shall take away the powers, authority, or means of any collector or other officer already appointed or authorized to collect the same.

Real property
to be rated according to its
real value.

XLI. And be it enacted, That the value of all such shops, houses, warehouses, buildings, gardens, grounds, lands, tenements, and parts and portions thereof, shall be rated according to the real or full value thereof, which said value shall be ascertained by the Assessors for the Town, to be appointed as hereinbefore provided.

Rates to be
levied on owners
of certain
personal property,
at certain values.

XLII. And be it enacted, That the rate or rates as aforesaid shall also be raised, levied or assessed upon the owner or possessor of the following personal property, which shall be deemed rateable personal property in the said Town, and shall be rated every year during the continuance of this Act, at the rate, assessment and valuation herein set forth, that is to say: every stallion, two hundred pounds; every horse of three

three years old and upwards, ten pounds ; every ox of the age of four years and upwards, four pounds ; cows of three years old and upwards three pounds each ; bulls of two years old and upwards, twenty-five pounds each ; other horned cattle a year old and upwards, each one pound ; every close four wheeled carriage on springs, kept for pleasure, one hundred pounds ; every covered or partially covered carriage with four wheels, kept for pleasure, fifty pounds ; every other carriage on springs with four wheels, kept for pleasure, twenty-five pounds ; every curricle, gig or other carriage, on springs, with two wheels only, and kept for pleasure, twenty pounds ; every wagon kept for pleasure, ten pounds ; Provided always, that nothing in this Act contained shall extend or be construed to extend to any house, land or property, goods, effects, matters or things herein mentioned which shall belong to or be in the possession of Her Majesty, Her Heirs or Successors, unless the same shall actually be leased to individuals, nor to any churches or places of public worship, public-school houses or burying grounds.

Proviso : Public property exempted.

XLIII. And be it enacted, That it shall be the duty of the Assessors of the said Town, in each and every year, to make such valuation as aforesaid of real estate, in which valuation two at least of the said Assessors shall agree, within one month or such further time as the Mayor and Council may allow, on the requisition of the said Mayor, in pursuance of any resolution of the said Town Council, authorizing any such valuation as aforesaid ; and also to leave for every person or persons so rated, whether he or she or they shall reside within the Ward in which such property is situated, or elsewhere in the said Town, at the residence of such person or persons, a notice of the value of the property in respect whereof he or she or they shall be rated ; and immediately after such assessment or valuation shall be completed, the Assessors shall deposit with the Town Clerk, or such other person as by the Town Council shall be authorized to receive the same, distinct Assessment Rolls, Books or Returns of the said value which shall be rated as aforesaid ; and in case any person shall think himself, herself or themselves overcharged in such Assessment Roll, Book or Return, it shall and may be lawful for such person or persons, within six days after the said notice shall have been given or left at his, her or their residence as aforesaid, to give notice in writing to the said Town Council of the overcharge complained of, and the same shall be tried by the said Town Council, at such times and meetings of the said Town Council as the members composing the same shall direct and appoint, reasonable notices of such times and meetings to be given to the complaining party, and after hearing the said party, and his, her or their witnesses, upon oath (or affirmation), the said Corporation shall, by a majority of voices or votes, finally decide and determine upon such complaint, and confirm or amend the return of the Assessors accordingly ; Provided always, that if the complaining party shall neglect to appear at such meeting of the said Town Council, he, she or they having had reasonable notice thereof as aforesaid, the said Town Council shall proceed to make their final decision without hearing such party ; and in case it shall appear to any two or more members of the said Town Council, that the value has in any case been given in or returned by the Assessors too low, they shall cause a notice to be served on the persons so rated as aforesaid, and the person who made such rate, of the time and place of the meeting of the said Town Council at which the said matter shall be heard, and the same shall be finally determined by the said Town Council in like manner as aforesaid, after hearing the said complainants and their witnesses upon oath (or affirmation) as aforesaid, and that the said Town Council shall have power to adjourn as they shall see fit.

Assessors to make valuation of real estate, and in what manner.

Appeal to the Council by persons deeming themselves aggrieved.

Proviso as to default to appear.

Parties and witnesses may be sworn.

Any member of the Town Council may administer the oath.

Remuneration of witnesses.

Proviso.

Council may assess real and chattel property at so much in the pound.

Limitation of rates.

Council may compound with persons unable to pay rates.

Duty of Collectors.

Proceedings if payment be refused.

XLIV. And be it enacted, That any member of the said Town Council shall have full power to administer such oath or affirmation as aforesaid, and that the Mayor or any member of the said Town Council shall have full power and authority to issue a summons for each witness who shall be required to attend before the said Mayor and Town Council, and if any person shall neglect or refuse to obey such summons upon being tendered a reasonable remuneration for his services, not exceeding two shillings and six pence per diem, he shall be liable to such fine, not exceeding five pounds, as the said Mayor and Town Council, on proof upon oath or affirmation, as the case may be, of the service of such summons, and of such neglect or refusal, shall impose, and in default of payment of such fine it shall and may be lawful for the Mayor or any Member of the said Town Council, to commit such person to the Jail of the London District; Provided always, that such imprisonment shall not exceed in any case thirty days, and if any person shall knowingly swear or affirm falsely in any of the cases referred to in the next preceding section of this Act, he shall be deemed guilty of wilful and corrupt perjury, and shall be punished accordingly on conviction before any Court having jurisdiction thereof.

XLV. And be it enacted, That it shall and may be lawful for the said Mayor and Town Council, at some convenient time after the return of the Assessment Rolls to be made and returned by the Assessors under this Act, to pass a yearly rate declaring the amount in the pound on such valuation and assessment, which shall be raised and levied for the year in which the rate shall be passed; provided that the same shall not exceed one penny in the pound upon real estate, and three pence in the pound upon chattel property as aforesaid.

XLVI. And be it enacted, That it shall and may be lawful for the said Town Council to hear, on memorial or petition, the case or cases of any person or persons assessed in respect of any property in the said Town, who from sickness, extreme poverty or any other cause, shall be unable to pay any rate by this Act imposed, and on hearing such case or cases, it shall and may be lawful for the said Town Council to compound for or receipt the whole of any such rate or rates.

XLVII. And be it enacted, That it shall be the duty of the Collector and Collectors of the said Town from time to time to collect the license fees, duties, rates and assessments to be imposed under the authority of this Act; and if any person or persons licensed, rated or assessed, as in manner herein directed, shall refuse or neglect to pay the duties, licences, rates or assessments charged upon him, her or them, for the space of fourteen days next after such duties, licences or rates shall be due and demanded by the Collector or Collectors of the Town, it shall and may be lawful for the said Collector or Collectors to apply to the Mayor or any of the said Councilmen, for a Warrant to the High Bailiff or any Constable of the said Town, to enter into the house or houses, or other dwellings or premises of such person or persons, and to seize and take possession of his, her or their goods and effects, whether in the Ward in which the assessed property is situate or elsewhere in the said Town, which Warrant the Mayor or any one of the said Councilmen is hereby authorized to grant upon a certificate signed and sworn to by such Collector of a demand of such duty, license or rate having been made, and of such person or persons being in arrear to the amount stated in such certificate; and if such duty, license, rate or assessment shall not be paid within five days next after such seizure, the said Collector or Collectors are and any one of them

is

is hereby authorized to sell at public auction, at such place as may be proper, the whole or such part of the said goods and effects as shall be sufficient to pay the said rates and assessments, with the costs and charges attending such seizure and sale, returning the surplus, if any, to the owner; Provided always, that the costs and charges, if any, of such seizure and sale, shall be regulated by and shall not exceed those authorized by a certain Act of the Parliament of Upper Canada, passed in the first year of Her Majesty's Reign, and intituled, *An Act to regulate the costs of levying distress for small rents and penalties*; and in cases where no goods of such person or persons can be found to satisfy such rates, it shall and may be lawful for the said Town Council to commit such person or persons to the Common Jail of the District of London, until such rates shall be paid; Provided always, that such imprisonment shall not exceed thirty days.

Proviso: Proceedings to be according to Act of U. C. 1 Vict. c. 16.

Proviso.

XLVIII. And be it enacted, That all proprietors, lessees and others, who shall let for rent, premises within the said Town, shall themselves as well as the occupiers of such premises, be liable and responsible for the rate and assessment aforesaid on such premises, and such assessment shall and may be recovered from the lessee or occupant, if any, in the first place, and in default of distress, then from the proprietor, by the Collector or Collectors of the said Town, under any By-law made for that purpose by the said Mayor and Town Council; and provided always, when any such rate or assessment shall be paid by any such tenant not bound to make such payment, by the lease or other agreement under which he holds or occupies such premises, such tenant shall have the right to deduct the sum so paid by him, from the rent payable by him in respect of the occupation or enjoyment of the premises so rated or assessed.

Proprietors, &c., responsible for assessment due on their premises.

Proviso as to taxes paid by tenants

XLIX. And be it enacted, That in all cases where the person or persons who shall be rated in respect of any vacant ground or other real property within the said Town, shall not reside therein, and the rates and assessments payable in respect of such vacant ground or other property shall remain unpaid, an increase of ten per centum on the amount at which the said property may and shall be assessed, shall annually accrue upon, and be made to, all arrears of assessment due on such property so long as the same shall remain unpaid; and the said property shall, after five years' non-payment of the said arrears of assessment and increase of ten per cent. thereon, be liable to be sold therefor; and in such case, it shall and may be lawful for the said Corporation to issue a precept to the Sheriff of the London District, commanding him to sell and dispose of such property by public sale, or so much thereof as shall be necessary for the payment of the arrears of taxes and the increased per centage due thereon, together with all costs accruing by reason of such default, and the said Sheriff is hereby authorized and required to dispose of such property as is herein directed: Provided always, that no property shall be sold without having been first advertised in two newspapers published in the London District for the three months next preceding such sale, and all owners of real property sold under the authority of this Act, shall be allowed to resume possession of the same within twelve months next after the date of such sale, on paying or tendering to the purchaser the full amount of the purchase money, together with the costs attendant upon the default and sale, with an addition of twenty per cent. upon the amount paid by the purchaser.

Provision as to assessments of vacant ground, &c, remaining unpaid.

When it may be sold, and how.

Proviso: Notice of sale how to be given. Power of redemption.

L. And be it enacted, That for every work or improvement ordered by the said Mayor and Town Council, the cost of which shall amount to or exceed five pounds, tenders

Tenders to be received for works above £5.

tenders shall be received for the work, and written contracts shall be entered into for the due performance of the work.

Mayor and
Councilmen
to be Justices
of the Peace in
Town of
London.

LI. And be it enacted, That the Mayor and other members of the said Town Council shall by virtue of their office, be Justices of the Peace in and for the said Town, and exercise within the limits thereof, the authority now given by law to Justices of the Peace: Provided always, that nothing in this Act shall be construed to give the members of the said Town Council any right or authority to sit, act, or in any wise interfere in any Court of General or Adjoined Quarter Sessions; and that it may be lawful for any person or persons to appeal to the Court of Quarter Sessions in the same manner as is now provided by law, from any conviction of the said Mayor and Town Council, or any of its members, when such conviction shall have been made in the exercise of their magisterial duty, and apart from the enforcement of any By-law or Regulation: Provided also, that if any action or suit shall be brought against any member of the said Town Council, for anything done by him as a Justice of the Peace as aforesaid, he shall be entitled to and receive the same notice of action as is now required to be given to Justices of the Peace in other cases.

Proviso.

Disorderly
persons may
be committed
by an individ-
ual member
of Council.

LII. And be it enacted, That it shall and may be lawful to and for any one of the Members of the said Town Council, individually to order the immediate apprehension of any drunken or disorderly or riotous person or persons whom he shall find disturbing the peace within the said Town, and to confine him or her in a watch-house, lock-up-house or the jail, in order that such person may be secured until he or she can be brought before the Council to be dealt with according to law, or may give bail for his or her appearance before the Council if such member ordering the apprehension shall think fit to take bail in such manner as bail is given by offenders before a Justice of the Peace.

Assessors to
make a correct
list of male
inhabitants of
Town liable to
perform statute
labour.

LIII. And be it enacted, That it shall be the duty of the Assessors of the said Town, by a day to be fixed by the said Town Council, to return a correct list to the Town Clerk of all the male inhabitants of the said Town, not rated on the Assessment Roll of the said Town, who by law are liable to perform statute labour.

All male inha-
bitants to per-
form two days'
statute labour,
or commute
for the same.

LIV. And be it enacted, That all male inhabitants heretofore liable, under the general laws, to perform statute labour within the limits of the said Town, shall be liable under this Act to perform two days' statute labour in each year, commencing in the year one thousand eight hundred and forty-eight, and in accordance, (so far as this clause is not inconsistent with the general laws in force in Upper Canada regarding the same,) with the orders and under the superintendence of the Mayor and Town Council, or such officer or officers as they shall appoint, and at such times as they may direct and require, or pay a commutation thereof, at the discretion of the Board, not exceeding two shillings and six pence for each day's labour, the collection of which commutation shall be enforced in the same manner as the payment of taxes under this Act, and in default of property, to imprisonment at the discretion of the Town Council, in the Common Jail, for any time not exceeding ten days; and the said inhabitants shall not be liable to any other or more statute labour than the said two days yearly; any law or statute to the contrary notwithstanding.

How enforced
in default of
payment.

LV. And be it enacted, That if any person shall transgress the By-laws, orders or regulations made by the said Corporation under the authority of this Act, such person shall for every such offence, forfeit the sum which in every By-law, Order, Rule or Regulation, shall be specified, with costs, to be recovered by information before the said Mayor and Town Council, or any three members thereof, to be levied of the goods and chattels of such offender: and in default of such goods and chattels, the offender shall be liable to be committed to the Common Jail of the London District, for a term in the discretion of the members of the said Corporation before whom such offender shall have been convicted, not less than one day and not exceeding thirty days; and any penalty imposed under the authority of this Act may be in like manner recovered and proceeded for by imprisonment as aforesaid in default of goods; and no person shall be deemed an incompetent witness upon any information or matter under this Act by reason of being a resident of the said Town of London; Provided always, that the information and complaint for any breach of any By-law, Order or Regulation of the said Mayor and Town Council, shall be made within fifteen days next after the time of the offence committed.

Penalty on persons transgressing By-laws, how to be recovered.

Imprisonment in default of distress.

Proviso.

Proviso

LVI. And be it enacted, That all penalties received under the provisions of this Act, shall be paid into the Treasury of the said Town Council; and the proceeds of all licenses granted under this Act, with the exception before mentioned, and any income of whatever nature, shall form part of the public funds of the said Town; any law or usage of this Province to the contrary notwithstanding, and shall be applied in the same manner as other monies coming into the said Treasury, may be applied for the public uses of the said Town.

Penalties, how applied, and the proceeds of Licenses.

LVII. And be it enacted, That in lieu of the payment of any part of the rates or assessments heretofore payable to the general funds of the London District, the Treasurer of the said Town shall, some time in the month of July in each and every year, out of the monies in the hands of the said Town Treasurer, pay to the Treasurer of the London District, for the general uses of the said District, such annual sum as may be agreed on between the District Council of the said District and the said Mayor and Town Council, and in default of such agreement the yearly sum of one hundred and fifty pounds, the first payment thereof to begin and be made in the month of July in the year one thousand eight hundred and forty-eight: Provided always, that nothing in this Act shall be construed to prevent or excuse the inhabitants of the said Town from paying to the general funds of the London District all such sum and sums of money as are or hereafter may be collected within the said Town, for or on account of any assessment now imposed or hereafter to be imposed by any Act of the Legislature of Upper Canada or of Canada, for the support and maintenance of the Provincial Lunatic Asylum, or of the assessment already imposed by the general Assessment Law of this Province, for the year one thousand eight hundred and forty-seven; and provided always, that when and so soon as the said London District shall by virtue of any law of this Province, be relieved from payment of the expenses of the administration of Criminal Justice within said District, or from any part thereof, then the payment of the said sum of one hundred and fifty pounds, so to be paid by the said Town of London to the said District of London as aforesaid, or such part thereof as shall be proportionate to the share or portion of such expenses whereof the said District shall be relieved, shall cease and be no further made.

A certain sum to be paid by Treasurer in lieu of assessments heretofore payable to general funds of London District.

Proviso as to the U. C. Lunatic Asylum.

Proviso.

Duty of Sheriff
and Jailer.

LVIII. And be it enacted, That the Sheriff and Jailer of the London District shall be bound, and they are hereby authorized and required, to receive and safely keep, until duly discharged, all persons committed to their charge by the said Town Council or any member thereof, under the authority of this Act.

Limitation of
actions.

LIX. And be it enacted, That if any action or suit be brought against any person or persons for any matter or thing done under the authority of this Act, or in pursuance thereof, such action or suit shall be brought within six calendar months next after the fact committed, and not afterwards, and the defendant or defendants in such action or suit may plead the general issue only, and give this Act and the special matter in evidence on the trial.

Legislature
may alter this
Act.

LX. And be it enacted, That notwithstanding the privileges that may be conferred by this Act, the Legislature may at any time hereafter, in their discretion, make any additions to this Act, or such alteration of any of its provisions as they may think proper.

Interpretation
Clause.

LXI. And be it enacted, That wherever the word "person" or "persons" is used in this Act, it shall be held to comprehend a body politic or corporate as well as an individual, and every word importing the singular number shall when necessary be deemed to extend to several persons or things, and every word importing the masculine gender shall when necessary extend to a female as well as a male, and the converse, unless there be something in the subject or context repugnant to or inconsistent with such construction; and whenever power is given by this Act to any officer or functionary to do or enforce the doing of any act, all such power shall be understood to be also given as shall be requisite to enable such officer or functionary to do or enforce the doing of such Act; and generally, all other words, terms, and phrases in this Act, shall receive such fair and reasonable interpretation as shall be best adapted to give full effect to this Act according to its true intent, meaning and spirit.

Public Act.

LXII. And be it enacted, That this Act shall be taken and held to be a Public Act and shall be judicially taken notice of by all Judges, Justices and others, without being specially pleaded.

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Law Printer to the Queen's Most Excellent Majesty.



ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. XLIX.

An Act to incorporate the Town of Brantford.

[28th July, 1847.]

WHEREAS from the great increase of the population in the Town of Brantford, in the District of Gore, it is necessary to make provision for the internal regulation thereof: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-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 inhabitants of the said Town of Brantford as hereinafter described, and their successors, inhabitants within the limits of the same, shall be, and they are hereby constituted a body politic and corporate, in fact and in law, by and under the name of *The Town of Brantford*, and as such shall have perpetual succession, and be capable of suing and being sued, impleading and being impleaded, in all Courts and in all actions, causes and complaints whatsoever, and have a common seal, and may alter the same at pleasure, and shall be in law capable of receiving titles by gift, and of purchasing, holding, and conveying any estate, real or personal, for the uses of the said Town.

Preamble.

Inhabitants of the Town of Brantford incorporated.

Corporate name and powers.

II. And be it enacted, That the said Town of Brantford shall be composed of the lands situate in the Township of Brantford within the following limits or boundaries, that is to say: Commencing on the north side of Colborne Street, in the eastern limit of the said Town as originally laid out by the authority of the Government of the late Province of Upper Canada; then north eighteen degrees thirty minutes east, seventy-nine chains forty-five links more or less to the north-east angle of the said Town as laid out by the Government as aforesaid; then south eighty-four degrees thirty minutes west, eighty-two chains twenty-eight links more or less, to the north-west angle of the said Town as laid out by the Government as aforesaid, and to the eastern limit of a certain tract of twelve hundred acres of land originally granted by the Crown to Abraham Kennedy Smith and Margaret Kerby; then south twenty-seven degrees thirty minutes west, eight chains more or less, to the south east angle of a parcel of land belonging to Peter O. Banyon; then north sixty-two degrees thirty minutes west, sixty chains more or less, to the western limit of the said lands granted by the Crown to the said Abraham Kennedy Smith and Margaret Kerby; then south twenty-

Limits of the Town of Brantford, defined.

seven

seven degrees thirty minutes west one hundred and eight chains more or less along the western limit of the said lands to the Grand River; then across the Grand River obliquely with the stream in an easterly direction, and passing south of the large island, about thirty chains, to the limit between the farm lands of Thomas Mair and the north part of the Brant Farm, granted by the Crown to William Johnson Kerr; then south twenty-seven degrees twenty-five minutes west, forty-two chains more or less to the rear of the lots on the south side of Burford Street on the plank road; then south sixty-eight degrees east thirty-nine chains more or less to the East side of the Mount Pleasant road and south side of Walnut Street on the lands of Daniel Mercer Gilkison; then north forty-three degrees thirty minutes east, thirty-six chains more or less along the south side of Walnut Street to the Grand River; then easterly along the south side of the Grand River with the stream about thirty chains to opposite the mouth of the Cove; then east across the Grand River to the south side of the mouth of the said Cove; then north-easterly along the easterly side of the said Cove about twenty chains to the southern limit of the lands of the Grand River Navigation Company; then easterly along the south boundary of the said Grand River Navigation Company's lands, about fifty-five chains to the western limit of the Mohawk Parsonage Glebe; then north five degrees thirty minutes west, forty-five chains more or less, to the place of beginning.

Government of
the Town to be
under control
of a Town
Council.

III. And be it enacted, That the internal management and government of the said Town shall be under the control and authority of a Town Council to be denominated *The Mayor and Council of the Town of Brantford*, to be elected from among the male inhabitants of the said Town in the manner hereinafter provided, and that every legislative Act of the said Town be expressed to be enacted by the Mayor and Council of Brantford in Town Council assembled.

Town to be
divided into
seven Wards,
and their li-
mits.

West Ward.

North Ward.

South Ward.

King's Ward.

Queen's
Ward.

Brant Ward.

East Ward.

IV. And be it enacted, That the said Town shall be divided into seven Wards, by the names of the West Ward, the North Ward, the South Ward, King's Ward, Queen's Ward, Brant Ward, and the East Ward; and that part of the said Town lying south of the Grand River shall constitute the West Ward, and that part of the said Town lying north of the Grand River (including the two large islands in the river) and west of Cedar Street and West Street, from its intersection with Cedar Street, shall constitute the North Ward; and that part of the said Town lying south of Colborne Street and west of Alfred Street to the Grand River, shall constitute the South Ward; and that part of the said Town lying north of Colborne Street and between Cedar Street and West Street from its intersection with Cedar Street and Queen Street, shall constitute King's Ward; and that part of the said Town lying north of Colborne Street and between Queen's Street and Market Street to their intersection with West Street, shall constitute Queen's Ward; and that part of the said Town lying north of Colborne Street and between Market Street and Alfred Street, shall constitute Brant Ward; and that part of the said Town lying east of Alfred Street shall constitute the East Ward.

Election of the
Members of
the Town
Council, and
their qualifi-
cation.

V. And be it enacted, That each of the said Wards shall annually, after the first election, elect from among the male inhabitants of the said Town one person to be a member of the said Town Council, who being a subject of Her Majesty and of the full age of twenty-one years, shall be a freeholder therein, whose freehold property shall be valued by the Assessor or Assessors for the Town at the rental or annual value of
not

not less than fifteen pounds per annum, or a leaseholder therein, holding by lease made for a term of seven years and upwards, and who shall pay for and in respect of any property by him or them held as aforesaid within the said Town an annual rent of not less than thirty pounds: Provided always, that a building or buildings shall be erected upon any leasehold tenement held as aforesaid and shall be valued with such tenement; and provided, that if rent be paid only for the ground on which such building or buildings stand, then the annual value of such building or buildings exclusive of the ground rent may be added to such ground rent to make up the said sum of thirty pounds; and at the first election under the authority of this Act, the Returning Officers respectively shall judge of the qualification of the said candidates respectively, and their decision shall be final; and that no person shall be capable of holding the office of Member of the said Town Council who shall not have been a resident within the said Town for the space of three years or upwards immediately previous to his election; Provided always, that no person shall be capable of serving as a member of the said Town Council who shall be a minister, priest, ecclesiastic or teacher, under any form or profession of religious faith or worship.

Proviso.

Proviso.

Returning officer to judge of qualification. Residence required.

Proviso: certain persons not to be elected.

VI. And be it enacted, That the persons entitled to vote at either of the said Wards for the election of such members shall be male inhabitant freeholders resident within their respective Wards, being subjects of Her Majesty, whose names shall be entered upon the last Assessment Roll of the said Town, or tenants, like subjects of Her Majesty, being rated upon the Assessment Roll of the said Town, and shall have paid within one year next before the election one year's rent for the dwelling house or dwelling houses (if they shall within one year have changed their place of residence) within the Ward in which they shall have resided, at the rate of six pounds or upwards; or if the ground only on which such dwelling house stands is rented, then the annual value of such dwelling house exclusive of the ground rent shall be added to the ground rent to make up the said sum of six pounds; and all persons as aforesaid shall vote in the Wards in which they reside respectively, and no person shall be entitled to vote in more than one Ward, or more than once in any Ward at any election of Members of the said Town Council: and for the first election to be held under the authority of this Act, persons whose names shall appear on the Assessment Roll of the Township as residents in the said Town, shall be entitled to vote for Members of the said Town Council under the limitations and provisions hereinafter contained.

Voters to be inhabitant free-holders, whose names are on the assessment Roll, and qualified in a certain manner.

Qualification at first election.

VII. And be it enacted, That the first election of Members for the said Town Council under this Act, shall be holden on the first Monday in September next, at some place in each Ward respectively, to be appointed by the Senior Magistrate of the said Town for the time being, who shall give public notice at least six days previous to the election, at which election the said Senior Magistrate shall preside in King's Ward, and shall appoint fit and proper persons under his hand and seal to hold the said elections for the West Ward, the North Ward, the South Ward, Queen's Ward, Brant Ward and East Ward respectively, which said Senior Magistrate and the persons so appointed, shall hold the said election for each Ward respectively; and after the nomination of a candidate or candidates and a show of hands thereupon, if a poll be demanded by any person qualified to vote at any such election, shall open and keep open the poll for receiving and entering votes for the election of Members of the said Town Council from the hour of nine of the forenoon, until three of the clock of the afternoon on the said first Monday in September next, and at the close of the poll at the

First election when to be held, and after what notice.

Poll to be held if demanded.

the hour aforesaid, or on the show of hands if no poll be then demanded, shall declare the person or persons in each Ward, who shall have the greatest number of votes, duly elected Members of the said Town Council, and shall give notice thereof to the persons so elected, within three days after the election, by leaving at the usual place of abode of such person or persons a notice in writing to that effect; and that all subsequent elections of Members shall be held by the officers to be appointed by the said Town Council, the time, place and all proceedings to be had in such elections to be regulated from time to time by the said Town Council; and that the Members of the said Town Council, so chosen as aforesaid, shall serve until the first Monday in February in the next year, and until a new Town Council shall be chosen and formed as hereinafter mentioned; and that on the first Monday in February in every year, an election shall be holden in each Ward of the said Town of Brantford for the choosing of Members of the said Town Council, according to the general provisions of this Act.

Subsequent elections how to be regulated.

Period of service of Councilors.

Presiding Officer at election to take Oath.

VIII. And be it enacted, That before any person shall proceed to hold an election under this Act, he shall take the following oath, which any Justice of the Peace for the Gore District is hereby authorized to administer, that is to say:

The Oath.

“ I do solemnly swear that I will faithfully and impartially, to the best of my ability, discharge the duty of Presiding Officer at the election which I am about to hold for a Member of the Town Council in the Town of Brantford: So help me God.”

Presiding Officer may require oath of Candidates or Voters.

IX. And be it enacted, That the officer presiding at any election under this Act shall have authority and is hereby required at the request of any person qualified to vote at such election to examine on oath or affirmation (when the party is allowed by law to affirm) any candidate for the office of Member of the said Town Council respecting his qualification to be elected to the said office; and until provision shall have been made by a By-law or By-laws for a Register of Voters, shall also have authority and he is hereby required upon such request as aforesaid to examine upon oath or affirmation, when the party is allowed by law to affirm, any person tendering his vote at any election respecting his right to vote; and that the oath to be administered for either of the said purposes, shall and may be in the following form:

The oath.

“ You shall true answer make to all such questions as the presiding Officer at this election shall put to you respecting your qualification to be elected at this election, (or respecting your qualification to vote at this election, *as the case may be:*) So help you God.”

Affirmation.

And the affirmation shall be in the common form of an affirmation to the same effect.

Voters to produce certificate of qualification before voting, after a registration of Votes is established, and take an oath.

X. And be it enacted, That after provisions shall have been made by a By-law or By-laws for a Register of persons qualified to vote, whereby the right in individuals to vote may be determined, every person desirous of voting at any election of a Member or Members of the said Town Council shall, before he be permitted to vote, produce a certificate under the hand of the proper officer of his qualification, pursuant to any such By-law, and shall, if required by the officer or person holding such election, or by any person qualified to vote at the same, take the following oath, which the said officer or person holding such election is hereby authorized and required to administer, that is to say:

“ I do swear that I am the person described in the certificate that I now produce, and that I have not before voted at the election : So help me God.” The oath.”

XI. And be it enacted, That if any person being examined upon oath or affirmation under this Act, in regard to his qualification to vote or to be elected, shall wilfully forswear himself, he shall be guilty of wilful and corrupt perjury, and on conviction thereof he shall suffer as in other cases of wilful and corrupt perjury. False swearing or affirming to be perjury.

XII. And be it enacted, That if any of the Members of the said Town Council elected as aforesaid, after notice thereof, shall neglect or refuse for ten days after having been elected to take the oath of office hereinafter contained, which oath any one of the said Members so to be elected is hereby authorized to administer to the others, he shall, for such neglect or refusal, forfeit the sum of ten pounds, to be recovered with costs by information before any Justice of the Peace, who is authorized to proceed in the same manner as is hereinafter provided for the recovery of any penalty for the transgression of any order or regulation of the said Town Council : Provided, that no person having been elected a Member of the said Town Council, during his absence from the said Town (unless such Member shall previously have permitted himself to be put in nomination for the said office) or who at the time of the election, shall openly give notice to the officer presiding, that he will not accept the office, shall be subject to the penalty hereinbefore stated for his refusal to act as a Member of the said Town Council. Penalty on Members of Council refusing to take the Oath of Office.
Proviso as to persons elected in their absence.

XIII. And be it enacted, That after the first and every subsequent election of Members of the said Town Council, so soon as they shall respectively have taken the oath of office hereinafter contained, it shall be the first duty of the said Town Council and they are hereby required to elect a Mayor from their number ; and as soon as they shall have chosen a Mayor, the said Town Council shall have power to enact such laws and regulations for the internal government of the said Town as to them shall seem meet, not repugnant to the laws of this Province, and shall have the power of appointing all such officers as shall be required for the due execution of the laws to be by them enacted, and of requiring such security to be given by any of the said officers as to the said Town Council may seem meet, and of removing such Officers at pleasure ; Provided always, that should the office of Mayor of the said Town Council become vacant from any cause whatsoever, it shall and may be lawful for the said Town Council and they are hereby required to proceed to elect one from their number to fill the said office until the expiration of the term of office of the then existing Town Council ; and during the absence of the Mayor the said Town Council are required to elect one from their number an acting Mayor, who shall in the absence of the Mayor, perform all the duties and functions of the Mayor of the said Town ; that the services of the Members of the said Town Council shall be wholly gratuitous, and that the oath to be taken by the Members of the said Town Council shall be according to the following form, that is to say : Election of Mayor.
Making of By-Laws.
Proviso as to any vacancy in the office of Mayor.
Councillors to act gratuitously.

“ I, A. B., do swear that I will faithfully discharge the duties of Member of the Town Council of the Town of Brantford, to the best of my ability : So help me God.” Oath to be taken by members of Council.

Provision as to the filling of vacancies in the Council.

XIV. And be it enacted, That in case any vacancy at any time shall happen among the Members of the said Town Council, by neglect or refusal to take the oath of office hereinbefore contained, within the time limited, or by death, removal from the Town, or from any other cause, the Town Council shall issue a precept to the proper officer, who (unless otherwise ordered by the Town Council) shall be the High Bailiff of the said Town, to hold an election for the said Ward, giving six days' notice of the time and place of holding the said election, and the Member so elected shall hold his office until the next annual election, and until another is chosen in his place.

Presiding Officer at elections to have casting vote.

XV. And be it enacted, That in case an equality of votes shall happen at any election for the Members of the said Town Council, it shall and may be lawful for the person presiding at the said election, and he is hereby required to give a casting vote whether qualified as hereinbefore mentioned or not; and that except in cases of the votes being equal it shall not be lawful for the person presiding at any election under this Act to vote at such election.

In what manner contested elections shall be tried.

XVI. And be it enacted, That if the election of any Member of the Town Council shall be complained of, either on the ground of want of qualification in the person returned or on the ground that such person had not the majority of legal votes at such election, a written requisition, signed by ten inhabitants of the Ward in which such election shall have taken place, having a right to vote at such election, shall, within two days after the termination of such election, be served upon the Mayor or any other Member of the Town Council, requiring the said Town Council to appoint a time and place within the Town or Ward for which the election was held, for entering upon a scrutiny into the matters complained of, and that such time shall be within six days after the election complained of, and it shall be lawful for the said Town Council upon service of such requisition as aforesaid, and they are hereby required to appoint a time and place within the Town for entering upon a scrutiny of the matters complained of, which time shall be within six days after such election; and the Town Council or such Member or Members thereof as shall not be individually concerned in the question to be disposed of shall have power to summon witnesses and to take evidence on oath respecting the matters to be inquired into, and shall determine upon the validity of the election or return as shall appear to be right according to the evidence; and in case the election shall be declared void, and it shall not appear proper for any cause to amend the return or substitute the name of any other person as entitled to have been returned at such election, then the Town Council shall issue their precept for a new election, as in other cases under this Act.

Provision if the election be declared void.

Oath or affirmation to be taken by Members of the Town Council before entering upon a scrutiny to enquire into contested elections.

The Oath.

XVII. And be it enacted, That before any Member of the Town Council shall enter upon any such trial or scrutiny as aforesaid, he shall take an oath or affirmation (where the party is allowed by law to affirm) in the following form, which oath or affirmation the Members of the said Town Council shall have authority to administer to one another, that is to say :

“ I do solemnly swear, that I will truly and impartially, to the best of my judgment
 “ try and determine the merits of the complaint against the election of A. B., as a
 “ Member of the Town Council of the Town of Brantford ; So help me God.”

XVIII. And be it enacted, That any witness, who being duly summoned to attend upon such trial or scrutiny, shall wilfully neglect or refuse to attend, shall, upon conviction before any one of Her Majesty's Justices of the Peace for the District of Gore, having been duly summoned to answer such complaint, be liable to be imprisoned on the commitment of such Justice, in the Common Jail of the District, or such place of confinement as may be hereafter provided by the said Town Council, for a time not exceeding one month; and if any witness shall upon any trial or scrutiny, wilfully and corruptly swear falsely, he shall be deemed guilty of wilful and corrupt perjury.

Penalty on witnesses refusing to attend at scrutiny.

XIX. And be it enacted, That a majority of the said Town Council shall be a quorum for the despatch of business; Provided always, that a smaller number may adjourn from time to time, and are hereby authorized to compel the attendance of absent Members in such manner, and under such penalties as may be provided by an Act of the said Town Council.

Quorum of the Council.
Proviso.

XX. And be it enacted, That the said Town Council of Brantford shall have full power and authority from time to time to make, revise, alter and amend, administer and enforce such By-laws as they may deem proper for making, gravelling, planking, flagging, paving, ditching, levelling, raising, repairing, mending, lighting, macadamizing and cleansing and opening any of the streets, squares, lanes, alleys, walks, side-walks, cross-walks, roads, highways, bridges, public wharves, docks, slips, shores, and sewers, now laid out or to be erected within the limits of the said Town; to regulate or restrain cattle, horses, sheep, goats, swine and other animals, geese and other poultry, from running at large within the limits of the said Town; and to prevent and regulate the running at large of dogs, and to impose a reasonable tax upon the owners or possessors thereof; to regulate or prevent the encumbering or injuring of the streets, squares, lanes, walks, side-walks, cross-walks, roads, highways, bridges, public wharves, docks and slips with any wheel-barrow, carts, carriages, lumber, stones, merchandize or other materials whatsoever; to prevent the selling or vending by retail in the public highways, any meat, vegetables, fruits, cakes, cider, beer or other beverage whatsoever; to prevent the sale of any strong or intoxicating drink to any child or apprentice or servant without the consent of his legal protector; to prevent the immoderate riding or driving horses or other cattle in any of the public highways of the said Town: to prevent the leading, riding or driving of horses upon the side-walks of the streets or other improper places; to regulate the standing and fastening of horses in the streets and open sheds of the said Town; to regulate wharves or quays; to prevent all obstructions in or on the canals, wharves, slips or bridges near or opposite to any dock, wharf or slip; to prevent or regulate bathing and swimming in and about the docks, wharves, slips, shores and river within the limit of the said Town; to suppress tippling houses and restrain persons from keeping the same; to prevent Charivaris; to enforce the due observance of the Sabbath; to regulate the licensing of or to prevent the exhibition of wax figures, wild animals, mountebanks and all other shows exhibited by common showmen; to prevent the excessive beating or other inhuman treatment of horses, cattle or other beasts in the public highways; to regulate or suppress all games and bowling alleys; all public billiard-tables, roulette-tables as well as any species of gambling apparatus whatsoever, and to regulate and license all theatres kept for profit; auctioneers, butchers, cartmen and cartage, hawkers and pedlars and all persons exhibiting for gain or profit any puppet show, wire dance, circus riding or any other idle acts or feats which common showmen, circus riders, mountebanks or jugglers usually practise or perform, and

On what subjects the Town Council may make By-Laws.

Roads and Streets, and public places.

Cattle, &c. running at large.

Dogs.

Incumbering the Streets, &c.

Selling in the streets.

Sale of strong liquors.

Immoderate driving, &c. Leading horses on foot-paths, &c.

Obstruction in canals, &c.

Bathing, &c. Tippling.

Sabbath breaking. Exhibitions.

Cruelty to animals.

Gambling.

Theatres.

Certain callings. Circus Riding, &c.

to

Fire arms and
fire works.

Nuisances.

Taverns, &c.

Sales of cer-
tain articles or
by certain per-
sons.

Assize of
Bread.

Weights and
measures.

Vending of
meat, &c.

Markets. Re-
gulations for
party walls,
fences, &c.

For improving
the Town, &c.

Preventing or
extinguishing
fires.

Supply of Wa-
ter at fires.

Prevention of
degradations
thereat.

Pulling down
houses.

Cemeteries.

Watching.

Appointing
Officers.

to limit the number and to provide for the purpose of licensing the same ; to regulate and prevent the firing of guns, pistols and other fire arms, and to prevent the making bonfires or the firing of squibs and crackers ; to regulate or prevent the erection of slaughter houses and tanneries ; to abate or cause to be removed any nuisances or houses of ill-fame within the said Town ; to regulate all or any taverns, ale-houses, victualling houses and all houses where fruit, oysters, clams or victuals may be sold to be eaten or drunk therein, and all other places for the reception and entertainment of the public, and to limit the number of them and to provide for the proper licensing of them at such rates as to the said Town Council may seem expedient, the proceeds of such license to form part of the public funds of the said Town, and to be disposed of in such manner as to the said Town Council may seem meet for the benefit of the said Town (excepting Tavern Licenses) ; to regulate the place and manner of selling and weighing hay, and the selling of fish ; to restrain and regulate the purchase of butchers' meat and fish by persons called runners and hucksters ; to regulate the weighing and measuring of coal, cord-wood and other fuel, salt and lime exposed for sale in any part of the said Town ; to appoint and regulate measurers and valuers of artificers' work, to be sworn in such manner as may be provided by the said Town Council ; to regulate and assize the price of bread and to provide for the seizure and forfeiture of bread baked contrary thereto ; to regulate the inspection of all weights and measures used or manufactured within the said Town, and to seal the same under and agreeably with the laws of this Province relating thereto, and to appoint an Inspector for that purpose ; to regulate the vending of meat, vegetables and fruit ; to regulate any market or markets that may be hereafter erected in the said Town ; to regulate and enforce the erection of party walls and line and division fences ; to provide for the permanent improvement of the said Town, in all matters whatsoever, as well ornamental as useful ; to enforce the sweeping and cleaning of chimneys, and to regulate and license chimney sweepers, and to regulate all chimneys hereafter to be built, and to regulate one or more Fire Companies ; to regulate and require the safe construction of deposits for ashes, and to regulate the manner of depositing and keeping ashes at the time they are taken from the fire-places or stoves ; to regulate, remove or prevent the construction or erection of any fire-places, hearth, chimney, stove, stove pipe, oven, boiler, kettle or apparatus used in any house, building, manufactory or business which may be dangerous in causing or promoting fires ; to regulate the keeping and transporting of gunpowder or other combustible or dangerous materials, and the use of light and candles in livery and other stables ; to regulate or prevent the keeping of smoke-houses and the carrying on manufactories dangerous in causing or promoting fire ; to regulate the conduct of inhabitants at fires ; to provide for the keeping of fire buckets, ladders and fire hooks, and the making them a part of the real property to which they are attached ; to preserve, erect and regulate public wells and cisterns and other conveniences for stopping or preventing fires ; to provide for the preservation of property exposed at fires, and to prevent goods and other effects from being purloined thereat ; to adopt and establish all such other regulations for the preservation from and suppression of fires, as they may deem necessary or expedient to provide for the security of the public and of the property of the said Town ; to regulate all cemeteries ; to establish and regulate a Town Watch and to prescribe the powers of Watchmen ; to license and appoint by warrant under the common seal of the said Town, or otherwise, such and so many inferior officers other than those mentioned in this Act as shall from time to time be found necessary or convenient to enforce and execute such By-laws and regulations as may hereafter be made by the said Town Council, and to displace all or any
of

of them as often as the said Town Council shall think fit ; to prevent and remove encroachments, buildings, fences or anything else of whatsoever nature in any street or public ground ; to establish, endow and regulate a Grammar or High School ; to establish a Public Library ; to regulate Public Hospitals ; to establish and support a House of Industry, and enforce labor and discipline in the same ; to establish and regulate one or more Pounds ; to provide, establish and regulate a Town Prison or place of confinement ; to direct the returning and keeping of bills of mortality and to impose penalties on physicians, sextons and others for default in the premises ; to regulate the Police of the Town ; to prevent the injuring or destroying of trees planted or growing for shade or ornament in the said Town ; to prevent the pulling down or defacing of sign boards, and the defacing of buildings, walls, fences, gates, posts ; to prevent and punish breaches of the Peace, and generally to prevent and punish vice, drunkenness, profane swearing, obscene language and every other species of immorality, and to preserve good order in the Town ; to preserve the wells, pumps and cisterns, and to provide for the supply of good and wholesome water to the said Town, and to prevent the waste of water ; to regulate the bonds, recognizances and other securities to be given by all Municipal Officers for the faithful discharge of their duties and the amount for which the same shall be taken ; to inflict reasonable penalties and fines for the refusing to serve in any Municipal Office when duly elected or appointed thereto, and for the infringement of any and every law of the said Town ; to regulate the time and place of holding elections for such Municipal Officers as are elective, and to make provision for a Register of persons qualified to vote for Members of the Town Council whereby the right to vote at any election or elections may be determined ; to impose and provide for the raising, levying and collecting annually for the use of the said Town by a tax on the real and personal property in the said Town, a sum of money the better to enable them to carry into effect fully the powers hereby vested in them : Provided, that such tax on real property shall not exceed in one year, one shilling in the pound upon the assessed annual rental or value of property lying and being within the limits of the said Town, and three pence in the pound upon the assessed value of personal property according to the value as hereinafter provided ; and to impose a duty or duties by a By-law or By-laws on all grocers, butchers, bakers, hucksters, livery stable keepers or carters within the said Town ; and all merchant stores or shops within the meaning of the assessment laws of this Province, and to classify the same ; and all manufactories carried on or exercised, or in operation within the said Town ; on all grist and flour mills, breweries and distilleries, on all soap and candle factories ; and on all tanneries and slaughter-houses within the said Town ; and provided, that the said duty or duties shall in no case exceed three pence in the pound ; and to regulate the mode by which such assessments shall be collected and paid ; and generally to make all such laws as may be necessary and proper for carrying into execution the powers hereby vested or hereafter to be vested in the said Town Council or in any department or office thereof, for the peace, welfare, safety and good government of the said Town, as they may from time to time deem expedient, such laws not being repugnant to this Act or the general laws of this Province ; Provided always, that no person shall be subject to be fined more than ten pounds for the breach of any By-law or regulation of the said Town, and in default of payment of such fine and of a sufficient distress being found for collection thereof, to be imprisoned in the Common Jail of the Gore District, or other place of confinement, for a period of more than thirty days.

Encroachments, &c.

Library, Hospitals, &c.

Pounds.

Bills of Mortality.

Police.

Profanity.

Water.

Bonds and securities of officers, &c.

Penalties and fines.

Municipal elections. Registration of Votes.

Taxes.

Limitation of taxing power.

Duties on certain callings.

Limitation.

General purposes.

Limitation of Penalties.

Imprisonment.

Appointment
of Board of
Health.

XXI. And be it enacted, That it shall and may be lawful for the Town Council from time to time to appoint so many of the members thereof, or other fit and proper persons as they shall deem proper to form a Board of Health, to aid and assist the Mayor of the Town of Brantford to carry into effect the provisions of the By-laws which now are or may be passed to preserve the health of the said Town, and to prevent the introduction and spreading of infectious and pestilential diseases in the same; and the said Town Council in conjunction with the Mayor shall have the like power and authority for the purposes aforesaid as are vested in the Boards of Health established under the provisions of an Act passed in the Parliament of Upper Canada, in the third year of His late Majesty's Reign, intituled, *An Act to establish Boards of Health, and to guard against the introduction of malignant, contagious and infectious diseases in this Province.*

Its powers.

Act of U. C.
3 W. 4. c. 47,
cited.

Assessment to
be levied for
building
Market
House, &c.

XXII. And be it enacted, That for the purpose of raising funds to provide for the purchase of any real estate for the use of the said Town, for building a market-house or other public buildings, for procuring Fire Engines, for the securing, raising and paying any monies that may be borrowed under the authority of this Act, and the interest of such monies, and for all other purposes deemed expedient and necessary by the said Town Council for the welfare and improvement of the said Town, it shall and may be lawful for the said Town Council to levy an assessment upon all and every person who shall inhabit, hold, use or occupy any house, shop, warehouse, building or piece or parcel of land, being a separate tenement, situate, lying and being within the said Town of Brantford, according to the value thereof respectively, to be ascertained in manner hereinafter mentioned; and the time for which such yearly rate or assessment for the present year shall be so rated and assessed, shall be held to have commenced from the first Monday in January in the year of our Lord one thousand eight hundred and forty-seven, and shall end on the day next preceding the first Monday in January in each ensuing year, both days included, and the time for which every future yearly rate, shall be so rated and assessed, shall commence from the period at which the time for the last rate ended.

Personal pro-
perty which
shall be liable
to assessment.

Property of
Her Majesty,
and other pub-
lic property
exempted.

XXIII. And be it enacted, That the rate or rates aforesaid, shall all be raised, levied or assessed upon the owners or possessors of the following chattel property, that is to say: stone horses kept for the purposes of covering mares, or other horses of the age of three years or upwards, horned cattle, phaetons, carriages, gigs, wagons and other carriages on steel or leather springs, according to the value thereof, ascertained as hereinafter mentioned: Provided always, that nothing in this Act contained shall extend or be construed to extend to any house, lands, property, goods, effects, matters or things herein mentioned or enumerated, which shall belong to or be in the actual possession of Her Majesty, her heirs or successors, unless the same shall be actually leased to individuals, nor to any churches, chapels, school-houses, school-lands, places of public worship and burial grounds.

Rates at which
certain perso-
nal property
shall be
valued.

XXIV. And be it enacted, That the possessors or owners of the said horses, cattle and carriages hereinbefore mentioned, shall not be rated in respect thereof as hereinbefore mentioned, but the same shall be valued according to the certain fixed rates following, that is to say: every stone horse kept for the purpose of covering mares for hire or gain, at one hundred pounds value; every other horse, mare or gelding above the age of three years, at eight pounds value; milch cows and other horned cattle,
above

above the age of two years, at three pounds value ; every carriage on steel or leather springs with four wheels, drawn by two or more horses, at twenty-five pounds value ; every phaeton or other carriage on steel springs, drawn by one horse, at twelve pounds ten shillings value.

XXV. And be it enacted, That it shall and may be lawful for the Town Council of the said Town, from time to time, to appoint one or more fit and discreet person or persons, inhabitant freeholder or freeholders of the said Town, to be Assessor or Assessors for the said Town, and in like manner to appoint one or more fit and discreet person or persons to be Collector or Collectors for the said Town.

Town Council to appoint Assessors and Collectors.

XXVI. And be it enacted, That every Assessor of the Town before entering upon his duties as such Assessor, shall be first sworn by the Mayor or acting Mayor of the said Town, well, faithfully and impartially to perform and fulfil the duties of Assessor to the best of his knowledge and ability, which said oath the Mayor or acting Mayor of the said Town is hereby authorized to administer.

Assessors to be sworn.

XXVII. And be it enacted, That the Assessor or Assessors to be so as aforesaid appointed, be and they are hereby required to determine the assessment to be made by them on the interest of the actual value of the property assessed or upon the actual or *bonâ fide* rent thereof ; and when property to be assessed is in the occupation of the proprietor or proprietors thereof, the said Assessor or Assessors shall be and they are hereby required to determine the assessment to be paid thereon upon and according to the rent which the said property is worth and would obtain were the same to be leased by the said proprietor or proprietors thereof at the time the said property is assessed.

Duty of Assessors.

XXVIII. And be it enacted, That it shall be the duty of the Assessor or Assessors of the said Town, to make such valuation as aforesaid, as soon as conveniently may be, on the requisition of the Mayor or acting Mayor of the said Town, in pursuance of any resolution of the said Town Council authorizing any such valuation as aforesaid, and also to leave for every person or persons so rated, whether he, she or they shall reside within the Ward in which such property is situated or elsewhere in the said Town, at the residence of such person or persons, a notice of the value of the property in respect whereof he, she or they shall be so rated, and immediately after such assessment or valuation shall be completed, the Assessor or Assessors respectively, shall deposit with the Clerk of the Town Council of the said Town of Brantford, or such other person as by the said Town Council shall be authorized to receive the same, distinct Assessment Rolls, books or returns of the said value which shall be rated as aforesaid, and in case any person shall think himself, herself or themselves overcharged in such Assessment Rolls, book or return, it shall and may be lawful for such person or persons within six days after the said notice shall have been given or left at his, her or their residence as aforesaid, to give notice in writing to the Mayor or acting Mayor of the said Town Council, of the overcharge complained of, and the same shall be tried by the said Town Council at such times and meetings of the said Town Council, as the members composing the same shall direct and appoint, reasonable notice of such times and meetings to be given to the complaining party, and after hearing the said party and his, her or their witnesses upon oath (or affirmation, as the case may be,) the said Town Council shall by a majority of voices or votes finally decide and determine upon such complaint, and affirm or amend the return of such Assessor accordingly: Provided always, that if the said complaining party shall neglect to appear at such

Duty of the Assessors. Valuation.

Notice of valuation.

Deposit of assessment Rolls.

Correction of such rolls.

Trials of complaints against assessment Rolls.

Proviso.

Complainant neglecting to appear.

And if property be rated too low.

such meeting of the said Town Council, he or she having had reasonable notice thereof as aforesaid, the said Town Council shall proceed to make their final decision without hearing such party, and in case it shall appear to any two or more members of the said Town Council that the value has in any case been given in or returned by the Assessor or Assessors too low, they shall cause a notice to be served upon the person so rated as aforesaid and on the person who made such rate of the time and place of the meeting of the said Town Council at which the said matter shall be heard, and the same shall be finally determined by the said Town Council in like manner as aforesaid, after hearing the said parties and their witnesses upon oath or affirmation as aforesaid, and that the said Town Council shall have power to adjourn as they shall see fit.

Summoning of Witnesses, administering oaths, &c.

Fine for non-attendance, &c.

Imprisonment in default of payment.

Proviso. False swearing to be perjury.

XXIX. And be it enacted, That any member of the said Town Council shall have full power to administer such oath or affirmation as aforesaid, and that the Mayor or acting Mayor or any one of the said Town Council, shall have full power and authority to issue a summons for each witness who shall be required to attend before the said Town Council, and if any person shall neglect or refuse to obey such summons upon being tendered a reasonable remuneration for his services, not exceeding two shillings and six pence *per diem*, he shall be liable to such fine not exceeding two pounds ten shillings, as the said Town Council on proof upon oath or affirmation, as the case may be, of the due service of such summons and of such neglect or refusal, shall impose; and in default of payment of such fine, it shall and may be lawful for the Mayor or acting Mayor or any member of the said Town Council, to commit such person to the Common Jail of the Gore District, or such place of confinement as the Council may hereafter at any time provide: Provided always, that such imprisonment shall not exceed in any case thirty days, and if any person shall knowingly swear or affirm falsely in any of the cases referred to in the next preceding section of this Act, he shall be deemed guilty of wilful and corrupt perjury, and shall be punished accordingly, on conviction before any Court having cognizance thereof.

Town Council to make a yearly rate.

Limitation of Rate.

XXX. And be it enacted, That it shall and may be lawful for the said Town Council of the said Town, at some convenient time after the return of the Assessment Rolls aforesaid, to pass a yearly rate declaring the amount in the pound on such valuation, which shall be raised and levied for the year in which the rate shall be passed, provided that the same doth not exceed one shilling in the pound upon real estate, and three pence in the pound upon chattel property as aforesaid; and provided, that in passing any such yearly rate, real estate and chattel property be assessed in proportion to such sums respectively and not otherwise or in any different proportions.

Town Council empowered to grant relief from rates in certain cases.

XXXI. And be it enacted, That it shall and may be lawful for the said Town Council, to hear on memorial or petition, the case or cases of such persons as, during any one year, for which such rates aforesaid shall be respectively levied, shall have been assessed for any house or building, or any part thereof, which during such year shall have continued vacant for more than three calendar months of such year, and also the case or cases of such persons not assessed in respect of any property in the said Town, who from sickness, extreme poverty, or any other cause shall be unable to pay any rate by this Act imposed; and on hearing such case or cases it shall and may be lawful for the said Town Council to compound for or receipt the whole of any such rate or rates.

XXXII.

XXXII. And be it enacted, That all proprietors, lessees and others, who shall let for rent, any premises within the said Town, shall themselves, as well as the occupiers of such premises, be liable and responsible for the rate and assessment aforesaid, and such assessment shall and may be recovered from the lessee or occupant (if any) in the first place, and in default of distress then from the proprietor or proprietors, by the Collector or Collectors of the said Town, under any By-law for that purpose, made by the said Town Council.

By whom the rates shall be paid.

XXXIII. And be it enacted, That each male inhabitant of the age of twenty-one years and upwards, and not above the age of sixty years, not otherwise rated under this Act, or whose assessment shall not be over five shillings, and who by the laws now in force would be liable to perform Statute labour, shall be rated and assessed in the sum of five shillings yearly, which said sum shall be paid to the general public uses of the said Town, in like manner as the other rates, levies and assessments under the authority of this Act; and it shall be the duty of the Collector or Collectors of the Town to collect and receive such sum and sums of money and pay over the same in like manner as other monies to be levied and raised under the authority of this Act; which said sum or sums of money shall be in lieu of the Statute labour which such person so assessed would be otherwise liable to perform, under any Act now in force relating thereto.

Male inhabitants not paying more than a certain amount of assessment to be subject to a rate per head.

XXXIV. And be it enacted, That if any person or persons rated or assessed as in any manner herein directed, shall refuse or neglect to pay the rates or assessments charged upon him, her or them, for the space of fourteen days next after such rates shall be due and demanded by the Collector of the Town, it shall and may be lawful for the said Collector to apply to the Mayor or acting Mayor of the said Town, for a warrant to the High Bailiff, or any Constable of the said Town, to enter into the house or houses, or other dwellings or premises of such person or persons, and seize and take possession of his, her or their goods and effects, whether in the Ward in which the assessed property is situated or elsewhere in the said Town, which warrant the Mayor or acting Mayor of the said Town is hereby authorized to grant, upon a certificate signed and sworn to by such Collector, of a demand of such rate having been made and of such person or persons being in arrear to the amount stated in such certificate; and if such rate or assessment shall not be paid within five days next after such seizure, the said Collector is hereby authorized to sell at public auction, at such place as may be proper, such part of the said goods and effects as shall be sufficient to pay the said rates and assessments, with the costs and charges attending such seizure and sale, returning the overplus (if any) to the owner; and that in cases where any person or persons not rated as respects any property, but under the authority of the next preceding section of this Act, shall neglect or refuse to pay the rate or assessment charged upon him or them for the space of fourteen days next after such rates shall be due and demanded by any Collector of the said Town, it shall and may be lawful for the said Collector to apply to the Mayor or acting Mayor of the said Town, and on proof upon oath of such person or persons being in arrear, and of demand of such rate having been made, and when no goods or effects of such person or persons can be found to satisfy such rates, it shall and may be lawful for the Mayor or acting Mayor or any Member of the said Town Council, to commit such person to the Common Jail of the District of Gore or to such other place of confinement as the Council may hereafter at any time provide, until such rate shall be paid: Provided always, that such imprisonment shall not exceed in any case thirty days.

Warrant for levying rates in arrear for more than fourteen days.

Sale of property seized.

Mode of collecting the Capitation Tax.

Proviso.

XXXV.

Penalty for
falsely stating
amount of
rent.

XXXV. And be it enacted, That from and after the passing of this Act, every landlord, proprietor, factor or agent, who shall wilfully grant a certificate or receipt which contains a less sum than the rent really paid or payable for the premises therein mentioned or referred to, and every tenant who shall present to the Assessor as aforesaid, or otherwise utter or publish such a certificate or receipt, in order to procure a lessening or abatement of such rate or assessment, shall be liable to a penalty not exceeding ten pounds, to be recovered and disposed of in the same manner as other penalties are recovered and disposed of in the said Town, for the breach of any of the By-laws or regulations thereof.

Sale of real
property for ar-
rears of rates.

XXXVI. And be it enacted, That in all cases where the person who shall be rated in respect of any vacant ground or other real property within the Town, shall not reside within the said Town, and the rates and assessments payable in respect of such vacant ground or property, shall remain due and unpaid for the space of two years, and no distress shall be found therein, then, and in such case, it shall and may be lawful for the said Town Council to issue a precept to the Sheriff of the Gore District, commanding him to sell and dispose of such property by public sale or so much thereof as shall be necessary for the payment of arrears of taxes, together with all costs accruing by reason of such default, and the Sheriff is hereby authorized and required to dispose of such property as is herein directed; Provided always, that no property shall be sold without having been first advertised in two newspapers published in the Gore District for the three months next preceding such sale, and all owners of property sold under the authority of this clause of this Act, shall be allowed to resume possession of the same within the space of twelve months next after the date of such sale, on paying or tendering to the purchaser the full amount of the purchase money with legal interest thereon, together with the costs attendant upon the default and sale, with an additional five per centum on the purchase money.

Proviso: no-
tice of sale,
and redemp-
tion of prop-
erty by owner.

Corporation
not to be dis-
solved from
failure of any
election.

XXXVII. And be it enacted, That in case it shall happen that an election of Members of the said Town Council shall not be made on the day when, pursuant to this Act, it ought to have been made, the said Corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any other day to hold an election of Members, in such manner as shall have been regulated by the laws and ordinances of the said Town Council.

By-Laws, im-
posing penal-
ties to be pub-
lished;

And accounts
yearly.

XXXVIII. And be it enacted, That any rule or regulation of the said Town Council for the infraction of which a penalty is inflicted, before it shall have effect, shall be published in one or more of the newspapers published within the District, and shall be affixed in four public places in each Ward within the said Town; and in like manner shall be published in each Ward every year, one month previous to each general election for Members to serve in the said Town Council, an account of all monies received into the Treasury, and the amount expended, and for what purpose.

Mode of en-
forcing pay-
ment of penal-
ties imposed
by By-Laws.

XXXIX. And be it enacted, That if any person shall transgress the orders or regulations made by the said Town Council under the authority of this Act, such person shall, for every offence, forfeit the sum which in every order, rule or regulation shall be specified, with costs, to be recovered by information before the said Town Council, or any Member or Members thereof, to be levied of the goods and chattels of such offender, and in default of such goods and chattels, the offender shall be liable to be committed

committed to the Common Jail of the Gore District, or such place of confinement as the Council may hereafter at any time provide within the said Town of Brantford, for a term, in the discretion of the Members of the said Town Council, before whom such offender shall have been convicted, not less than one day, and not exceeding thirty days; and no person shall be deemed an incompetent witness, upon any information under this Act, by reason of his being a resident of the said Town of Brantford; Provided always, that the information and complaint for any breach of any order or regulation of the said Town Council shall be made within fifteen days next after the time of the offence committed.

Inhabitants of Brantford may be witnesses.

Proviso: limitation of time for prosecutions.

XL. And be it enacted, That all the penalties recovered under the provisions of this Act shall be paid into the Treasury of the said Town Council, and the proceeds of all Licenses granted under this Act, where not otherwise specially provided by any Act of the Legislature of Upper Canada or of this Province, and any income of whatsoever nature, shall form part of the public funds of the said Town, and shall be applied in the same manner as other monies coming into the said Treasury may be applied for the public uses of the said Town.

Application of penalties not otherwise provided for.

XLI. And be it enacted, That if any action or suit shall be brought against any person or persons for any matter or thing done under the authority or in pursuance of this Act, such action or suit shall be brought within six calendar months next after the fact committed, and not afterwards.

Protection of persons acting under this Act.

XLII. And be it enacted, That the Town Council shall meet at least on the first Monday in every month, and on such other days as they may appoint; and it shall be lawful for the Mayor to call special meetings, whenever urgent business shall or may require; and the said Town Council shall hold their sittings in the Town Hall, when such building shall have been provided; and until such suitable building shall have been provided, the said Town Council shall determine on the place of their meetings.

Meetings of Town Council.

Place of meeting.

XLIII. And be it enacted, That the Sheriff and Jailer of the Gore District shall be bound and they are hereby authorized and required to receive and safely keep until duly discharged, all persons committed to their charge by the said Town Council, or any Member thereof, under the authority thereof.

Sheriff and Jailer to detain persons committed under this Act.

XLIV. And be it enacted, That it shall and may be lawful to and for any one of the Members of the said Town Council, individually, to order the immediate apprehension of any drunken or disorderly or riotous person or persons whom he shall find disturbing the peace within the limits of the said Town, and to confine him or her in a watch-house, lock-up-house, or other place of confinement, in order that such person may be secured until he or she can be brought before the Town Council to be dealt with according to law, or may give bail for his or her appearance before the said Council, if such Member ordering the apprehension shall think fit to take bail in such manner as bail is given in by offenders before a Justice of the Peace.

Members of Council may order the immediate apprehension and detention of offenders in certain cases.

XLV. And be it enacted, That, except in General or Adjourned Quarter Sessions, the Justices of the Peace for the Gore District, as such Justices, shall exercise no jurisdiction over offences committed within the Town of Brantford; and that the Members

Justices for the District not to have jurisdiction in

of

the Town except in certain cases.

Proviso as to Quarter Sessions.

Appeal to Quarter Sessions.

Protection of Members of Town Council when acting as Magistrates.

Laws in force respecting assessment repealed in so far as they apply to Brantford.

Payment to be made to the District in lieu of Rates.

Proviso as to Lunatic Asylum, &c.

Proviso.

Town Council may borrow money to erect Town Hall, &c.

of the said Town Council shall, by virtue of their office, be Justices of the Peace in and for the said Town, and exercise within the limits of the said Town, the authority now given by law to Justices of the Peace: Provided always, that nothing in this Act shall be construed to give the Members of the said Town Council any right or authority to sit, act or in any wise interfere in any Court of General or Adjourned Quarter Sessions; and it shall and may be lawful for any person or persons to appeal to the General Quarter Sessions, in the same manner as is now provided by law, from any conviction of any one or more Members of the said Town Council, when such conviction shall have been made in the exercise of their magisterial duty and apart from the enforcement of any By-laws or regulations: Provided also, that if any action or suit shall be brought against any member of the said Town Council, for any matter or thing done by him as such Justice of the Peace as aforesaid, he shall be entitled to and receive such notice of action as is now required to be given to Justices of the Peace in other cases.

XLVI. And be it enacted, That from and after the passing of this Act, all laws now in force within this Province providing for the assessment and collection of any rates or assessments for the general purposes of the District, so far as the same apply to the said Town of Brantford, shall be and the same are hereby repealed, and in lieu of the payment of any part of the rates or assessments heretofore payable to the general funds of the Gore District, the said Town Council shall, some time in the month of January in each and every year, out of the monies of the said Town, pay to the Treasurer of the Gore District for the general purposes of the said District, such sum annually as the District Council of the said District, and the said Town Council shall agree upon, or in default of such agreement the yearly sum of seventy-five pounds, to be reduced however in the same proportion as the charges on the said District are or may be reduced by the expenses of the administration of justice within the District being paid out of the Provincial Funds, the first payment thereof to begin and be made some time in the month of January next ensuing the passing of this Act: Provided always, that nothing in this Act contained shall extend or be construed to extend to prevent or excuse the said Town from paying to the general funds of the Gore District all such sum and sums of money as are or may be hereafter collected within the said Town for or on account of the assessment already imposed by the General Assessment Laws of this Province and due and payable by the inhabitants of the said Town for the year before the passing of this Act, or any assessment now imposed or hereafter to be imposed for the maintenance of the Provincial Lunatic Asylum: Provided always, that as the said Gore District is or shall be from time to time relieved from payment of the expenses of the administration of justice within such District or from any part thereof, the payment of the said sum of seventy-five pounds so to be paid by the said Town of Brantford to the said Gore District as aforesaid, or such part thereof as shall be proportionate to the share or portion of such expenses whereof the said District is or shall from time to time be relieved, shall cease and be no further made.

XLVII. And the better to enable the said Town Council to erect a suitable Town Hall and Market Buildings, and build public sewers, and from time to time as required to make other improvements in the said Town for the comfort, health, and general welfare of the said Town: Be it enacted, That it shall and may be lawful for them to borrow, from time to time, sufficient sums of money for those purposes not exceeding one thousand pounds from any person or persons willing to advance the same at a rate

rate of interest not exceeding that fixed by law ; and the said Town Council are hereby authorized and empowered to mortgage or place in security the property of the said Town, as well as to secure the rates and assessments to be levied and collected under the provisions of this Act, to the person or persons so lending, for the purpose of repaying the same with the legal interest thereon, in such manner as the said Town Council may see fit.

XLVIII. And be it enacted, That the said Town Council may, within five years after it shall be ascertained by the annual census of the said Town, that the said Town contains five thousand inhabitants, built or cause to be built at the expense of the said Town Council, on some convenient site, to be by them procured for that purpose, within the said Town, a good, sufficient and secure Jail and House of Correction, for the confinement and imprisonment of all offenders, who shall at any time after the completion of such Jail and House of Correction be committed or adjudged to be imprisoned under any order or warrant of the Mayor or any Member of the said Council ; and from and immediately after the completion of such Jail and House of Correction, no person adjudged to be imprisoned as aforesaid, shall be committed to the Jail of the Gore District, except in case of parties charged with offences, which from their nature require to be tried before a Superior Court : Provided always, that so soon as such Jail and House of Correction shall be built and finished as aforesaid, the payment of the said sum of seventy-five pounds to the Treasurer of the Gore District and of every part thereof shall cease and determine.

Council may, erect a Jail and House of Correction, within a certain time after the population of the Town shall be 5000.

Proviso.

XLIX. And be it enacted, That from and after the passing of this Act at any Adjourned General Sessions held in the Gore District for the purpose of receiving applications and granting Certificates to Inn-keepers for License, only those Magistrates who may be resident inhabitants of the said Town of Brantford shall vote on any application for a License from an Inn-keeper, whose house shall be situate within the said Town.

Who may vote for Inn-keepers' Licenses in the Town.

L. And be it enacted, That the said Town Council shall have full power to take and receive a license of occupation from Her Majesty, Her Heirs and Successors, or from the Gore District Municipal Council, or from any other person or persons, or bodies corporate, of any lands lying within the limits of the said Town, on such terms as may be agreed upon between the parties ; and that it shall and may be lawful for the said Town Council to purchase lands for the use of the said Town, either for use or ornament, and to make such terms with regard to the payment of the purchase money of the same as may be agreed upon between the parties, so that the aggregate amount of the purchase money of such purchase over and above that already contracted for, shall not exceed the sum of five hundred pounds, and that the said Council shall have full power to make rules and By-laws for the improving and taking care of all such lands as they may deem from time to time advisable ; and to enforce the observance of such rules and By-laws in the same manner as hereinbefore authorized in other matters.

Council may receive a license of occupation from Her Majesty, &c, of any lands within the limits of the Town ; And may purchase lands. Limitation.

LI. And be it enacted, That this Act shall be taken and held to be a Public Act, and shall be judicially taken notice of by all Judges, Justices and others, without being specially pleaded.

Public Act.





ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

C A P. L.

An Act to provide for the removal of the Registry Office in the County of Yamaska, from Labaie to St. François du Lac.

[9th July, 1847.]

WHEREAS great inconvenience is experienced by the inhabitants of the County of Yamaska, in consequence of the Registrar of the said County keeping his office at Labaie du Febvre, at the North-East Corner of the said County of Yamaska, and it is expedient to remedy 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 and may be lawful for the Governor or person administering the Government of this Province, by and with the advice of the Executive Council thereof, to order the immediate removal of the Registry Office of the said County of Yamaska from the place where it is now held, to the Parish of *St. François du Lac*, opposite the Indian Village, the most central parish of the County of Yamaska.

Preamble.

Governor in Council may order the Registry Office for Yamaska to be removed to *St. François du Lac*, opposite the Indian Village.

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ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. LI.

An Act to provide for the removal of the Registry Office of the County of Bellechasse, from the place where it is now kept, to the Parish of St. Michel.

[28th July, 1847.]

WHEREAS the Inhabitants of certain parts of the County of Bellechasse, are under great disadvantage by reason of the great distance at which they are from the present Registry Office for the County, which is now kept in the Parish of St. Gervais, instead of being kept as it would more properly be, in the Parish of St. Michel, the central Parish of the said County: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, it shall and may be lawful for the Governor, Lieutenant-Governor, or Person administering the Government of this Province for the time being, by and with the advice of the Executive Council thereof, to order the removal of the Registry Office of the said County of Bellechasse from the place where it is now kept to the Parish of St. Michel, the most central Parish of the said County.

Preamble.

Governor in Council may order the removal of the Registry Office for Bellechasse to St. Michel.

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ANNO DECIMO ET UNDECIMO

VICTORIÆ REGINÆ.

CAP. LII.

An Act to divide the Township of Plantagenet in the Ottawa District, into two Townships.

[9th July, 1847.]

WHEREAS the Inhabitants of the Township of Plantagenet in the Ottawa District, have by their petition prayed that the said Township be divided into two Townships in the manner hereinafter mentioned, and by reason of the extent and population of the said Township it is expedient so to divide the same: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the said Township of Plantagenet shall be and is hereby divided for all purposes whatsoever into two Townships, the one to be called the Township of North Plantagenet, and the other to be called the Township of South Plantagenet, and the said Township of North Plantagenet shall consist of and include the first nine concessions of the present Township, and the said Township of South Plantagenet shall consist of and include the remainder of the present Township, that is to say, of the tenth, eleventh, twelfth and thirteenth concessions thereof, and of the Gore; Provided always, that for all municipal purposes the said new Townships shall remain united until the day fixed by law for the Annual Township Meetings in Upper Canada, and that all the provisions of the law relative to the first Township Meeting in a Township erected by Proclamation in Upper Canada, shall apply to the first Township Meeting to be held in each of the said new Townships.

Preamble.

Township of Plantagenet divided into two Townships.

Of what each shall consist.

Proviso as to first Township Meeting, &c.

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ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. LIII.

An Act to define and establish the Boundary between the Fourth Con-
cession of Montague and North Elmsley.

[9th July, 1847.]

WHEREAS certain persons, Inhabitants of the Townships of Montague and North Elmsley have, by their Petition, set forth that the original post or monument at the southerly angle of lot number thirty, in the fourth concession of the said Township of Montague, and on the boundary line between the said Townships, has been immersed in the waters of the Rideau Canal, and cannot now be found; And whereas, by the law of Upper Canada, there exists no method of defining or establishing the point or limit at which the said post or monument was originally planted, and it would be of manifest advantage to the Inhabitants of the said Townships to define and establish the point or limit at which the said post or monument originally stood; and which would be the governing point for ascertaining the original line between the fourth concessions of the said Townships of Montague and North Elmsley: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That for the purpose of establishing the point or limit at which the said post was planted in the original survey of the said Township of Montague and for defining the course of the boundary line between the fourth concessions of the said Townships of Montague and North Elmsley, the course of a line drawn from the original blazed trees between the third concessions of the said Townships, intersecting the original post or monument at the southerly angle of lot number thirty in the fifth concession of the said Township of Montague, shall be deemed and taken to be the true and unalterable bearing of the said boundary, and the intersection of the said line, so to be run, with the line in front of the fourth concession of the said Township of Montague, shall be deemed and taken to be, in all time to come, the point or limit at which the said post or monument was planted at the southerly angle of lot number thirty in the said last mentioned concession.

Preamble.

How the line between the fourth concession in Montague and the fourth concession in Elmsley, and the place of the boundary post aforesaid shall be determined.



ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

C A P . L I V .

An Act to declare the mode in which the side lines of the lots in the Township of Osgoode in the County of Carleton, shall be run.

[28th July, 1847.]

WHEREAS by the Petition of the inhabitants of the Township of Osgoode in the County of Carleton, it appears that great inconvenience has resulted from the running of the side lines between the lots parallel to the side line from the Township, as required by the Act of Upper Canada hereinafter cited, inasmuch as the Township was surveyed in concessions with double fronts and granted in half lots, and the side lines (and the roads intended to communicate from one Concession to another and which follow such side lines,) being drawn as aforesaid from each front to the middle of the depth of the Concession, do not meet there, and as there is no allowance for road at such middle depth, the communication between the concessions is thus cut off; And whereas the said inhabitants have prayed that the said lines may be drawn from post to post without regard to the course of the side lines of the Township, and it is expedient under the circumstances aforesaid, to grant their prayer: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That for and notwithstanding any thing to the contrary in the third and fourth Sections of the Act of the Legislature of Upper Canada, passed in the fifty-ninth year of the reign of King George the Third, and intituled, *An Act to repeal an Ordinance of the Province of Quebec, passed in the twenty-fifth year of His Majesty's Reign, intituled, 'An Ordinance concerning Land-Surveyors and the admeasurement of Lands,'—and also to extend the provisions of an Act passed in the thirty-eighth year of His Majesty's Reign, intituled, 'An Act to ascertain and establish on a permanent footing the Boundary Lines of the different Townships of this Province,'—and further to regulate the manner in which Lands are hereafter to be surveyed*, all the side lines between lots in the said Township of Osgoode shall be so drawn that the side line between any contiguous lots in any concession of the said Township, shall be a line drawn from the post at one end of the Concession to the post planted at the same side of the lot bearing the same number, at the other end of the Concession; and any line so drawn shall be deemed to be, and to have been since the

Preamble:

Mode in which the side lines in Osgoode shall be run, notwithstanding anything in the Act of U. C. 59 Geo. 3, c. 14.

Survey

Proviso.

Survey of the said Township, the true side line of the lots between which it shall be drawn ; subject nevertheless to the provisions of the said Act relative to the breadth of lots and the mode of ascertaining such breadth when the original posts or monuments cannot be found, which provisions shall in any such case apply equally to the posts or boundaries at both ends of the Concession.

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ANNO DECIMO ET UNDECIMO

VICTORIÆ REGINÆ.

CAP. LV.

An Act to authorize the Courts of Assize and Nisi Prius, Oyer and Terminer and General Jail Delivery, and the District and Quarter Sessions Courts, for the District of Niagara, to be holden in the Court-House in the Town of Niagara, built by the President and Board of Police of the said Town.

[28th July, 1847.]

WHEREAS the President and Board of Police of the Town of Niagara have erected a Court-House in the said Town, and it will be greatly for the convenience and comfort of the inhabitants of the District of Niagara and others attending the Courts of Assize and Nisi Prius, Oyer and Terminer and General Jail Delivery, and the District and Quarter Sessions Courts, in the said District, that the sittings of the said Courts should be holden in the said Court-House: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, 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 after the passing of this Act it shall and may be lawful for the Governor in Council, by a Proclamation to be published in the Official Gazette, to direct and appoint that from and after a day to be named in such Proclamation, the sittings of the said several Courts of Assize and Nisi Prius, Oyer and Terminer and General Jail Delivery, and of the District and Quarter Sessions Courts, for the said District of Niagara, shall be holden in the said Court-House so erected and built by the said President and Board of Police of the Town of Niagara; and from and after such day the sittings of the said several Courts may be lawfully holden in the said Court-House; anything in any former law or statute to the contrary notwithstanding.

Preamble.

Governor in Council may direct certain Courts to be holden in the new Court house, at Niagara.

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ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. LVI.

An Act to amend a certain Act passed to provide for the improvement and enlargement of the Harbour of Montreal, and for other purposes.

[28th July, 1847.]

WHEREAS by the seventh section of the Act of the Legislature of this Province, passed in the eighth year of Her Majesty's Reign, and intituled, *An Act to provide for the improvement and enlargement of the Harbour of Montreal, to authorize the Commissioners to borrow a further sum of money for that purpose, to consolidate the Laws now in force relating to the same, and for other purposes therein mentioned*, it is provided that it shall be lawful for the Commissioners in the said Act mentioned, to borrow, in the manner therein set forth, any sum or sums of money not exceeding in the whole one hundred and sixteen thousand two hundred and seventy-five pounds currency, and for which said amount the said Commissioners are thereby authorized to issue Debentures; and whereas the sums which the said Commissioners are by the said Act authorized and empowered to expend, amount to one hundred and nineteen thousand two hundred and seventy-five pounds currency, as is more specially set forth and detailed in the ninth section of the said Act; and it was the true intent and meaning of the said Act to have authorized the said Commissioners to have borrowed any sum or sums of money not exceeding one hundred and nineteen thousand two hundred and seventy-five pounds currency, instead of not exceeding one hundred and sixteen thousand two hundred and seventy-five pounds currency, as hath been by error stated in the said Act: And whereas it is necessary and expedient that the said error should be rectified, and also that no doubt should remain as to the power of the said Commissioners to borrow in sterling money any part of the said sum of one hundred and nineteen thousand two hundred and seventy-five pounds currency, and it is expedient to extend the power and jurisdiction of the said Commissioners, and to fix a new rate of Tolls and Dues to be levied, and to give increased facility in the transfer and negotiation of Debentures, and to authorize the borrowing of a further limited sum of money: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and 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 and may be lawful

Preamble.
Seventh Section of 8 Vict. c. 76, recited.

Error in the total sum mentioned in the said Section, stated.

Commissioners may borrow a further sum of £3000 omitted in the said Act.

Money may be borrowed either in sterling or in currency.

And Debentures made payable in either.

Debentures to be made transferable and payable to order by indorsement.

Provisions of 8 Vict. c. 76, extended to the said £3000.
Guarantee.

lawful for the said Commissioners under the said Act to borrow in the mode prescribed by the said seventh section thereof, the further sum of three thousand pounds currency, omitted in the gross sum authorized by the said Act to be borrowed, making in all the sum of one hundred and nineteen thousand two hundred and seventy-five pounds currency, by the said Act authorized to be expended, and which said last mentioned sum it was in reality intended that the said Commissioners should have been by the said last mentioned Act empowered to borrow; and it is hereby declared to have been and to be the true intent and meaning of the said Act, and of this Act, to authorize the borrowing of the whole or any part of the said money in sterling money as well as in currency; and the said Commissioners are hereby authorized to issue Debentures either in sterling or currency, for the said sum of one hundred and nineteen thousand two hundred and seventy-five pounds currency, or for such portion thereof as no Debentures may yet have been issued for, and the said principal sum and the interest thereon may be made payable in the manner authorized by the said Act to be done; and in order to facilitate the transfer of the said Debentures, it is hereby enacted and declared, that the said Debentures whether already issued or yet to be issued for any portion of the said sum of one hundred and nineteen thousand two hundred and seventy-five pounds currency, may be made (as it was the intention of the said Act hereby amended that they should be made) transferable and payable to order and by endorsement; and the borrowing of the said further sum of three thousand pounds currency, and the payment thereof shall and may be made in the same manner and subject to the like restrictions and the interest thereof, but no part of the capital thereof shall be and is hereby guaranteed in like manner as is authorized to be done with respect to the amount authorized to be borrowed by the said Act hereby amended.

Recital.

Additional extent given to the Harbour of Montreal.

Construction of a new Beach Wharf authorized.

Control of the Commissioners over the new portions of the Harbour.

II. And whereas, from the pressing and urgent demands for Wharf and Beach accommodation on the part of individuals engaged in the lumber and fire wood trade, it is necessary to extend the limits of the said Harbour of Montreal, and to give to the said Commissioners power and authority over such new and other limits: Be it therefore enacted, That the limits of the said Harbour shall from and after the passing of this Act, be considered and deemed to extend (in addition to the present limits) downwards from the lower extremity of the Government Beach Lots to the lower extremity of Victoria Road, in St. Mary Suburbs; and it shall be lawful for the Commissioners of the said Harbour and their successors in office, to construct, build and erect a Beach Wharf from the said lower extremity of the said Government property to the foot of St. Nicholas Tolentin Street, covering a frontage of about eight hundred and sixty feet; and the said Commissioners shall and may have and exercise over the said additional boundaries or space hereinbefore mentioned, all and every the same control, powers, authority, rights and privileges which are given to and conferred on them with respect to, and over the boundaries and space mentioned in the fifth clause of the said Act hereby amended.

Recital.

Commissioners empowered to borrow a further sum of £7.00.

III. And whereas it is expedient that the said Commissioners should be enabled to make certain further necessary improvements in and about the said Harbour in addition to those contemplated by the Act hereby amended, to effect which a further sum of money is required: Be it therefore enacted, That it shall and may be lawful for the said Commissioners to borrow as and in the manner and form authorized by the said seventh section of the said Act, either in sterling money or otherwise, in addition to the said sum of one hundred and nineteen thousand two hundred and seventy-five pounds

pounds currency, such further sum not exceeding seven thousand pounds currency, as they may see fit, to be applied to the purposes hereinafter set forth, and for which last mentioned sum they are hereby authorized to issue the like Debentures as are mentioned in the said Act, transferable and payable to order at such times and places as the said Commissioners may see fit thereby to name.

IV. And be it enacted, That the payment of the interest of the said several further sums of money authorized to be borrowed by this Act, shall and may be guaranteed by this Province in the same manner as the interest of those sums already authorized to be borrowed by the said Act hereby amended, and the payment of the said several sums of money shall also be regulated in the same manner and shall be subject to the like rules, restrictions and conditions as contained in the said Act.

Provisions of 8 Vict. c 76, as to guarantee, debentures, &c, extended to money borrowed under this Act.

V. And be it enacted, That the said last mentioned sum of seven thousand pounds currency, so authorized as last aforesaid to be borrowed by the said Commissioners, shall be applied by the said Commissioners and their successors in office as follows :

Purposes to which the said £7000 is to be applied.

First. The sum of four thousand pounds in and about the construction of the said Wharf by the second section of this Act authorized to be constructed from the lower extremity of the Government Beach Lots to the end of St. Nicholas Tolentin Street.

£4000 for the new wharf.

Secondly. The sum of twelve hundred pounds currency for the construction and erection of an iron railing with iron posts to be placed along the entire line of the revetment wall of the Wharves within the boundaries of the space under the control of the said Commissioners.

£1200 for Iron railing.

Thirdly. The sum of fifteen hundred pounds for the building and construction of a small iron steamer with scrapers to be used in and about the cleaning out of such parts of the said Harbour as cannot now be properly and advantageously reached and cleaned by the Dredging Machine at present belonging to the said Commissioners, the same to be constructed and built in conformity as near as may be to the plans and specifications made by Charles M. Tait, Esquire, Civil Engineer, deposited and to remain of record in the office of the Secretary of the Province.

£1500 for small steam dredge.

Fourthly. The sum of three hundred pounds for the building and construction of stone steps to lead from the Wharf up to the level of Commissioners Street, to be placed as near as possible to the centre of the revetment wall opposite the Bonsecours Market.

£300 for stone steps.

VI. And be it enacted, That from and after the day on which this Act shall come into force and take effect, there shall be levied and paid as directed by the eleventh section of the said Act, on all ships, vessels, boats, barges, steamboats, scows, rafts or other craft, and on all articles landed from or taken on board of all ships, vessels, boats, barges, steamboats, scows, rafts and other craft lying at or near to any part of the wharves, quays, piers, or other works erected or constructed or to be erected or constructed under the authority of any Act or Ordinance heretofore passed, or under the authority of the Act hereby amended, or lying whether in the stream or otherwise, within any part of the Harbour of Montreal, as the same is by the said Act declared to be bounded, and to extend the several rates of wharfage and dues mentioned in the Schedule A, appended

Tolls and dues in the Schedule A to this Act, substituted for those in the Schedule A to the 8 Vict. c. 76.

to

Proviso as to
goods transfer-
red from one
vessel to
another.

Outwards.

Inwards.

But if landed,
to pay both
outwards and
inwards.

Rates and
dues in Sche-
dule A to S
Vict. c. 76 re-
pealed: and
those imposed
by this Act to
be levied in-
stead.

Provisions of
S Vict. c. 76,
extended to
Tolls hereby
imposed.

Penalty on
persons land-
ing in any
false wharfage
return.

Commission-
ers may re-
quire boats,
&c., to have
numbers paint-
ed on them,
corresponding
to the numbers
given to such
craft in a Re-
gister to be
kept by the
Commission-
ers.

Penalties on
persons refus-
ing to allow
such numbers
to be painted,
on their boats,
&c.

to this Act, in lieu and stead of the rates, tolls and dues mentioned in the said Schedule A, appended to the Act hereby amended; Provided that no articles transhipped outwards from one vessel to another within the limits of the said Harbour, without being landed, shall be subject to pay any other than the outward or shipping rates and dues, and that all articles transhipped from one vessel to another inwards, within the limits of the said Harbour, without being landed, shall not be subject to pay any other than the inward rates and dues, but if any such articles be landed or laid upon any or either of the Wharves whether for immediate re-shipment or otherwise, then such articles shall pay the inward rates and dues as well as the outward rates and dues if re-shipped; and the rates and dues mentioned in the Schedule A, appended to the Act hereby amended, shall no longer have any force or effect, or be levied, but instead thereof shall be levied the rates, tolls and dues mentioned in the Schedule A, appended to this Act, and all and every the provisions contained in the said Act, hereby amended with respect to the mode of collection and payment, and the remedy for non-payment of the said tolls, rates and dues, and for the non-delivery and production of the statement required, and all and every the penalties imposed for such non-payment and non-delivery are hereby extended and expressly declared to apply to the rates, tolls and dues authorized to be levied under this Act; and the said Commissioners shall have the like remedies for the collection, and enforcing the payment of the rates, tolls and dues hereby imposed as they had for the rates, tolls and dues mentioned in the said Act hereby amended, the provisions of the fifteenth and sixteenth sections of the said Act being hereby expressly extended and made applicable to the rates, tolls and dues mentioned in the Schedule A, hereunto appended, and hereby authorized to be levied and for enforcing the payment and collection of the same: And in case the master, purser, agent or person in charge of any steamer, boat, barge, vessel or craft shall send in and declare to the correctness of any wharfage return, and such wharfage return shall be found not to contain the whole of the articles taken on board at the said Harbour of Montreal, or landed thereat from such steamer, boat, barge, vessel or craft, and such omission shall be proved on the oath of a credible witness, sworn before a Magistrate or the Collector of Her Majesty's Customs, then and in such case such master, purser, agent or person in charge of such steamer, boat, barge, vessel or craft shall be subject to a penalty of five pounds currency for each false return so given in, to be recovered in like manner as the rates and tolls provided for by the fifteenth and sixteenth sections of the said Act hereby amended.

VII. And be it enacted, That it shall be lawful for the said Commissioners or for any wharfinger or other person duly authorized by the said Commissioners to require and exact of the captain, master, purser or other person in charge of every boat, barge or other craft, upon or after its arrival in the Harbour, that there shall be painted on the stern or side or on some conspicuous part of every such boat, barge, craft or vessel its number or name, a register of which number or name the Commissioners may keep; and should any owner, master, captain or other person in charge refuse to allow such number or name to be painted on any such boat, barge, craft or vessel, or if any owner, master, captain or person in charge shall remove or deface or permit such name or number to be removed or defaced, such master, owner, captain or other person in charge for the time being shall be subject to a fine of two pounds and ten shillings currency for every such offence, to be levied by distress and sale either of the goods and chattels of the owner or owners, or by the sale of such boat, barge or other vessel, and to be recovered with costs upon the oath of one credible witness, after service of
the

the process on any person on board such boat, barge, vessel or craft, and such boat, barge, craft, or other vessel shall and may be detained until such fine or fines, together with all costs attendant upon such detention, be paid in full; Provided always, that the expense of painting the said name or number shall be paid and borne by the Commissioners of the Harbour.

Proviso.

VIII. And be it enacted, That the monies arising from the rates, tolls and dues and wharfage dues imposed by this Act shall be appropriated and paid by the said Commissioners and their successors in office in the same manner and way and in the order as directed by the said first mentioned Act; and all fines, penalties and forfeitures, if any to be incurred under this Act, shall also be applied and accounted for as thereby directed.

Application of money borrowed, and penalties levied under this Act.

IX. And be it enacted, That nothing in this Act contained shall extend or be construed to extend, to alter, modify or impair the force and effect of the several clauses in the said Act hereby amended, except in so far as may be formally and expressly hereby declared and altered, and all acts done under the authority of the said Act shall be valid and binding.

In what manner only this Act shall affect the 8 Vict. c. 76.

X. And be it enacted, That this Act shall be considered a Public Act, and as such shall be judicially noticed by all Judges and Justices of the Peace and all other persons whomsoever, without being specially pleaded.

Public Act.

SCHEDULE A.—(Continued.)

DESCRIPTION.	PACKAGES.		LANDED.		SHIPPED.		PACKAGES.		LANDED.		SHIPPED.		PACKAGES.		LANDED.		SHIPPED.																			
			s.	d.	s.	d.	s.	d.			s.	d.	s.	d.			s.	d.																		
Straw.....	per 100 bundles	0	6	0	6	0	6	Load.....	0	4	0	4	Barrel.....	0	2	0	1	Half-barrel.....	0	1	0	0	1	0	0	1	0	0	1	0	0	1	0	0	1	
Sugar.....	" hogshead	0	6	0	3	0	3	Tierce.....	0	4	0	2	Barrel.....	0	0	1	0	1	Half-barrel.....	0	0	1	0	0	0	1	0	0	1	0	0	1	0	0	1	
Tallow.....	" cwt.	0	0	0	1	0	1	Tierce.....	0	1	0	2	Barrel.....	0	0	1	0	1	Half-barrel.....	0	0	1	0	0	0	1	0	0	1	0	0	1	0	0	1	
Tar.....	" barrel	0	1	0	0	0	0	Half-barrel.....	0	0	2	0	1	Per pack- age 40 lbs.	0	1	0	0	1	Per pack- age under 40 lbs.	0	1	0	0	1	0	0	1	0	0	1	0	0	1		
Tea.....	.....	.....	.....	.....	.....	.....	.....	and over	0	2	0	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Timber.....	" ton	0	1	0	3	0	3	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Tin.....	" box	0	1	0	0	0	0	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Tobacco.....	" hogshead	0	6	0	0	0	0	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Tongues.....	" tierce	0	1	0	0	0	0	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Turpentine.....	" barrel	0	1	0	0	0	0	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Vegetables.....	" crate	0	3	0	0	0	0	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Vinegar.....	" puncheon	0	6	0	0	0	0	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Wax, Bees.....	" tierce	0	1	0	0	0	0	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Wheat.....	" 100 minots	0	9	1	6	0	6	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Whiting.....	" tierce	0	2	0	2	0	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Wine.....	" pipe	0	6	0	0	0	0	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Wood.....	" cord	0	3	0	0	0	0	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Wool, Cotton.....	Per bale 200 lbs. & over.....	0	2	0	2	Per bale under 200 lbs.....	0	1	0	1	Per bale under 200 lbs.....	0	1	0	1	Per bale under 200 lbs.....	0	1	0	1
Wool, Worsted.....	Per bale 200 lbs. & over.....	0	1	0	0	Per bale under 200 lbs.....	0	0	0	0	Per bale under 200 lbs.....	0	0	0	0	Per bale under 200 lbs.....	0	0	0	0
Yeast.....	" puncheon	0	6	0	0	0	0	Hogshead.....	0	3	0	1	Barrel.....	0	1	0	0	Half-barrel.....	0	1	0	0	Half-barrel.....	0	1	0	0	Half-barrel.....	0	1	0	0	0	1	0	0

On Goods landed from Vessels from Sea or the Lighters thereof, or imported from the United States by inland navigation, subject to *ad valorem* duty and not otherwise enumerated in this Tariff, for every £100 of the amount entered for duty at the Custom House.

On Goods landed from and shipped on Steam Boats, Barges or other Craft, (except when employed as Lighters of Vessels from Sea,) not subject to specific rates by this Tariff, per ton, weight or measurement, at the option of the Collector.

On Goods not subject to *ad valorem* duty, nor to specific rates under this Tariff, per ton, weight or measurement, at the option of the Collector.

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ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

C A P. L V I I.

An Act to incorporate the Trustees of the Toronto Hospital.

[28th July, 1847.]

WHEREAS by Letters Patent under the Great Seal of the Province of Upper Canada, bearing date the twenty-sixth day of April, in the year of Our Lord one thousand eight hundred and nineteen, certain lands in the Town and Township of York were granted to the Honorable William Dummer Powell, the Honorable James Baby, and the Reverend John Strachan, and their heirs and assigns for ever, in trust to observe such directions and to consent to and allow such appropriations and disposition of such parcels of land or any part thereof, as the Governor, Lieutenant-Governor, or person administering the Government, and the Executive Council of Upper Canada for the time being, should from time to time make and order, pursuant to the purposes for which the said parcels of land or either of them were originally reserved as in the said Letters Patent is expressed, and to make such conveyance or conveyances of the said land, or any part thereof, to such person or persons, and upon such trust, and to and for such use or uses as the Governor, Lieutenant-Governor or Person administering the Government, and the Executive Council, should from time to time by order in writing appoint, and upon further trust to perform, observe and abide by the several provisos, limitations and conditions expressed and declared in and by the said Letters Patent, of and concerning the said parcels or tracts of land; And whereas after the making of the said Letters Patent, that is to say, on the nineteenth day of October in the year aforesaid, an order was made by His Excellency Sir Peregrine Maitland, then Lieutenant-Governor of Upper Canada, and the Executive Council of the said Province, by which the lots of land on each side of the road from the Town of York to the Don Bridge were granted in trust to the Honorable William Dummer Powell, Chief Justice, the Honorable James Baby, and the Honorable and Reverend Doctor John Strachan, to sell, lease or otherwise dispose of the same towards raising a revenue for the support of the Town and County Hospital in the Town of York, the proceeds whereof to be paid into the hands of the person constituted Treasurer of the Hospital, to be expended under the sanction of the Governors thereof, and accounted for to the Executive Council of the Province annually when required, and certain other portions of the said lands so granted in trust as first aforesaid, were by the like authority directed to be sold and conveyed to certain individuals in trust for the Roman Catholic Church in the Town of York for a consideration specified, which consideration was subsequently remitted: And whereas on the twenty-eighth day of February, in the year of our Lord one thousand eight hundred and thirty-five, an Order was made by His

Preamble.
Certain Letters Patent recited.

Further recited.

His Excellency Sir John Colborne, then Lieutenant-Governor of Upper Canada, and the Executive Council, by which the land remaining unsold of the said lands so granted in trust as aforesaid, called in the said Order "Park Lots," together with the funds unappropriated arising from past sales were constituted a part of the endowment of the Hospital of the City of Toronto: And whereas the said Trustees and the survivors or survivor of them after the making of the said Orders of the said several Lieutenant-Governors and the Executive Council of Upper Canada, in order to provide funds for the support of the said Hospital, sold and disposed of various parcels of the said lands so set apart and appropriated as aforesaid, and executed deeds of conveyance for the same to the purchasers thereof or their assigns, in cases where the whole of the purchase money was paid by such purchasers, but in many instances where part of such purchase money remained due and has been paid to the present Trustees, such deeds of conveyance have been executed by the present Trustees: And whereas in consequence of the death of the Honorable William Dummer Powell and the Honorable James Baby, two of the original Trustees, and the desire of the survivor, to be relieved and discharged from his trust, His Excellency Sir George Arthur, then Lieutenant Governor of Upper Canada, and the Executive Council, appointed the Honorable Robert Sympson Jameson, the Honorable Archibald McLean and the Reverend Henry James Grasett, Trustees of the endowment of the said Hospital, and the lands remaining unsold have been duly conveyed by the said survivor of the original Trustees to them the said Robert Sympson Jameson, Archibald McLean and Henry James Grasett, and their heirs and assigns, subject to the trusts contained in the Patent, and subject to the further trust to fulfil, perform, and make valid and effectual all such deeds, leases, bargains and agreements for the sale or leasing of any part or parts of the said several parcels or tracts of land, as at any time theretofore had been duly executed, made or entered into by the said William Dummer Powell, James Baby and John Strachan, or the survivors or survivor of them: And whereas it is expedient to establish a Corporation, to be composed as hereinafter provided, for the better management and disposition of the lands and property now or hereafter held in trust for the said Hospital, and to make such rules and by-laws for the internal management and regulation of the said Hospital as shall to them from time to time seem expedient and necessary: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intitled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Mayor of the City of Toronto for the time being, the President of the Board of Trade of the said City for the time being, three persons resident in the said City, to be from time to time appointed by the Governor in Council, and also the two Senior Professors of any School of Medicine to be hereafter established in the said City, and in default or until the establishment of such School, any such medical men resident in the said City as shall be nominated and appointed as vacancies shall occur by the Common Council of the said City in Common Council assembled at any meeting of such Common Council and their successors to be appointed in the same manner, shall from and after the passing of this Act be a body corporate by the name of *The Trustees of the Toronto Hospital*, and as such shall have perpetual succession in manner herein mentioned, and shall and may as such have a common seal, and have and hold all such parcel or parcels of land and premises as may have been heretofore assigned or conveyed

Certain persons and functionaries to be "Trustees of the Toronto Hospital," and incorporated by that name.

Their corporate powers.

to any former Trustees of the said Hospital by Letters Patent, or by any person or persons whatever, for the use and support of the said Hospital, and shall and may be capable of receiving and taking from any person or persons, or any body corporate or politic, by grant, devise or otherwise, any lands or interest in lands, or any goods, chattels or effects, which any such person or persons, or body corporate or politic may be desirous of granting or conveying to them for the use or support of the said Hospital; and also shall and may from time to time make such by-laws and rules for the internal management and regulation of the said Hospital as shall to them seem meet and expedient: Provided always, that such by-laws or rules shall be laid before the Governor in Council within thirty days after the same shall have been so made as aforesaid, and may be by him disallowed within one month thereafter, and any five of such Trustees shall form a quorum for the transaction of business.

Power to make
By-Laws.

II. And be it enacted, That the said Trustees by the name aforesaid, shall have power to appoint a Clerk or Secretary and Agent, and to remove him at their pleasure, and to appoint another in the place of the person so removed; and that it shall be the duty of the said Trustees to invest in good and sufficient securities, all monies which may at any time come into their hands for the use and support of the said Hospital which may not be required for the immediate expenditure of the said Hospital, and from time to time when required so to do by the Governor in Council, to render an account in detail of all monies received by them as such Trustees, specifying the sources from which the same have arisen or been received, and the manner in which the same have been invested and expended, and all such particulars as may be necessary to shew the state of the funds and endowment of the said Hospital, and the said Trustees shall also lay an annual statement of their affairs before both branches of the Legislature within thirty days after the commencement of each Session.

Trustees may
appoint a
Clerk or Secre-
tary and Agent
and remove
him at their
pleasure; may
invest monies
belonging to
the Hospital:
and shall ac-
count to the
Legislature.

III. And be it enacted, That the said Trustees, by the name aforesaid, shall have power to sue in any of the Courts of this Province having competent jurisdiction, for any cause of action touching the property of the said Trustees, and for any monies due or payable to them or their predecessors for the purchase money or rents of any land or buildings, or on any account whatever; and to distrain for such rents when the same are in arrear and unpaid, and to act in all matters touching the collection and control of the funds of the said Hospital and the management and disposition of any lands belonging to the same, as to them or a majority of them shall appear most conducive to the interests of the said Hospital, and no individual of the said Trustees shall be held responsible for any act or acts of the said Trustees which shall be done or determined upon at any meeting at which he shall not have been present or from which he shall dissent, such dissent being entered and signed by him in the minutes to be kept by the said Trustees of their proceedings as hereinbefore mentioned.

Trustees may
sue in any
Court in the
Province.

And may dis-
train, &c.

IV. And be it enacted, That the said Trustees, in all cases where sales have been heretofore effected of any of the lands set apart by the Government of the late Province of Upper Canada, and the purchase money thereof hath been, or shall be hereafter paid and satisfied with the interest which shall have accrued thereon, shall have power to execute a deed, by the name aforesaid, to the purchaser or purchasers thereof, or person or persons entitled to demand the same, which deed may be signed by the President or Chairman for the time being, sealed with the seal of the said Trustees, and

Trustees may
execute deeds
of sale of cer-
tain lands
herein men-
tioned.

and countersigned by the Secretary or Agent of the said Corporation for the time being.

Medical students may attend the Hospital, paying certain fees.

V. And be it enacted, That it shall and may be lawful for any Medical Student in the said City of Toronto to visit the Wards of the said Hospital and attend them upon the payment of such fees, and under such regulations and restrictions, as the said Trustees shall and may by any By-law from time to time direct and appoint.

Trustees may dispose of any lot of land belonging to the said Hospital.

VI. And be it enacted, That the Trustees for the time being shall have power and authority to sell and dispose of any lot or parcel of land which may belong to the said Hospital, and which it may be deemed advantageous to sell and dispose of.

Interpretation of words "Governor in Council."

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

This Act to be a Public Act.

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

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ANNO DECIMO ET UNDECIMO

VICTORIÆ REGINÆ.

C A P. LVIII.

An Act to authorize the payment of School Money to the Teachers in the Bathurst District, for the year one thousand eight hundred and forty-five, notwithstanding that there was no Assessment for Schools in that District in the said year.

[28th July, 1847.]

WHEREAS the Legislature of this Province did, in the now last Session, pass an Act authorizing the Bathurst District Council to assess for School Monies and receive the Government allowance; and whereas the said Act has not been carried into effect, but has lapsed; and whereas the District Council of the District of Bathurst have by their Petition to the Legislature represented that by various circumstances, arising partly out of the change made in the limits of the said District and in the Townships composing the same, by an Act passed in the eighth year of Her Majesty's Reign, the said District Council did not cause to be levied a sum of money equal to the amount of public money apportioned to the said District towards the support of Common Schools therein, for the year one thousand eight hundred and forty-five, and that therefore the said District did not become entitled to the public money so apportioned, and the same was not distributed, but remains in the hands of the District Superintendent, and the Teachers in the several School Districts have either been paid by the inhabitants or still remain wholly or in part unpaid; and whereas the said District Council have by their said Petition prayed that notwithstanding the default aforesaid the District may receive the public money so apportioned to it, and from the peculiar circumstances of the case it is expedient to grant the prayer of their Petition on the condition hereafter 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 District Superintendent shall, during the present year one thousand eight hundred and forty-seven, retain in his hands, for the purposes of this Act, the monies so apportioned as aforesaid for the said District for the year one thousand eight hundred and forty-five; and if the District Council shall during the present year pass a By-law for levying and causing to be paid to the District Superintendent, for the purposes of this Act, a sum at least equal to that apportioned to the said District for the year one thousand eight hundred and forty-five, and

Preamble.

Case of the Bathurst District recited.

The Bathurst District shall receive the public allowance for Schools for 1845, provided the District Council pass a By-law for raising an equal sum, &c.

NOW

For what purposes only the money may be paid.

Act 7 Vict. c. 29, cited.

now in his hands as aforesaid, but not otherwise, then notwithstanding the default by the said District Council to cause to be levied a sum equal to the amount of the public money apportioned to the said District as aforesaid, the public money so apportioned shall, on the delivery of a copy of such By-law, certified by the Warden of the said District, to the said District Superintendent, be forthwith distributed among the several School Districts therein, in the same proportion as it would have been if such default had not been made; but the sum payable for each School District respectively, shall not be paid by the said District Superintendent, except for such purposes, to such officer or person, and under such regulations as the District Council of the said District shall by any By-law or By-laws to be passed in that behalf direct and appoint, nor for any purpose except the payment of Teachers having acted as such during the year one thousand eight hundred and forty-five, or the repairing or building of School Houses in such School Districts respectively; anything in the Act passed in the seventh year of Her Majesty's Reign, intituled, *An Act for the establishment and maintenance of Common Schools in Upper Canada*, to the contrary notwithstanding.

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ANNO DECIMO ET UNDECIMO

VICTORIÆ REGINÆ.

CAP. LIX.

An Act to authorize the Commissioners for the Dundas and Waterloo Macadamized Road to borrow Money to enable them to complete the said Road, and for other purposes.

[28th July, 1847.]

WHEREAS it is desirable and necessary to complete the Dundas and Waterloo Macadamized Road: And whereas it would require a long period of time before the receipt of the Tolls would amount to a sufficient sum to complete that portion of the Road now unfinished, and it is therefore desirable that the Commissioners or Trustees of the said Road should have power and authority to raise a sum of money on the security of the said Tolls to be applied to the immediate completion of the said Road: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the said Commissioners or Trustees of the Dundas and Waterloo Macadamized Road, or their successors in office, shall have full power and authority to borrow and raise a sum of Money not exceeding six thousand pounds from any person or persons, corporation or corporations willing to lend the same, to be applied to the completing and finishing of the said Road throughout its whole extent, and the said Commissioners or Trustees shall have full power and authority to pledge the Tolls arising from the said Road for the payment of the interest on the said loan and the ultimate re-payment of the principal.

Preamble.

The Trustees of the said road may borrow £6000 for the purpose of completing the same. And may pledge the Tolls for the principal and interest.

II. And be it further enacted, That the said Monies so raised from Tolls shall be applied solely to the purposes directed by this Act; anything in any other Act to the contrary notwithstanding.

Monies borrowed to be applied solely to the purposes of this Act.

III. And be it enacted, That wherever the said Road passes through any wood or standing timber, the Commissioners or Trustees may cause the trees and underwood to be cut down for the space of one hundred feet on each side of the said road, leaving the said trees and underwood when so cut down, but without paying any indemnity to the proprietor of the land, and for this purpose the said Trustees may enter upon such land (doing no further or unnecessary damage) without any previous notice or leave from such proprietor.

When the road passes through wood, the trustees may cut down the trees on each side.



ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. LX.

An Act to incorporate *The Lower Canada Agricultural Society*.

[28th July, 1847.]

WHEREAS the establishment of a Society for the encouragement and advancement of Agriculture and the Arts and Sciences therewith connected, extending its efforts and supervision over the whole of Lower Canada, and not superseding but connecting and aiding the efforts of the several County Societies, and supplying deficiencies which their limited means and local character render inevitable, would greatly tend to raise the position and standing of the Canadian Agriculturist, and promote the best interests of the Province; and whereas the persons hereinafter mentioned have associated themselves, for the purpose of forming such a Society, under the name of *The Canadian Agricultural Society*, and have represented that they cannot effectually carry out the object they have in view without an Act of Incorporation vesting in them such powers as may be necessary for the purposes aforesaid, and it is right and expedient to grant their prayer: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Honorable Sir James Stuart, the Honorable P. B. De Boucherville, the Honorable Wm. Morris, Major T. C. Campbell, the Honorable A. N. Morin, the Honorable L. H. LaFontaine, G. R. S. De Beaujeu, the Honorable B. Joliette, the Honorable P. H. Knowlton, the Honorable F. P. Bruneau, the Honorable Adam Ferrie, the Honorable Robert Harwood, the Honorable Francis Hincks, the Honorable C. E. Casgrain, D. M. Armstrong, Thos. Boutillier, L. Lacoste, Malcolm Cameron, L. T. Drummond, B. H. Lemoine, A. Jobin, Jacob DeWitt, R. N. Watts, A. P. Méthot, Jacques P. Lantier, Duncan Finlayson, F. A. LaRocque, John Yule, Captain John Clark, A. N. Newman, Wm. Evans, Alexander Simpson, Peter W. Dease, Alexander Jas. Birkencraft, James Snowdon, Benaiah Gibb, John Edward Evans, P. E. Taché, and such other persons as are now members of the Society aforesaid, and their successors, together with all such other persons as shall hereafter, from time to time, become members of the Society hereby constituted according to the provisions of this Act and of the By-laws made or hereafter to be made by the said Society, shall be and are hereby declared to be a body corporate and politic in name and in fact, by the name and style of *The Lower Canada Agricultural Society*,

Preamble.

Certain persons incorporated.

Name and corporate powers.

Society, and by such name the said Society shall have perpetual succession and a common seal, with power to change, alter, break or renew the same as often as they shall judge expedient; and that they and their successors, by the same name, may sue and be sued, contract and be contracted with, implead and be impleaded, answer and be answered in all Courts * places whatever; and they and their successors, by the name aforesaid, shall be able and capable in law to purchase, take, have, hold, receive, enjoy, possess and retain all lands, and real or immoveable property, money, goods, chattels and personal or moveable property, (all which shall be included in the following enactments by the words "immoveable property" and "moveable property" respectively,) which have been or hereafter shall be paid, given, granted, purchased, appropriated, devised or bequeathed in any manner or way whatsoever, to, for, or in favour of the said Society, and for the uses and purposes for which the said Society is formed, and to alienate, lease, or otherwise depart with any such immoveable or moveable property, and others to acquire instead thereof, and to do, perform and execute all and every lawful act and thing useful and necessary for the purposes aforesaid, in as full and ample a manner to all intents, constructions and purposes as any other body politic or corporate by law may or ought to do: Provided always, that the immoveable property to be held at any one time by the said Society shall in no case exceed the value of ten thousand pounds; and that the same and also all their moveable property shall be held by the said Society for the purposes herein mentioned, or for other objects and uses legitimately connected with such purposes, and for no other.

* *Sic.* (and omitted).

Proviso :
extent of
real property
limited.

New Society
substituted for
the former.

II. And be it enacted, That all the property of the Society mentioned in the Preamble to this Act, moveable and immoveable, and all the rights, claims and debts active thereof, shall be transferred to and are hereby vested in the Society hereby incorporated, and all the liabilities and debts passive of the said first mentioned Society, shall be and are hereby transferred to and shall be borne by the Society hereby incorporated, which shall be in the place and stead of the first mentioned Society, to all intents and purposes whatsoever.

By-Laws con-
tinued until
altered.

Officers.

III. And be it enacted, That the By-laws of the said first mentioned Society, in so far as they may not be inconsistent with this Act, shall be the By-laws of the Society hereby incorporated, until repealed or altered in the manner hereinafter provided; and that the officers of the said first mentioned Society, shall be the officers of the Society hereby incorporated until others shall be appointed or elected in their stead, according to the By-laws of the Society.

Objects of the
Society.

IV. And be it enacted, That the objects and purposes of the said Society shall be, the improvement of farm stock and produce, and of the system of farming generally, as regards draining, manuring, crops, pasturage, stock, management of the dairy, agricultural implements, domestic manufactures and useful inventions applicable to agriculture, and to the domestic purposes of the agriculturist, the introduction of such new plants and crops as they may deem well adapted to Lower Canada, the obtaining of correct statistical information relative to the agriculture of Lower Canada, and the persons engaged therein; and also the diffusion of sound and useful knowledge on all subjects connected with agriculture and the sciences and arts connected therewith, and for that purpose to establish and maintain one or more Agricultural Colleges or Schools, and one or more Model Farms, and one or more Agricultural Museums or Libraries, and to publish any journal or periodical work which they may deem conducive to the attainment of the objects aforesaid, and to hold agricultural shows and meetings, and to award

Diffusion of
agricultural
knowledge.

and

and give prizes at such shows and meetings, or for the doing of any thing relative to the objects aforesaid for which they shall think proper to award such prizes, and generally to do all such things as may be legitimately and fairly adapted to improve the agriculture of Lower Canada, and to raise the position and character of the persons engaged therein.

V. And be it enacted, That all persons subscribing five shillings or upwards annually to the funds of the Society, shall be members of the Society for the period for which such subscription shall have been paid; and that any person who has paid or shall pay a subscription of two pounds ten shillings or upwards to the said funds, shall be a member of the said Society for the term of his natural life; and that each member of the Society shall be eligible to be an Officer thereof.

Who shall be Members.

Officers.

VI. And be it enacted, That the affairs and property of the Society shall be managed by thirty-three Directors, to be elected every year by and from among the members of the Society, and who shall as soon as may be after their election, elect from among themselves one President, six Vice-Presidents, a Secretary and a Treasurer, who shall remain in office until the next yearly election of Directors; and of the said Directors any nine, of whom the President, or one of the Vice-Presidents shall be one, at any meeting of the Directors held according to the By-laws of the Society then in force, shall be a *Quorum* for the transaction of the business of the Society, and any majority of such *Quorum* may exercise all the powers hereby or by the By-laws of the Society vested in the Directors; and the said Directors may empower the President or any Vice-President to sign and the Secretary to countersign any *Acte* or document and to affix the common seal of the Society thereto; and any *Acte* or document so signed and sealed shall be deemed the *Acte* of the said Society, nor shall the authority of the persons signing or affixing the seal of the Society thereto to sign or seal the same be liable to be called in question except by the Society or some Director thereof.

Management of the affairs of the Society.

Deeds of the corporation how to be executed.

VII. And be it enacted, That the said Directors shall have full power to fill any vacancy which may exist or happen among the Officers or Directors between the annual elections aforesaid, by electing and appointing such Officer or Officers from among themselves, and such Director or Directors from among the members of the Society, as the case may require.

Vacancies among the Directors or Officers how filled.

VIII. And be it enacted, That all elections under this Act shall be by ballot, and the person or persons having the majority of votes of the persons present and entitled to vote at the election, shall (if duly qualified as members) be deemed to be the person or persons elected.

Elections to be by ballot.

IX. And be it enacted, That the Directors shall at all times have full power and authority to call a special general meeting of the Members of the Society, by advertisement inserted at least once a week during one month, in some newspaper published in the English language, and in some newspaper published in the French language in the City of Montreal, and in some newspaper published in the English language and in some newspaper published in the French language in the City of Quebec, stating the day, hour and place and the object of such meeting, and the President, or some one of the Vice-Presidents, shall preside at each such meeting, at which fifty members shall form a *Quorum*, and any majority of such *Quorum* may exercise all the powers of the members of the Society at all such meetings.

Power of the Directors to call meetings, &c.

Directors to
prepare and
submit By-
laws, &c.

X. And be it enacted, That it shall be the duty of the Directors from time to time to frame such By-laws as they shall deem best adapted to advance the interests of the Society, and the objects for which it is established, and to submit the By-laws so framed to an annual or special general meeting of the Members of the Society, by whom the same may be allowed, disallowed, or amended at such general meeting ; and such By-laws as shall be passed at any such general meeting shall be put into writing, and signed by the person having presided thereat, and shall thereafter be binding on all Members and Officers of the said Society, until repealed or altered by other By-laws to be made and passed in like manner ; and any copy of any By-law or By-laws, in print or in writing, purporting to be certified by the Secretary of the Society for the time being, and to bear the seal of the Society, shall be *prima facie* evidence of such By-law or By-laws to all intents and purposes, and in all Courts and places whatsoever.

What shall be
evidence of
By-laws.

Objects to be
provided for
by such By-
laws.

XI. And be it enacted, That by such By-laws the said Society may assign to the Directors any power not inconsistent with this Act hereby vested in the Society, and may direct the manner in which such powers shall be exercised, and may appoint the times and places of the annual general meetings of the Society, the mode of auditing and examining the accounts of the Society, and may appoint the Common Seal and motto or device of the Society, and may direct that any number of Directors or Vice-Presidents be chosen from Members resident in any particular District or locality in Lower Canada, and by Members resident therein ; and may appoint or authorize the Directors to appoint local Boards of Directors in any such District or locality, and vest in them such powers as may be deemed expedient, and generally may regulate or empower the Directors as aforesaid or any such local Board, to regulate the conduct of the business and affairs of the Society, in such manner as may be deemed best adapted to attain the objects for which the Society is established.

Local Board
of Directors.

Reports to the
Legislature.

XII. And be it enacted, That the said Society shall annually, during the first three weeks of each Session of the Provincial Legislature, lay before the Governor, and each House thereof, a report of their doings under the authority of this Act since their then last report.

Public Act.

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



ANNO DECIMO ET UNDECIMO

VICTORIÆ REGINÆ.

CAP. LXI.

An Act for the incorporation of *The Agricultural Association of Upper Canada.*

[28th July, 1847.]

WHEREAS it has been represented to the Legislature, that certain persons hereinafter named, and others, within that part of this Province formerly Upper Canada, have formed themselves into an Association called *The Agricultural Association of Upper Canada*, for the purpose and with the object of more effectually improving the condition of Agriculture, Horticulture and the Household Arts in that part of the said Province, and generally for the purposes for which Agricultural Societies are formed; and that the said persons have contributed and promised to contribute considerable sums of money for such purposes; And whereas it would tend greatly to improve the state of Agriculture and promote the interests of the Agricultural community, and the people generally, by facilitating the means of carrying out the objects and purposes of the said Association, to form the same into a body corporate and politic, with the usual powers, liabilities and immunities of such bodies; for the better attaining the purposes aforesaid, Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Honorable A. Fergusson, the Honorable W. B. Robinson, the Honorable H. J. Boulton, the Honorable R. Baldwin, the Honorable J. Æ. Irving, Frederick Widder, E. W. Thomson, W. B. Jarvis, Henry Ruttan, W. H. Boulton, J. W. Gamble, W. E. Edmundson, W. A. Baldwin, Skeffington Connor, Joseph C. Morrison, J. H. Price, Francis Boyd, J. M. Strachan, Joseph Beckett, Charles E. Small, Clarke Gamble, James Buchanan, J. G. Worts, John Sanderson, Malcolm Cameron, Donald Bethune, W. P. Howland, Benjamin Thorne, W. Hume Blake, and Robert Cooper, Esquires, and such other persons as are now members of the said Association, and their successors, together with all such other persons as shall hereafter from time to time become members of the said Association according to the provisions of the Constitution which is hereunto appended or of such Constitution as the said Association shall at any time hereafter lawfully adopt and be governed by,—shall be and are hereby declared to be a body corporate and politic in name and in deed, by the name and style of *The Agricultural Association of Upper Canada*, and by such

Preamble.

Certain persons incorporated as the *Agricultural Association of Upper Canada*, and certain corporate powers conferred on them.

Name.
name

Seal. name the said Association shall have perpetual succession and a Common Seal with power to change, alter, break, or renew the same as often as they shall judge expedient; and that they and their successors by the same name may sue and be sued, implead and be impleaded, answer and be answered unto in any Court of Record or other place of judicature; and they and their successors by the name aforesaid, shall be able and capable in Law to purchase, take, have, hold, receive, enjoy, possess and retain all messuages, lands, tenements and immoveable property, money, goods and chattels and moveable property which have been or hereafter shall be paid, given, granted, purchased, appropriated, devised or bequeathed in any manner or way whatsoever, to, for, or in favour of the said Association, and for the uses and purposes for which the said Association is formed, and which are or may be defined or regulated by or under the Constitution of the said Association, and to do, perform and execute all and every lawful act and thing useful and necessary for the purposes aforesaid, in as full and ample a manner to all intents, constructions and purposes as any other body politic or corporate by law may or ought to do; Provided always, that the said Association shall at no time hold or possess in fee simple, real estate to a greater value than ten thousand pounds.

Suing.

Holding property.

Other powers.

Proviso.

Constitution hereunto appended to be the Constitution of the Association.

Proviso.

II. And be it enacted, That the Constitution hereunto appended shall be and is hereby declared to be the Constitution of the said Association, and for that purpose is to be taken as a part of this Act until altered in accordance with the provisions for that purpose in the said Constitution specified, and provided that notice of the meeting of the said Association at which such alterations are to be made, be first given in the Upper Canada Gazette and some other newspaper published in the City of Toronto, at least six weeks before such meeting shall be held, and the Constitution as so altered shall be then taken as a part of this Act, for all purposes, in like manner as the said Constitution now hereunto appended: Provided, such alterations be set forth in the Annual Report first made after the time of making such alterations, and be published in the Upper Canada Gazette and one other newspaper published at the said City of Toronto, for at least six weeks previous to the time at which the said alterations are to take effect.

Public Act.

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

CONSTITUTION.

Title of Association.

Who shall be members thereof.

Life Members.

Association to be governed by Directors.

First. The Title of the Association shall be: *The Agricultural Association of Upper Canada.*

Second. The members of the Association shall be persons subscribing annually to the funds of the Association to the amount of five shillings and upwards.

Third. Those persons who shall subscribe to the amount of two pounds ten shillings and upwards, shall be constituted Life Members of the Association.

Fourth. The Association shall be governed by a body of Directors, that is two from each District in Upper Canada, to be appointed by the several District Agricultural Societies;

Societies; and such Directors shall meet annually for the election of Officers and the transaction of the business of the Association, and in the event of no such Directors being appointed from any District, then the President and Secretary of the Agricultural Society for such District shall be, *ex officio*, the Directors for such District.

Fifth. The Directors shall elect from among themselves a President, two Vice-Presidents, a Secretary and a Treasurer, at their Annual Meeting, who shall hold office until the election of their successors at the Annual Meeting which shall be held on the day succeeding the Annual Show, at ten o'clock in the forenoon, when the said officers shall be eligible for re-election, with the exception of the President, who shall hold office for one year only.

Election of
President and
other officers.

Sixth. The funds of the Association shall consist of such sums as shall be raised by the voluntary subscriptions of the members of the Association, of fees collected at the Agricultural Show, and of such funds from the various Agricultural Societies as may by them be appropriated for the purpose, and of every future grant which may hereafter be obtained from the Provincial Parliament.

Funds of As-
sociation.

Seventh. That the object of the Association shall be the improvement of Farm Stock and Produce; the improvement of Tillage and Agricultural Implements, and other like matters, and the encouragement of Domestic Manufactures, of useful inventions applicable to Agricultural or Domestic purposes, and of every branch of Rural and Domestic Economy.

Object of the
Association.

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ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. LXII.

An Act to amend the Act incorporating *La Banque du Peuple*.

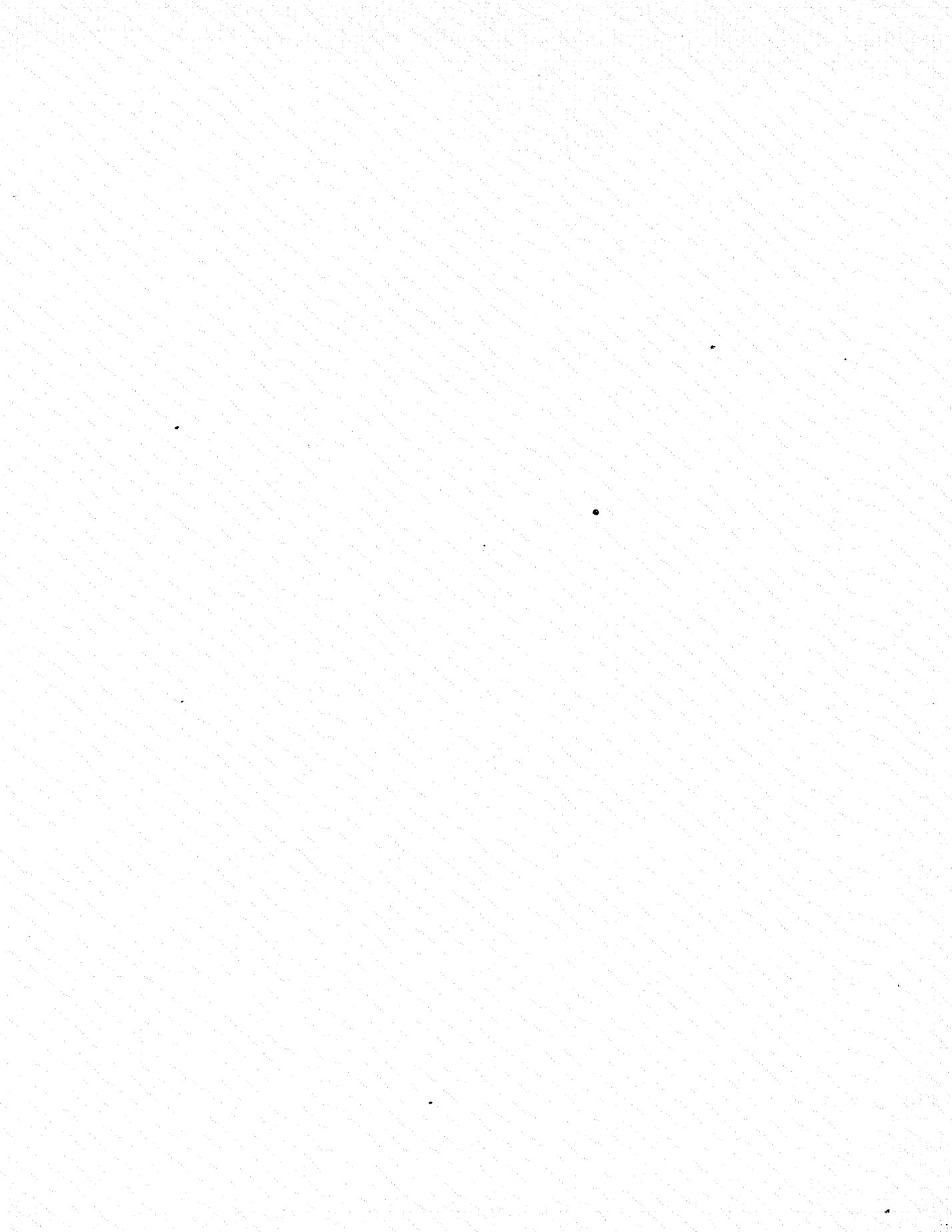
[28th July, 1847.]

WHEREAS great inconvenience has arisen from its being provided by the Act passed by the Legislature of this Province, in the seventh year of the Reign of Her Majesty Queen Victoria, and intituled, *An Act to incorporate certain persons carrying on the Business of Banking in the City of Montreal, under the name of La Banque du Peuple*, That the President and Vice-President of the said Corporation shall be alone authorized to sign, and the Cashier to countersign the notes issued by the said Corporation, and it is expedient to remedy 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 Members of the said Corporation to authorize or depute from time to time any Cashier or Officer of the Corporation, or any Member of the Corporation, other than the President and Vice-President to sign, and any Book-keeper or Assistant Book-keeper, or any other Officer of the said Corporation, to countersign all notes or bills of the said Corporation, payable to order or to bearer; and all such bills or notes signed and countersigned by any of the said persons so authorized, shall have the same effect, and shall be assignable or negociable in the same manner as if signed by the President or Vice-President, and countersigned by the Cashier of the said Corporation, in the manner provided in and by the twenty-fourth section of the Act aforesaid; and the signing of the same shall be *primâ facie* evidence that the persons so signing were legally authorized so to do.

Preamble.

Act 7 V. c. 66, cited. Certain bills or notes of *La Banque du Peuple*, may be signed and countersigned by such officers or persons as the Corporation shall appoint.

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ANNO DECIMO ET UNDECIMO

VICTORIÆ REGINÆ.

CAP. LXIII.

An Act to amend the Act to incorporate *The Montreal and Lachine Rail-road Company*, and for other purposes therein mentioned.

[28th July, 1847.]

WHEREAS, by reason of the omission in the Act passed in the now last Session of the Provincial Parliament, and intituled, *An Act to incorporate the Montreal and Lachine Rail-road Company*, of divers provisions which are necessary to the effective working of the said Act, and which have been introduced into the Acts of the present Session incorporating other Companies, it hath become expedient to amend the said Act; and whereas it is also expedient to provide for the regulation of the Tolls to be taken under the authority of the said Act, and of certain other Acts incorporating Railway Companies: Be it therefore declared and enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby declared and enacted by the authority of the same, That for and notwithstanding anything in the said Act, the number of Directors requisite to form a *quorum* at any meeting of Directors is and shall be five.

Preamble.

Quorum of Directors declared.

II. And be it enacted, That for and notwithstanding any thing in the said Act, the annual general meeting of the Proprietors of the Stock of the said Company for the election of Directors, and other purposes in the said Act mentioned, shall be held in the month of February in each year, and on such day in that month as shall be appointed by any By-law, and not in the month of January as in the said Act provided; Provided always, that until some other day in the month of February shall be appointed for the said meeting by a By-law, the said annual general meeting shall be held on the third Tuesday in the said month, at the office of the Company at one o'clock in the afternoon; and all the Directors in office at the time of the passing of this Act shall remain in office until the annual general meeting next after the passing hereof, and three of the Directors shall then retire from office, and also at each annual general meeting, provided others are then elected in their stead, in the manner by the said Act provided; and all things which by the said Act are appointed to be done at the annual general meeting in January, shall and may be done at the annual general meeting to be held under this Act in the month of February.

Period of the Annual General Meetings altered.

Proviso.

Present Directors to remain in office, &c.

III.

Election of
President
when to be
had.

His powers.

Present Presi-
dent not to be
affected.

Vacancies
among the Di-
rectors to be
filled by the
remaining Di-
rectors.

Rates of Toll
to be fixed and
altered by the
Directors.

Directors may
empower any
Director to
sign and affix
the common
seal on behalf
of the Compa-
ny.

By whom only
the authority
of such person
may be ques-
tioned.

Agreements
as to compen-
sation to have
the same effect
as awards.

III. And be it declared and enacted, That for and notwithstanding anything in the said Act, the Directors shall annually at their first meeting after the annual general meeting, or at some other meeting thereafter, elect from among their own number a President of the said Company, who shall be the Chairman of the Directors, and shall have all the rights and powers by the said Act conferred either on the Chairman of the Directors or on the President of the Company, and shall remain in office until another shall be elected in his stead, unless he shall sooner cease to be a Director ; Provided always, that nothing herein contained shall be construed in any way to affect the present President and Chairman of Directors, whose election and appointment is hereby declared valid, and who shall remain in office until another shall be elected in his stead, unless he shall cease to be a Director as aforesaid.

IV. And be it enacted, That for and notwithstanding anything in the said Act, all vacancies in the office of Director occurring between the periods of the general annual meetings aforesaid, may be filled by the remaining Directors, who may appoint a duly qualified person or persons to fill such vacancy ; but if such appointment be not made, such vacancy shall not invalidate the acts of the remaining Directors.

V. And be it enacted, That for and notwithstanding any thing in the said Act, or in any By-law heretofore passed, the rates of toll and other charges for the carriage of goods and merchandize or persons, on the said Rail-road, or in any Steamboat belonging to the Company, may be from time to time established or altered by the Directors, subject only to the provisions of this Act and to those of the said Act not inconsistent with this Act, and to those of any By-laws hereafter to be made in that behalf.

VI. And be it declared and enacted, That it is and shall be lawful for the Directors of the said Company, from time to time to authorize the President or any other Director to affix the common seal of the said Company to any contract, deed or document, and to sign the same on behalf of the said Company, and every contract, deed or document so signed and sealed, shall be held to be the act of the said Company, nor shall the fact that the person signing and sealing the same was duly authorized so to do, be liable to be questioned by any party except the said Company ; nor in any action, suit or proceeding to which the said Company shall be a party, shall the election of the Directors or President, or the authority of any advocate or attorney to appear and act for and on behalf of the Company, be liable to be questioned by any party except the said Company or some Director thereof.

VII. And be it enacted, That any agreement between any party and the said Company as to the compensation or annual rent to be paid for any lands or for the taking of any materials or the doing of anything, which under the said Act the said Company could take or do without the consent of such party, shall have the same effect as if such compensation had been awarded by Arbitrators in the manner by the said Act provided, and the payment, tender or deposit of the amount of such compensation in the manner by the said Act provided, shall vest in the Company the power forthwith to take possession of the lands or to exercise the right to take the materials or do the thing for which such compensation or annual rent shall have been agreed upon, and in case of resistance or forcible opposition to obtain from any Justice of the Court of Queen's Bench for the District of Montreal, a warrant to put them in possession in the manner provided by the seventeenth section of the said Act, and that such warrant shall also be

be granted by any such Justice, on the application of the Company, before any award or agreement shall have been made, upon the affidavit of the Engineer of the said Company for the time being, that the immediate possession of any land or the power immediately to take any materials or to do anything mentioned in the notice to the party interested and the certificate of a sworn Surveyor for Lower Canada, given and served according to the requirements of the said Act and referred to in such affidavit, is necessary to the carrying on of the works of the said Company, and upon the said Company giving security to the satisfaction of such Justice in such sum as he shall direct, (not being less than twice the sum mentioned in the certificate of such sworn Surveyor,) to pay or deposit the amount to be awarded as compensation in such case, with interest from the date of such warrant and all costs, within ten days after the award shall have been made.

Effect of an affidavit by the Engineer, that certain things are immediately necessary for carrying on the works of the Company.

VIII. And be it enacted, That for and notwithstanding any thing in the said Act, if it shall happen that any Arbitrator appointed or to be appointed by the Company, or by the opposite party, or any third Arbitrator whether appointed by the two Arbitrators or by a Judge, shall be or become disqualified or unable to act, then on proof thereof to the satisfaction of a Judge of the said Court of Queen's Bench, such Judge shall authorize the Company or the opposite party, or the two Arbitrators, to appoint another person in the place of him who shall be so disqualified or unable to act, or shall himself appoint another person as third Arbitrator, as the case may require, but no recommencement or repetition of any prior proceedings shall be necessary.

Case of Arbitrators becoming disqualified or unable to act provided for.

IX. And be it enacted, That for and notwithstanding any thing in the said Act, it shall be lawful for the said Directors to exercise such other and further powers, as being vested by the said Act or by this Act in the said Company, shall be conferred upon the said Directors by the By-laws of the Company; excepting always, the power of making or altering any By-law, or any power the exercise whereof by the Directors shall be inconsistent with the express provisions of the said Act.

Company may confer further powers on the Directors.

X. And be it enacted, That for and notwithstanding any thing in the said Act, it shall not be necessary that any By-law of the said Company heretofore passed or hereafter to be passed, be published in any Gazette or newspaper, but it shall be sufficient that a copy thereof in writing and under the Common Seal of the Company be kept in the office of the Company, and that a printed or written copy of so much of the By-laws as may relate to or affect the public, or any party other than the members, officers or servants of the Company, be affixed openly in the office of the Company, and in all and every of the places where tolls are to be gathered, and in like manner as often as any change or alteration shall be made in the same.

By-laws need not be published in any newspaper.

How to be kept, &c.

XI. And be it enacted, That for and notwithstanding anything in the said Act, all calls or instalments of the Capital Stock of the said Company shall be payable with interest from the time of the passing of this Act if called for before that time, and with interest from the day appointed for the payment thereof if called for after that time; and the payment of such interest may be enforced in the same way as the payment of the instalment or principal.

Instalments to be payable with interest.

XII. And be it enacted, That for and notwithstanding anything in the said Act, the said Company, shall, under a penalty of five hundred pounds for any refusal or neglect,

Company to place their

at

whole means of conveyance at the disposal of the Governor in certain cases.
£500 penalty.

at all times in case of war, invasion, riot or disturbance, be bound to place the whole means of conveyance on their said Rail-road or in any steamboat belonging to them, at the disposal of the Commander of Her Majesty's Forces in this Province, or of the Governor or Person administering the Government thereof, for the conveyance of troops, artillery, ammunition, baggage and stores, or of any Militia, Police or other Civil Force, and their ammunition, baggage and stores, the Company receiving there-after due compensation for such service.

Certain offences under 23d sect. of the said Act not to be felonies.

XIII. And be it enacted, That for and notwithstanding anything in the twenty-third section of the said Act, no offence mentioned in the said section shall be deemed to be a felony, or subject the offender to punishment as a felon, unless such offence shall amount to a felony under some other Act or law, but in all other cases such offence against the provisions of the said section shall be a misdemeanor, and the offender shall be punished accordingly.

All By-laws regulating Tolls under this and certain other Acts to be subject to the approval of the Governor in Council.

XIV. And be it enacted, That all By-laws of the said Company, and all other Rail-road Companies now or hereafter incorporated as to which the right to interfere with the Act of Incorporation is reserved in such Act of Incorporation, regulating the tolls to be taken on the said road in this Act and on the roads in the said other Acts of Incorporation mentioned, shall be subject to the approval of the Governor in Council.

Railway to be subject to any general Act.

XV. And be it enacted, That nothing herein contained shall be construed to exempt the Railway in this Act mentioned from the provisions of any general Act relating to Railways, which may be passed during the present or any future Session of Parliament.

Public Act.

XVI. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and as such shall be judicially taken notice of by all Judges, Justices of the Peace, and others, without being specially pleaded.

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ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. LXIV.

An Act to incorporate the *St. Lawrence and Industry Village Rail-Road Company.*

[23th July, 1847.]

WHEREAS the construction of a Rail-road from Industry Village to the River St. Lawrence would greatly contribute to promote the trade and facilitate the communication between the County of Berthier and the adjacent Counties, and the Cities of Montreal and Quebec, and would tend much to advance the prosperity of all those portions of this Province; and whereas the several persons hereinafter named are desirous to make and maintain the said Rail-road: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That Barthelemi Joliette, Peter Charles Leodel, Edward Scallon, Gaspard de Lanaudière, Antoine J. Voyer, Joseph Dionne, David M. Armstrong, F. R. Tranchemontagne, Louis Voligny, the elder, Louis Voligny, the younger, Jean François Gagnon, Théophile J. Brassard, Antoine Manseau, Joseph Quevillon, J. B. H. Marcotte, P. Viau, B. Henry Leprohon, Charles Gougé, Joseph Deschamps, Félix Voligny, Magloire Grangé, S. Viger, Zacarie Cloutier, G. H. Cherrier and Maxime Fernest, together with such person or persons as shall, under the provisions of this Act, become subscribers to and proprietors of any share or shares in the Rail-road hereby authorized to be made and other works and property hereinafter mentioned, and their several and respective heirs, executors, administrators, curators and assigns, being proprietors of any such share or shares, are and shall be, and be united into a Company for carrying on, making, completing and maintaining the said intended Rail-road and other works, according to the rules, orders and directions hereinafter expressed, and shall for that purpose be one body politic and corporate by the name of *The St. Lawrence and Industry Village Rail-road Company*, and by that name shall have perpetual succession and shall have a common seal, and other the usual powers and rights of bodies corporate not inconsistent with this Act, and by that name shall and may sue and be sued, and also shall and may have power and authority to purchase and hold lands (which word shall throughout this Act be understood to include the land and all that is upon or below the surface thereof, and all the real rights and appurtenances thereunto belonging,) for them and their

Preamble.

Certain persons incorporated.

Corporate name.

Word 'Lands' how understood in this Act.

Mortmain
Laws not to
apply.
Rights of
seigniors saved

Rail-road
may be made
on any plan.

Direction of
the said Rail-
road.

Power to the
Company to
set out and
survey lands
necessary for
their works,
&c.

To get and
place mate-
rials.

Erecting build-
ings, ma-
chinery, &c.

Bridges and
other works
for passing
streams, &c.

their successors and assigns, for the use of the said Rail-road and works, without Her Majesty's *Lettres d'Amortissement*, (saving nevertheless to the Seigneur or Seigniors within whose *censive* the lands, tenements and hereditaments so purchased may be situate, his and their several and respective *droits d'indemnité*, and all other Seigniorial rights whatever.) and also to alienate and convey any of the said lands, purchased for the purposes aforesaid; and any person or persons, bodies politic or corporate, or communities may give, grant, bargain, sell or convey to the said Company any lands for the purposes aforesaid, and the same may re-purchase of the said Company without *Lettres d'Amortissement*: And the said Company shall be and are hereby authorized and empowered from and after the passing of this Act, by themselves, their deputies, agents, officers, workmen and servants, to make and complete a Rail-road to be called *The St. Lawrence and Industry Village Rail-road*, with one or more sets of Rails or Tracks, and to be worked by locomotive engines, or on the atmospheric principle, or in such other mode as the said Company may deem expedient, from some place in the Parish of Lavaltrie, or from some place in the Parish of Lanoraie, in the District of Montreal, to some place in the Parish of St. Charles Borromée, at or near Industry Village, and in as direct a line as may be found convenient, and to erect wharves, warehouses, stores and other buildings at either termination, and at such other places on the line of the said Rail-road as they may deem expedient.

II. And be it enacted, That for the purposes aforesaid, the said Company, their deputies, servants, agents and workmen, are hereby authorized and empowered to enter into and upon any lands and grounds of the Queen's Most Excellent Majesty, not hereinafter excepted, or of any person or persons, bodies politic or corporate, or collegiate, or communities or parties whatsoever, and to survey and take levels of the same, or any part thereof, and to set out and ascertain such parts thereof as they shall think necessary and proper for making the said intended Rail-road and other works hereby authorized, and all such works, matters and conveniences as they shall think proper and necessary for making, effecting, preserving, improving, completing, maintaining and using the said intended Rail-road and other works, and also to bore, dig, cut, trench, get, remove, take, carry away, and lay earth, clay, stone, soil, rubbish, trees, roots of trees, beds of gravel or sand, or any other matters or things which may be dug or got in making the said intended Rail-road or other works, on or out of the lands or grounds of any person or persons adjoining or lying convenient thereto, and which may be proper, requisite or necessary for making or repairing the said intended Rail-road, or the works incidental or relative thereto, or which may hinder, prevent or obstruct the making, using or completing, extending or maintaining the same respectively, according to the intent and purpose of this Act; and to make, build, erect and set up in or upon the said intended Rail-road, or upon their lands adjoining or near the same respectively, such and so many houses, warehouses, toll-houses, watch-houses, telegraphs or other signals, weighing beams, cranes, fire-engines, steam-engines, or other engines, either stationery or locomotive, inclined planes, machines, and other works, ways, roads and conveniences, as and when the said Company shall think requisite and convenient for the purposes of the said Rail-road and works; and also from time to time to alter, repair, divert, widen, enlarge and extend the same, and also to make, maintain, repair and alter any fences or passages over, under or through the said intended Rail-road, and to construct, erect and keep in repair any bridges, arches and other works upon and across any rivers or brooks for the making, using, maintaining and repairing the said intended Rail-road; and to turn any such brook, river or water-course,

water-course. and to change its course ; Provided always, that such turning or changing the course of any such brook, river or water-course shall not injuriously affect the mill streams of the Seigniories of Lanoraie and Dautray or adjoining properties, and to construct, erect, make and do all other matters and things which they shall think convenient and necessary for the making, effecting, extending, preserving, improving, completing, and easy using of the said intended Rail-road and other works, in pursuance of, and according to the true intent and meaning of this Act ; they, the said Company, doing as little damage as may be, in the execution of the several powers to them hereby granted, and making satisfaction in manner hereinafter mentioned to the owners or proprietors of, or the persons interested in the lands, tenements or hereditaments, water, water-courses, brooks or rivers respectively, which shall be taken, used, removed, prejudiced, or of which the course shall be altered, or for all damages to be by them sustained in or by the execution of all or any of the powers given by this Act ; and this Act shall be sufficient to indemnify the said Company and their servants, agents or workmen, and all other persons whatsoever for what they, or any of them, shall do by virtue of the powers hereby granted, subject nevertheless to such provisions and restrictions as are hereinafter mentioned.

Proviso as to streams.

Other works necessary for the Rail-road.

As little damage as possible to be done, and compensation to be made

III. Provided always, and be it enacted, That the said Company shall not carry the said Rail-road along any highway but shall merely cross the same in the line of the said road, whatever be the angle at which such line shall intersect the said highway, and before they shall in any way obstruct such highway with their works, they shall turn the said highway at their own charges so as to leave an open and good passage for carriages free from obstructions, and when their works are completed, they shall replace the said highway or street, under a penalty of five pounds currency, for any contravention, over and above all damages sustained by any party : but in any case the rail itself, provided it does not rise above or sink below the surface of the road more than one inch, shall not be deemed an obstruction.

How the Rail-road shall be carried across roads.

Rail itself not to be deemed an obstruction.

IV. And be it enacted, That for the purposes of this Act, the said Company shall and may by some sworn Land Surveyor for Lower Canada, and by an Engineer or Engineers by them to be appointed, cause to be taken and made, surveys and levels of the lands through which the said intended Rail-road is to be carried, together with a map or plan of such Rail-road, and of the course and direction thereof, and of the said lands through which the same is to pass, and the lands intended to be taken for the several purposes authorized by this Act, so far as then ascertained, and also a book of reference for the said Rail-road, in which shall be set forth a description of the said several lands, and the names of the owners, occupiers, and proprietors thereof, so far as they can be ascertained by the said Corporation, and in which shall be contained every thing necessary for the right understanding of such map or plan ; which said map or plan and book of reference shall be examined and certified by the person performing the duties formerly assigned to the Surveyor General, or his Deputies, who shall deposit copies thereof in the office of the Prothonotary of the Court of Queen's Bench for the District of Montreal, and also in the office of the Secretary of the Province, and shall also deliver one copy thereof to the said Company ; and all persons shall have liberty to resort to such copies so to be deposited as aforesaid, and to make extracts or copies thereof as occasion shall require, paying to the said Secretary of the Province, or to the said Prothonotary, at the rate of six pence current money of this Province, for every hundred words ; and the said triplicates of the said map or plan and

Company by a sworn Surveyor and Engineer shall take surveys and levels of the lands through which the Rail road is to be carried, and make a map or plan.

Plan and book of reference to be made and deposited.

The same to be examined and deposited.

Copies or extracts may be taken and used.

Certified copies to be evidence.

and book of reference, so certified, or a true copy or copies thereof, certified by the Secretary of the Province, or by the Prothonotary of the Court of Queen's Bench for the said District, shall severally be, and are hereby declared to be good evidence in the Courts of Law and elsewhere.

When the Rail road crosses or is carried along any highway, the rail, &c. to be within one inch of the surface.

V. Provided always, and be it enacted, That where the said Rail-road shall cross or be carried along any public highway, (which word shall in this Act, include all public streets, lanes, or other public ways or communications,) neither the rail nor any other part of the Rail-road or works connected therewith, shall rise above the level of such street or highway, or sink below the level of such highway more than one inch; and the said Rail-road may be carried across any highway within the limits aforesaid.

Precautions to be observed when the Rail-road crosses a highway on a level.

VI. Provided always, and be it enacted, That the said Company shall, at each and every place where the said Rail-way shall cross any highway on a level, erect and keep up a sign-board, stretching across the highway at such height as to leave sixteen feet from the highway to the lower edge of the sign-board, and having the word "RAIL-WAY CROSSING" painted on each side of such sign-board, in both languages, and in letters not less than six inches in length; and for each and every neglect to comply with the requirements of this section the said Company shall incur a penalty not exceeding five pounds currency.

Company not to deviate more than one mile from the line to be shewn in the map aforesaid.

VII. And be it enacted, That the said Company, in making the said intended Rail-road, shall not deviate more than a mile from the line of the Rail-road, or from the places assigned to the several works of the Company, in the map or plan and book of reference, deposited aforesaid, nor cut, carry, place, lay down or convey the said Rail-road into, through, across, under or over any part of the lands or grounds shown and mentioned in such map or plan and book of reference, as being required for such purpose, or as being within one mile of the said line, and of the places assigned therein to the said works respectively, (save in such instances as are herein specially provided for,) without the consent of the party or parties who could, under the provisions of this Act, convey such lands.

Except by consent of parties.

Errors in the books of reference not to prevent the making of the Road on the line shewn or within the limit of deviation.

VIII. And be it enacted, That the said Company may make, carry, or place their said intended Rail-road and works into, across, or upon the lands of any person or party whomsoever on the line aforesaid, or within the distance aforesaid from such line, although the name of such party be not entered in the said book of reference, through error, want of sufficient information, or any other cause, or although some other person or party be erroneously mentioned as the owner of or party entitled to convey, or interested in such lands.

Lands taken for Rail-road not to exceed thirty yards in breadth. Exceptions for off-sets passing places, &c.

IX. And be it enacted, That the lands or grounds to be taken or used for such intended Rail-road, and the ditches, drains and fences to separate the same from the adjoining lands, shall not exceed thirty yards in breadth, except in such places where the said intended Rail-road shall be raised more than five feet higher, or cut more than five feet deeper than the present surface of the land, and in such places where it shall be judged necessary to have off-sets for the locomotives or other engines and carriages using the said intended Rail-road, to be or pass each other (and not above one hundred yards in breadth in any such place,) or where any houses, ware-houses, wharves, toll-houses, watch-houses, weighing-beams, cranes, fixed engines, or inclined planes,

And for stations for machinery, &c.

planes, may be intended to be erected, or goods, wares, or merchandize be delivered, (and then not more than two hundred yards in length, by one hundred and fifty yards in breadth,) without the consent of some party who can, under the provisions of this Act, convey such lands to the said Company, and the places at which such extra breadth is to be taken, shall be shewn on the said map or plan, so far as the same may be then ascertained, but their not being so shewn shall not prevent the Company from taking such extra breadth, provided it be taken upon the line shewn or within the distance aforesaid from such line: Provided always, that no land shall be taken by the said Company from any public highway, but their right shall be limited to the laying down across the same, that is in the line of the said Rail-road, at whatever angle it may intersect such highway, the rails and other contrivances forming part of the said Rail-road, subject to the limitations mentioned in the fifth Section, or any other part of this Act.

Proviso as to lands forming part of public roads, &c.

X. And be it enacted, That it shall be lawful for the said Company to take, use, occupy and hold, but not to alienate, so much of the Public Beach or Beach-road, or of the land covered with the waters of the River Saint Lawrence, as may be required for the wharves and other works of the said Rail-road, and other works which they are hereby authorized to construct, doing no damage to nor causing any obstruction in the navigation of the said river.

Company may use the public Beach, &c. doing no damage to the navigation.

XI. And be it enacted, That after any lands or grounds shall be set out and ascertained in manner aforesaid, for making and completing the said Rail-road and other works, and other the purposes and conveniences hereinbefore mentioned, it shall and may be lawful for all bodies politic, corporate, or collegiate, corporations, aggregate or sole, communities, *grevés de substitution*, guardians, curators, executors, administrators, and all other trustees or persons whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether infants, issue unborn, lunatics, idiots, *femes-covert*, or other persons or parties, who are or shall be seized, possessed of, or interested in, any lands or grounds which shall be so set out and ascertained as aforesaid, or any part thereof, to contract for, sell and convey unto the said Company, all or any part of such lands or grounds which shall, under this Act, be set out and ascertained as aforesaid; and that all contracts, agreements, sales, conveyances, and assurances so to be made, shall be valid and effectual in law to all intents and purposes whatsoever; any law, statute, usage or custom to the contrary thereof in any wise notwithstanding; and that all bodies politic, corporate, or collegiate, or communities, and all persons whatsoever, so conveying as aforesaid, are hereby indemnified for what he, she, or they, or any of them shall respectively do by virtue of or in pursuance of this Act: Provided always, that before the map or plan and book of reference shall be deposited as aforesaid, and before the lands required for the said Rail-road and works shall be set out and ascertained, it shall be lawful for any party who might, under this Act, convey any lands to the said Company, if the same were so set out and ascertained, to agree with the Company for the price to be paid for such lands if they shall be thereafter so set out and ascertained; and such agreement shall be binding, and the price agreed upon shall be the price to be paid by the Company for the same lands, if they shall be afterwards so set out and ascertained, within one year from the date of such agreement, and although such land may, in the mean time, have become the property of a third party; and possession of the same may be taken, and the agreement and price may be dealt with,

After any lands have so been set out, all bodies corporate, &c., may sell their property therein to the Company.

Proviso: Parties who may convey lands may, before any lands are so set out, agree with the Company for the price to be paid for them if they be afterwards required.

with, as if such price had been fixed by an award of arbitrators as hereinafter mentioned.

Where no power is vested in any body corporate or other party to sell, a fixed annual rent to be established instead of a principal sum.

Privilege granted for securing such Rent or any purchase money not paid.

* *Sic.* should be "hands."

XII. Provided always, and be it enacted, That any body politic, community, corporation, or other party, who cannot in common course of law sell or alienate any lands or grounds so set out and ascertained, shall agree upon a fixed annual rent as an equivalent, and not upon a principal sum, to be paid for the lands or grounds so set out and ascertained as necessary for making the said Rail-road, and other the purposes and conveniences relative thereto and connected therewith; and in case the amount of such rent shall not be fixed by voluntary agreement or compromise, it shall be fixed in the manner hereinafter prescribed, and all proceedings shall, in that case, be regulated as hereinafter prescribed; and for the payment of the said annual rent, and every other annual rent agreed upon or ascertained, and to be paid by the said Company for the purchase of any lands, or for any part of the purchase money of any land, which the vendor shall agree to leave in the lands* of the said Company, the said Rail-road and the Tolls to be levied and collected thereon shall be, and are hereby made liable and chargeable, in preference to all other claims or demands thereon whatsoever, the deed creating such charge and liability being duly registered.

Agreement with proprietors *par indivis* to a certain extent shall bind the rest.

XIII. Provided always, and be it enacted, That whenever there shall be more than one party proprietor of any land or property *par indivis*, any agreement made in good faith between the said Company, and any party or parties proprietor, or being together proprietors, of one-third or more of such land or property, as to the amount of compensation for the same, or for any damages thereto, shall be binding as between the remaining proprietor or proprietors *par indivis* and the Company; and the proprietor or proprietors who have so agreed, may deliver possession of such land or property to the Company, or empower them to enter upon the same, as the case may be.

The Company to apply to the owners of the lands through which the Rail-road is to be carried, touching the compensation to be paid for the same, or for any right to be exercised upon them. Or as to mode of establishing such compensation.

How the same shall be settled when the parties cannot agree.

XIV. And be it enacted, That so soon as the said map or plan and book of reference shall have been deposited as aforesaid, and notice of its being so deposited shall have been given during at least one calendar month, in at least one newspaper published in the City of Montreal, in the English language, and in at least one newspaper there published in the French language, it shall be lawful for the said Company to apply to the several owners of or parties hereby empowered to convey the lands through which such Rail-road is intended to be carried, or which may suffer damage from the taking of materials, or the exercise of any of the powers granted to the said Company by this Act, and to agree with such owners or parties respectively, touching the compensation to be paid to them by the said Company for the purchase thereof, and for their respective damages, and to make such agreements and contracts with the said parties touching the said lands, or the compensation to be paid for the same, or for the damages, or as to the mode in which the said compensation shall be ascertained, as to such parties and the said Company shall seem expedient; and in case of disagreement between the said Company and the said owners or parties or any of them, then all questions which shall arise between them and the said Company shall be settled as follows, that is to say:

Legal effect of map and book of reference.

The deposit of the map or plan and book of reference, and the notice of such deposit, given as aforesaid, shall be deemed a general notice to all such parties as aforesaid, of the lands which will be required for the said Rail-road and works.

The

The Company shall serve a notice upon the opposite party, containing—a description of the lands to be taken, or of the powers intended to be exercised with regard to any lands (describing them)—a declaration that the Company are ready to pay some certain sum (or rent, as the case may be,) as compensation for such lands or for the damages arising from the exercise of such power—and the name of a person whom they appoint as their Arbitrator if their offer be not accepted—and such notice shall be accompanied by the certificate of some sworn Surveyor for Lower Canada, resident in the District of Montreal, disinterested in the matter, and not being the Arbitrator named in the notice, that the land (if the notice relate to the taking of land) is shewn on the map or plan deposited as aforesaid, as being required for the said Rail-road and works, or as being within the limits of deviation hereby allowed from the line of the said Rail-road, that he knows such land, or the amount of damages likely to arise from the exercise of such powers, and that the sum so offered is in his opinion a fair compensation for such land and for such damages as aforesaid.

Notice to opposite party.

Offer.

Name of arbitrator.

Certificate of a Surveyor that the offer is a fair one, &c.

If the opposite party be absent from the District of Montreal or be unknown to the said Company, then upon application to any Justice of the Court of Queen's Bench for the said District, accompanied by such certificate as aforesaid, and by an affidavit of some Officer of the Company, that such opposite party is so absent, or that after diligent inquiry the party on whom the notice ought to be served cannot be ascertained, such Justice shall order a notice as aforesaid (but without the certificate) to be inserted during one calendar month in some newspaper published in the City of Montreal, in the English language, and in some newspaper there published in the French language.

If the party be absent or unknown.

If within ten days after the service of such notice, or within one month after the first publication thereof as aforesaid, the opposite party shall not notify to the Company that he accepts the sum offered by the said Company, or notify to them the name of a person whom he appoints as Arbitrator, then any Justice of the Court of Queen's Bench may, on the application of the said Company, appoint some sworn Surveyor for Lower Canada, resident in the District of Montreal, to be sole Arbitrator for determining the compensation to be paid by the Company.

Party not accepting the Company's offer, and not appointing an Arbitrator.

If the opposite party shall, within the time aforesaid, notify to the said Company the name of the person such party shall appoint as Arbitrator, then the said two Arbitrators shall jointly appoint a third, or if they cannot agree upon a third, then any Justice of the Court of Queen's Bench shall, on the application of the said party or of the Company, (previous notice of at least one clear day having been given to the other party,) appoint a third Arbitrator.

Opposite party appointing an Arbitrator.
Third Arbitrator.

The said Arbitrators or any two of them or the sole Arbitrator, being sworn before some Commissioner for receiving affidavits to be used in the said Court of Queen's Bench, faithfully and impartially to perform the duties of their office, shall proceed to ascertain the compensation to be paid by the Company, in such way as they or he, or a majority of them, shall deem best, and the award of such Arbitrators, or of any two of them, or of the sole Arbitrator, shall be final and conclusive: Provided, that no such award shall be made or any official act done by such majority, except at a meeting held at a time and place of which the other Arbitrator shall have had at least one clear day's notice, or to which some meeting at which the third Arbitrator was present shall have been adjourned; but no notice to the Company or opposite party shall be necessary,

Duties of Arbitrator after being sworn.

Proviso.
Award not to be made except at proper meetings or times.

necessary, but they shall be held sufficiently notified through the Arbitrator they shall have appointed or whose appointment they shall have required.

Costs how paid.

Provided always, that the award given by any sole Arbitrator shall never be for a less sum than that offered by the Company as aforesaid; and if in any case where three Arbitrators shall have been appointed, the sum awarded be not greater than that offered by the Company, the costs of the arbitration shall be borne by the opposite party, and deducted from the compensation, otherwise they shall be borne by the Company, and in either case they may, if not agreed upon, be taxed by any Justice of the Court of Queen's Bench.

Arbitrators to have power to examine witnesses on oath. False statement to be perjury.

The Arbitrators, or a majority of them, or the sole Arbitrator, may examine on oath, or solemn affirmation, the parties or such witnesses as shall voluntarily appear before him or them, and may administer such oath or affirmation; and any wilful false statement made by any witness, under such oath or affirmation, shall be deemed wilful and corrupt perjury, and punishable accordingly.

Time within which award must be made

The Justice of the Court of Queen's Bench by whom any third Arbitrator or sole Arbitrator shall be appointed, shall, at the same time, fix a day on or before which the award shall be made, and if the same be not made on or before such day, or some other day to which the time for making it shall have been prolonged, either by the consent of the parties, or by the order of a Justice of the said Court, (as it may be for reasonable cause shown, on the application of such sole Arbitrator, or one of the Arbitrators after one clear day's notice to the others,) then the sum offered by the Company as aforesaid shall be the compensation to be paid by them.

Time may be prolonged in certain cases.

Arbitrator dying, failing to act, &c.

If the party appointed by any Judge as third Arbitrator or sole Arbitrator shall die before the award be made, or shall refuse to act or fail to act within a reasonable time, then upon the application of either party, the Judge (or any other Judge of the said Court) being satisfied by affidavit or otherwise of such disqualification, refusal or failure, may, in his discretion, appoint another in his stead; and if the Arbitrator appointed by the said Company or by the opposite party shall die before the award shall be made, or shall leave the Province or become unable to act within a reasonable time, (such fact being ascertained to the satisfaction of some Judge of the said Court as attested by his Certificate to that effect,) the said Company or the opposite party (as the case may be) may appoint another in his stead, notifying the other Arbitrators of such appointment, and if the sole Arbitrator shall die before the award be made, any Justice of the Court of Queen's Bench may, on the application of the said Company, appoint another, but no recommencement or repetition of prior proceedings shall be required.

Company may desist, paying costs.

The Company may desist from any such Notice as aforesaid, and afterwards give new Notice with regard to the same or other lands, to the same or any other party, but they shall in any such case be liable to the party first notified for all damages or costs by him incurred in consequence of such first Notice and desistment: and no change of owner after the notice shall affect the proceedings, but the party notified shall be still deemed the owner, except as to the payment of the sum awarded.

Change of owner.

Arbitrators not disqualified by certain circumstances.

It shall be no disqualification to the Surveyor or other person offered or appointed as Valuator, or as Arbitrator, that he be professionally employed by the Company or by the opposite party, or that he have previously expressed an opinion as to the amount of compensation, or that he be related or of kin to any member of the Company, provided

provided he be not himself personally interested in the amount of such compensation; and no cause of disqualification shall be urged against any Arbitrator appointed by a Justice of the Court of Queen's Bench after his appointment, but shall be made before the same, and its validity or invalidity summarily determined by such Justice; and no cause of disqualification shall be urged against any Arbitrator appointed by the Company, or by the opposite party, after the appointment of a third Arbitrator; and the validity or invalidity of any cause of disqualification urged against any such Arbitrator, before the appointment of a third Arbitrator, shall be summarily determined by any Justice of the said Court on the application of either party, after one clear day's notice to the other, and if such cause be determined to be valid, the appointment shall be null, and the party offering the person so adjudged to be disqualified shall be held to have appointed no Arbitrator.

Cause of disqualification when to be urged.
How tried and determined.

No award made as aforesaid shall be invalidated by any want of form or other technical objection, if the requirements of this Act shall have been complied with, and if the award shall state clearly the sum awarded, and the lands or other property, right or thing for which such sum is to be the compensation; nor shall it be necessary that the party or parties to whom the sum is to be paid be named in the award.

Awards not to be avoided by mere want of form.

Parties need not be named in the award.

XV. And be it enacted, That upon payment or legal tender of the compensation or annual rent so awarded, agreed upon or determined as aforesaid to the party entitled to receive the same, or upon the deposit of the amount of such compensation in the matter hereinafter mentioned, the award or agreement shall vest in the said Company the power forthwith to take possession of the lands or to exercise the right or to do the thing for which such compensation or annual rent shall have been awarded or agreed upon: and if any resistance or forcible opposition shall be made by any person or party to their so doing, any Justice of the Court of Queen's Bench may, on proof to his satisfaction that the requirements of this Act have been complied with, issue a Warrant to the Sheriff of the District, or to any Bailiff of the Court (as in his discretion may be most suitable), to put the said Company in possession, and to put down such resistance or opposition, which such Sheriff or Bailiff, taking with him sufficient assistance, shall accordingly do; Provided always, that such warrant of possession may also be granted by any such Justice, upon proof by affidavit to his satisfaction that immediate possession of the land or power to do the thing in question, is necessary to the carrying on of the works of the said Company, the adverse party being summoned, by one clear day's notice, to appear before such Judge, and the Company giving such security as the said Judge shall direct, to pay the sum to be awarded, with interest from the day on which the warrant shall be granted and all lawful costs, such security not being for less than twice the sum offered by the Company in the notice to such adverse party.

Possession may be taken on payment, tender or deposit of the sum awarded.

Warrant of possession in case of resistance.

Proviso: Possession may be obtained before the award in certain cases.

XVI. And be it enacted, That the compensation awarded as aforesaid or agreed upon by the said Company, and any party who might under this Act validly convey the lands, or then in lawful possession thereof as proprietor, for any lands which might be lawfully taken under this Act without the consent of the proprietor, shall stand in the stead of such lands and any claim to, or hypothec or incumbrance upon the said land, or any portion thereof, shall, as against the said Company, be converted into a claim to the said compensation, or to a like proportion thereof, and they shall be responsible accordingly whenever they shall have paid such compensation, or any part thereof, to a party not entitled to receive the same, saving always their recourse against such party:

Claims to or upon the lands so purchased or taken.

Compensation to stand in the place of the land.

Provided

Proviso :
Proceedings if
the Company
have reason to
fear incum-
brances, or
claims by other
parties than
the vendor.

Provided always, that if the said Company shall have reason to fear any such claims, hypothecs or incumbrances, or if any party to whom the compensation or annual rent, or any part thereof, shall refuse to execute the proper conveyance and guarantee, or if the party entitled to claim the same cannot be found, or be unknown to the Company, or if for any other reason the Company shall deem it advisable, it shall be lawful for them to pay such compensation into the hands of the Prothonotary of the said Court of Queen's Bench, with the interest thereon for six months, and to deliver to the said Prothonotary an authentic copy of the conveyance, or of the award or agreement if there be no conveyance, and such award or agreement shall thereafter be deemed to be the title of the said Company to the land therein mentioned, and proceedings shall thereupon be had for the confirmation of the title of the said Company, in like manner as in other cases of confirmation of title, except that in addition to the usual contents of the notice, the Prothonotary shall state that the title of the Company, (that is the conveyance, agreement or award,) is under this Act, and shall call upon all persons entitled to, or to any part of the land, or representing, or being the husband of any parties so entitled, to file their oppositions for their claims to the compensation, or any part thereof, and all such oppositions shall be received and adjudged upon by the Court, and the judgment of confirmation shall for ever bar all claims to the lands, or any part thereof, (including dower not yet open,) as well as all hypothecs or incumbrances upon the same; and the Court shall make such order for the distribution, payment or investment of the compensation, and for the securing of the rights of all parties interested as to right and justice, according to the provisions of this Act and to law, shall appertain; and the costs of the said proceedings, or any part thereof, shall be paid by the said Company, or by any other party, as the Court shall deem it equitable to order; and if judgment or confirmation be obtained in less than six months from the payment of the compensation to the Prothonotary, the Court shall direct a proportionate part of the interest to be returned to the Company, and if from any error, fault or neglect of the Company it shall not be obtained until after six months are expired, the Court shall order the Company to pay to the Prothonotary the interest for such further period as may be right.

Costs and in-
terests how
paid, &c.

Proviso as to
lands which
cannot be
taken without
the consent of
a party who
could convey,
or when this
Act shall not
have been
complied with.

XVII. Provided always, and be it enacted, That with regard to any lands which could not be taken without the consent of some party entitled under this Act to convey the same, or in any case in which the requirements of this Act shall not have been complied with, and in all cases where land shall have been taken or damage shall have been done by the Company without previously complying with the requirements of this Act, the rights of the Company and of other parties shall be governed by the ordinary rules of law.

All applica-
tions for in-
demnity for
damage done
under this
Act, to be
made within a
certain time.
General issue.

XVIII. And be it enacted, That all suits for indemnity for any damage or injury sustained by reason of the powers and authority given by this Act shall be made within six calendar months next after the time of such supposed damage sustained, or in case there shall be a continuation of damage, then within six calendar months next after the doing or committing such damage shall cease, and not afterwards, and the Defendant or Defendants shall and may plead the general issue and give this Act and the special matter in evidence at any trial to be had thereupon, and may aver that the same was done in pursuance and by authority of this Act.

XIX. And be it enacted, That if any person shall by any means or in any manner or way whatsoever, obstruct or interrupt the free use of the said Rail-road, or the carriages, vessels, engines or other works incidental or relative thereto, or connected therewith, such person shall for every such offence incur a forfeiture or penalty of not less than five pounds nor exceeding ten pounds currency; one half of which penalty and forfeiture, to be recovered before one or more Justices of the Peace for the District, shall go to the prosecutor or informer, and the other half to Her Majesty, Her Heirs and Successors, and shall be paid into the hands of the Receiver General, and be applied for the public uses of this Province and the support of the Government thereof.

Penalty on persons obstructing the free use of the Rail-road.

How recoverable and applicable.

XX. And be it enacted, That if any person or persons shall wilfully and maliciously, and to the prejudice of the said Rail-road authorized to be made by this Act, break, throw down, damage or destroy the same, or any part thereof, or any of the houses, warehouses, toll-houses, watch-houses, weigh-beams, cranes, carriages, engines, inclined planes, machines or other works or devices, incidental and relative thereto or connected therewith, or do any other wilful hurt or mischief, or wilfully or maliciously obstruct or interrupt the free use of the said Rail-road or works, or shall obstruct, hinder or prevent the carrying on, completing, supporting and maintaining the said intended Rail-road, vessels or works, such person or persons shall be guilty of a misdemeanor, and being convicted thereof shall be punished accordingly.

Punishment of persons breaking down or obstructing or damaging the Rail-road or any works of the Company.

XXI. And to the end that the said Company may be enabled to carry on so useful an undertaking: Be it enacted, That it shall and may be lawful for the said Company and their successors, to raise and contribute among themselves, in such proportions as to them shall seem meet and convenient, a competent sum of money for the making and completing the said Rail-road and all such other works, matters and conveniences as may be found necessary for making, effecting, preserving, improving, completing, maintaining and using the said Rail-road and other works: Provided always, that the before mentioned Barthelemi Joliette, Peter Charles Leodel, Edouard Scallon, Gaspard de Lanaudière and Antoine J. Voyer, (being the Provisional Committee named for that purpose) shall cause books of subscription to be opened in the County of Berthier at such place therein as they shall from time to time appoint, until the first meeting of Proprietors hereinafter provided for, for receiving the signatures of persons willing to become subscribers to the said undertaking, and for this purpose they shall give public notice in some newspaper published in the District of Montreal, in the English language, and in some newspaper there published in the French language, of the time and place at which such books will be opened and ready for receiving signatures as aforesaid, and of the persons by them authorized to receive such subscriptions; and every person who or whose Attorney shall write his or her signature in such book as a subscriber to the said undertaking, shall thereby become a Member of the said Corporation, and shall have the same rights and privileges, as such, as are hereby conferred on the several persons who are herein mentioned by name as Members of the said Corporation: Provided always, that the sums so raised shall not exceed the sum of twelve thousand pounds, currency, of this Province, in the whole, except as hereinafter mentioned, and that the same be divided into such numbers of shares as hereinafter directed, at a price of twenty-five pounds, currency, aforesaid, per share; and the money so to be raised is hereby directed and appointed to be laid out and applied in the first place for and towards the payment, discharge and satisfaction of all fees and disbursements for obtaining and passing this Act, and for making the surveys, plans and estimates

Company to contribute among themselves the necessary sums for carrying on their undertaking.

Proviso: Books of subscription to be opened.

Proviso: Capital limited, and divided into shares of £25 each.

Order of charges on the Capital.

estimates incident thereto, and all other expenses relating thereunto, and all the rest, residue and remainder of such money for and towards making, completing and maintaining the said Rail-road and other the purposes of this Act, and to no other use, intent or purpose whatever: And provided also, that one tenth part of the said sum of twelve thousand pounds shall be paid up and shall be deposited to the credit of the said Company in some one or more of the Chartered Banks in this Province before the commencement of the said Rail-road.

Proviso: one tenth of the Capital to be paid up before the work is begun.

The sum that may be raised by the Company of Proprietors, to be divided into shares.

To be personal property and transferable.

Rights of Shareholders to profit, &c.

Their liabilities.

If this sum should not be sufficient, the Company may raise a further sum for completing their undertaking.

XXII. And be it enacted, That the said sum of twelve thousand pounds, currency, or such part thereof as shall be raised by the several persons hereinbefore named, and by such other person or persons who shall or may at any time become a subscriber or subscribers to the said Rail-road, shall be divided and distinguished into four hundred and eighty equal parts or shares, at a price not exceeding twenty-five pounds currency, aforesaid per share; and that the shares be deemed personal estate, and shall be transferable as such; and that the said four hundred and eighty shares shall be and are hereby vested in the said several subscribers and their several respective heirs, executors, curators, administrators and assigns, to their and every of their proper use and behoof, proportionally to the sum they and each of them shall severally subscribe and pay thereunto; and all and every the bodies politic, corporate or collegiate, or communities, and all and every person or persons, their several and respective successors, executors, curators, administrators and assigns, who shall severally subscribe and pay the sum of twenty-five pounds, or such sums as shall be demanded in lieu thereof, towards carrying on and completing the said Rail-road, shall be entitled to and receive, after the said Rail-road shall be completed, the entire and net distribution of the profits and advantages that shall and may arise and accrue by virtue of the sum and sums of money to be raised, recovered or received by the authority of this Act, in proportion to the number of shares so held; and every body politic, corporate or collegiate, or community, person or persons, having such property of one four hundred and eightieth part or share in the said undertaking, and so in proportion as aforesaid, shall bear and pay an adequate and proportional sum of money towards carrying on the said undertaking in manner by this Act directed and appointed.

XXIII. And be it enacted, That in case the said sum of twelve thousand pounds, hereinbefore authorized to be raised, shall be found insufficient for the purposes of this Act, then and in such case it shall be lawful for the said Company to raise and contribute amongst themselves, in manner and form aforesaid, and in such shares and proportions as to them shall seem meet, or by the admission of new subscribers, a further or other sum of money for completing and perfecting the said intended Rail-road and other works or conveniences incidental or relative thereto, or hereby authorized, not exceeding the sum of four thousand pounds, currency, aforesaid; and every subscriber towards raising such further or other sum of money shall be proprietor in the said undertaking, and have a like right of voting in respect of his, her or their shares in the said additional sum so to be raised, and shall also be liable to such obligations, and stand interested in all the profits and powers of the said undertaking, in proportion to the sum he, she or they shall or may subscribe thereto, as generally and extensively as if such other or further sum had been originally raised as a part of the said first sum of twelve thousand pounds; any thing herein contained to the contrary notwithstanding.

XXIV. And be it enacted, That the said Company may from time to time lawfully borrow either in this Province or elsewhere such sum or sums of money, not exceeding at any time the sum of eight thousand pounds, currency, as they may find expedient, and at such rate of interest not exceeding six *per centum per annum*, as they may think proper; and may make the bonds, debentures or other securities, they shall grant for the sums so borrowed payable either in currency or in sterling, and at such place or places within or without this Province as they may deem advisable, and may hypothecate or pledge the lands, tolls, revenues, and other property of the said Company for the due payment of the said sums and the interest thereon.

Company may borrow in this Province or elsewhere a sum not exceeding at one time £8000 currency.

And grant hypothec on their property.

XXV. And be it enacted, That the number of votes to which each Proprietor of shares in the said undertaking shall be entitled, on every occasion when in conformity to the provisions of this Act, the votes of the Members of the said Company are to be given, shall be in the proportion to the number of shares held by him, that is to say, one vote for each share less than fifty: Provided always, that no one Proprietor as aforesaid shall have more than fifty votes; and all Proprietors of shares whether resident in this Province, or elsewhere, may vote by proxy, if he, she or they shall see fit, provided that such proxy do produce from his constituent or constituents, an appointment in writing, in the words or to the effect following, that is to say:

Votes of Proprietors according to the number of their shares.

Proviso.

Proprietors may vote by proxy.

" I, _____ of _____ one of the
 " Proprietors of the *St. Lawrence and Industry Village Rail-road*, do hereby nomi-
 " nate, constitute, and appoint _____ of _____
 " to be my proxy, in my name, and in my absence to vote or give my assent or dissent
 " to any business, matter or thing relating to the said undertaking, that shall be men-
 " tioned or proposed at any meeting of the Proprietors of the said undertaking, or any
 " of them, in such manner as he the said _____ shall think
 " proper, according to his opinion and judgment, for the benefit of the said undertaking,
 " or any thing appertaining thereto. In witness whereof, I have hereunto set my
 " hand and seal, the _____ day of _____
 " in the year _____ ."

Form of appointment of proxy.

And such vote or votes by proxy shall be as valid as if such principal or principals had voted in person; and whatever question, election of proper Officers, or matters or things shall be proposed, discussed, or considered in any public meeting of the Proprietors to be held by virtue of this Act, shall be determined by the majority of votes and proxies then present and so given as aforesaid, and all decisions and acts of any such majority shall bind the said Company and be deemed the decision and Acts of the said Company.

Questions to be decided by majority of votes.

XXVI. Provided always, and be it enacted, That no Proprietor who shall not be a natural born subject of Her Majesty, or a subject of Her Majesty naturalized under an Act of the British Parliament, or by an Act of the Parliament of this Province, shall be elected President or Treasurer of the said Company.

None but a British subject to be President or Treasurer.

XXVII. And be it enacted, That no Shareholder in the said Company shall be in any manner whatsoever liable for or charged with the payment of any debt or demand due by the said Company beyond the extent of his, her or their share in the Capital of the said Company not paid up.

Shareholders not liable for the debts of the Corporation.

The first General Meeting of the proprietors to be held in Industry Village.

To elect a Board of seven Directors.

In the month of January, 1850, and of each year thereafter, a Board of Directors to be elected.

Special Meetings of Proprietors may be called.

Quorum at Special Meetings.

Proviso: Vacancies among the Directors may be filled at Special Meetings.

Two Directors shall annually retire, by lot, but may be re-elected.
Proviso.

XXVIII. And be it enacted, That the first General Meeting of the Proprietors for putting this Act in execution, may be held at the Industry Village whenever the four hundred and eighty shares in the said undertaking shall have been subscribed for, provided that public notice thereof be given during one week in some newspaper published in the English language and in some newspaper published in the French language, in the District of Montreal, and signed by at least five of the subscribers to the said undertaking holding among them at least one hundred shares; and at such said General Meeting the Proprietors assembled, with such proxies as shall be present, shall choose seven persons, being each a Proprietor of not less than four shares in the said undertaking, to be Directors of the said Company, in such manner as is hereinafter directed, and shall also proceed to pass such Rules and Regulations and By-laws as shall seem to them fit, provided they be not inconsistent with this Act.

XXIX. And be it enacted, That the Directors first appointed (or those appointed in their stead in case of vacancy) shall remain in office until the elections of Directors in the month of January, one thousand eight hundred and fifty, and that in the month of January in the said year and each year thereafter, and on such day of the month as shall be appointed by any By-law, an Annual General Meeting of the said Proprietors shall be held to choose Directors in the room of those whose office may at that time become vacant, and generally to transact the business of the Company; but if at any time it shall appear to any five or more of such Proprietors holding together one hundred shares at least, that for more effectually putting this Act in execution, a Special General Meeting of Proprietors is necessary to be held, it shall be lawful for such five or more of them to cause fifteen days' notice at least to be given thereof in two public newspapers as aforesaid, or in such manner as the Company shall by any By-law direct or appoint, specifying in such notice the time and place, and the reason and intention of such Special Meeting, respectively; and the Proprietors are hereby authorized to meet pursuant to such notices, and proceed to the execution of the powers by this Act given them, with respect to the matters so specified only; and all such acts of the Proprietors or the majority of them, at such Special Meetings assembled, such majority not having either as principals or proxies, less than one hundred shares, shall be as valid to all intents and purposes as if the same were done at Annual Meetings: Provided always, that it shall and may be lawful for the said Proprietors at such Special Meetings, (in like manner as at Annual Meetings,) in case of the death, absence, resignation or removal (and at any General Meeting of the Proprietors, Annual or Special, any Director may be removed) of any person elected a Director to manage the affairs of the said Company in manner aforesaid, to appoint another or others in the room or stead of those of the Directors who may die, or be absent, resign, or be removed as aforesaid; any thing in this Act to the contrary notwithstanding; but if such appointment be not made, such death, absence, or resignation, shall not invalidate the acts of the remaining Directors.

XXX. And be it enacted, That at each of the said Annual Meetings of Proprietors, two of the said seven Directors shall retire in rotation, the order of retirement of the said first elected seven Directors being decided by lot, but the Directors then or at any subsequent time retiring shall be eligible for re-election: Provided always, that no such retirement shall have effect unless the Proprietors shall at such Annual Meeting proceed to fill up the vacancies thus occurring in the direction.

XXXI. And be it enacted, That the Directors shall, at their first (or at some other) Meeting after the day appointed for the Annual General Meeting in each year, elect one of their members to be the President of the said Company, who shall always (when present) be the Chairman of, and preside at all Meetings of the Directors, and shall hold his office until he shall cease to be a Director, or until another President shall be elected in his stead: and the said Directors may, in like manner, elect a Vice-President, who shall act as Chairman in the absence of the President.

Directors to elect a President.

And Vice President.

XXXII. And be it enacted, That any Meeting of the said Directors, at which not less than five Directors shall be present, shall be competent to use and exercise all and any of the powers hereby vested in the said Directors of the said Company: Provided always, that no one Director, though he may be a Proprietor of many shares, shall have more than one vote at any meeting of the Directors, except the President or Vice-President, when acting as Chairman, or any temporary Chairman, who, in case of the absence of the President and Vice-President, may be chosen by the Directors present, either of whom when presiding at a meeting of the Directors shall, in case of a division of equal numbers, have the casting vote, although he may have given one vote before: And provided also, that such Directors shall from time to time be subject to the examination and control of the said Annual and Special Meetings of the said Proprietors as aforesaid, and shall pay due obedience to all By-laws of the Company and to such orders and directions, in and about the premises, as they shall from time to time receive from the said Proprietors at such Annual or Special Meetings; such orders and directions not being contrary to any express directions or provisions in this Act contained: And provided also, that the act of any majority of a *Quorum* of the Directors present at any meeting regularly held shall be deemed the act of the Directors.

Five Directors to be a *Quorum* for business.

Proviso.

Casting vote of Chairman.

Proviso: Directors subjected to the control of General Meetings.

Proviso: Acts of a majority of a *Quorum* to be valid.

XXXIII. Provided always, and be it enacted, That no person holding any office, place or employment, or being concerned or interested in any contract or contracts under the said Company, shall be capable of being chosen a Director or of holding the office of Director.

No officer of the Company, or contractor to be a Director.

XXXIV. And be it enacted, That every such Annual Meeting shall have power to appoint not exceeding three Auditors to audit all accounts of money laid out and disbursed on account of the said undertaking, by the Treasurer, Receiver or Receivers, and other Officer or Officers to be by the said Directors appointed, or by any other person or persons whatsoever, employed by, or concerned for and under them, in and about the said undertaking; and to that end the said Auditors shall have power to adjourn themselves over from time to time, and from place to place, as shall be thought convenient by them: And the said Directors chosen under the authority of this Act, shall have power from time to time to make such call or calls of money from the Proprietors of the said Rail-road and other works, to defray the expense of, or to carry on the same, as they from time to time shall find necessary and wanting for those purposes: Provided, however, that no call do exceed the sum of two pounds ten shillings, current money of this Province, for every share of twenty-five pounds: And provided also, that no calls be made but at the distance of at least one calendar month from each other: and such Directors shall have full power and authority to direct and manage all and every the affairs of the said Company, as well as contracting for and purchasing lands, rights, and materials for the use of the said Company, as in employing, ordering and directing the work and workmen, and in placing and removing under-officers, clerks, servants and

Annual Meeting may appoint three Auditors to audit all accounts of money laid out and disbursed on behalf of the said undertaking.

Power of the Directors to make calls.

Proviso.

Calls how to be made.

Other powers of the Directors.

Executing
deeds of the
Corporation.

and agents, and in making all contracts and bargains touching the said undertaking : And to affix or authorize any person to affix the Common Seal of the Company to any Act, Deed, By-laws, Notice or other document whatsoever ; and any such Act, Deed, By-laws, Notice or other document bearing the Common Seal of the Company, and signed by the President, Vice-President, or any Director, or by order of the Directors, shall be deemed the act of the Directors and of the Company, nor shall the authority of the signer of any document purporting to be so signed and sealed, to sign the same and affix the said Seal thereto, be liable to be called in question by any party except the Company : and the Directors shall have such other and further powers, as being vested in the Company by this Act, shall be conferred upon the said Directors by the By-laws of the Company.

Shareholders
bound to pay
calls.

XXXV. And be it enacted, That the owner or owners of one or more shares in the said undertaking shall pay his, her or their shares and proportion of the money to be called for as aforesaid, to such person or persons, and at such time and place as the said Directors shall from time to time appoint and direct, of which three weeks' notice at least shall be given in two newspapers as aforesaid, or in such other manner as the said Proprietors or their successors shall by any By-law direct or appoint ; and if any person or persons shall neglect or refuse to pay his, her or their rateable or proportionable part or share of the said money, to be called for as aforesaid, at the time and place so appointed, he, she or they, neglecting or refusing shall forfeit a sum not exceeding the rate of five pounds for every one hundred pounds of his, her, or their respective share or shares in the said undertaking : and in case such person or persons shall neglect to pay his, her or their rateable calls as aforesaid, for the space of two calendar months after the time appointed for the payment thereof as aforesaid, then he, she or they shall forfeit, his, her and their respective share and shares in the said undertaking, and all the profit and benefit thereof ; all which forfeiture shall go to the rest of the Proprietors of the said undertaking, their successors and assigns, for the benefit of the said Proprietors, in proportion to their respective interests ; and in every case such calls shall be payable with interest from the time the same shall be so appointed to be paid until the payment thereof.

Penalty for
neglect.

Forfeiture for
not paying
calls.

No advantage
to be taken of
any forfeiture
of any shares
of the said un-
dertaking, un-
less declared
forfeited at
some General
Meeting.

XXXVI. Provided always, and be it enacted, That no advantage shall be taken of the forfeiture of any share or shares of the said undertaking, unless the same shall be declared to be forfeited at some Annual or Special Meeting of the said Company, assembled after such forfeiture shall be incurred ; and every such forfeiture shall be an indemnification to and for every proprietor so forfeiting against all action and actions, suits or prosecutions whatever, to be commenced or prosecuted for any breach of contract or other agreement between such Proprietor and the other Proprietors with regard to carrying on the said Rail-road or undertaking.

Company of
Proprietors
may remove
any person
chosen upon
such Board of
Directors ;
and may elect
others in case
of death, re-
moval, &c.

XXXVII. And be it enacted, That the said Company shall always have power and authority at any General Meeting assembled as aforesaid, to remove any person or persons chosen upon such Board of Directors as aforesaid, and to elect others to be Directors in the room of those who shall die, resign or be removed, and to remove any other Officer or Officers under them, and to revoke, alter, amend or change any of the By-laws or Orders prescribed with regard to their proceedings amongst themselves, (the method of calling General Meetings, and their time and place of assembling, and manner of voting, and of appointing Directors, only, excepted,) and shall have power
to

to make such new Rules, By-laws and Orders, for the good government of the said Company and their servants, agents and workmen, for the good and orderly making maintaining and using the said Rail-road and all other works connected therewith, or belonging thereto, or hereby authorized, and for the well governing of all persons whatsoever travelling upon or using the said Rail-road and other works, or transporting any goods, wares, merchandize or other commodities thereon; and by such By-laws to impose and inflict such fines or forfeitures upon the persons guilty of a breach of such By laws or Orders, as to such General Meeting shall seem meet, not exceeding the sum of twenty-five pounds current money of this Province for every offence; such fines or forfeitures to be levied and recovered by such ways and means as are hereinafter mentioned; Provided always, that no such Rule, By-law or Order shall have any force or effect until the same shall have been sanctioned and confirmed by the Governor, Lieutenant-Governor, or Person administering the Government of this Province, for the time being, under his hand and seal at arms, and shall thereafter have been published in the Canada Gazette; which said By-laws and Orders, being put into writing under the Common Seal of the said Company, shall be kept in the office of the said Company, and a printed or written copy of so much of them as may relate to or affect any party other than members or servants of the Company, shall be affixed openly in the office of the said Company, and in all and every the places where Tolls are to be gathered, and in like manner as often as any change or alteration shall be made to the same; and the said By-laws and Orders so made, confirmed and published as aforesaid, shall be binding upon and observed by all parties, and shall be sufficient in any Court of Law or Equity to justify all persons who shall act under the same, and any copy of the said By-laws or any of them certified as correct by the President or some person authorized by the Directors to give such certificate, and bearing the Common Seal of the Company, shall be deemed authentic, and shall be received as evidence of such By-laws in any Court without further proof.

And may make By-laws

Penalties under By-laws limited.

Proviso: By-laws to be subject to approval of the Governor.

By-laws to be in writing and published.

Certified copies to be evidence.

XXXVIII. And be it enacted, That it shall and may be lawful to and for the several Proprietors of the said Rail-road or undertaking to sell or dispose of his, her or their share or shares therein, subject to the rules and conditions herein mentioned; and every purchaser shall have a duplicate of the deed of bargain and sale and conveyance made unto him or her, and one part of such deed, duly executed by seller and purchaser, shall be delivered to the said Directors or their Clerk for the time being, to be filed and kept for the use of the said Company, and an entry thereof shall be made in a book or books to be kept by the said Clerk for that purpose, for which no more than one shilling and three pence shall be paid, and the said Clerk is hereby required to make such entry accordingly: and until such duplicate of such deed shall be so delivered to the said Directors or their Clerk, and filed and entered as above directed, such purchaser or purchasers shall have no part or share of the profits of the said undertaking, nor any interest for the said share or shares, paid unto him, her or them, nor any vote as a Proprietor or Proprietors.

Proprietors of the said Rail-road may dispose of their shares, and how.

Transfer to be notified to the Company.

XXXIX. And be it enacted, That the sale of the said shares shall be in the form following, varying the names and descriptions of the contracting parties, as the case may require:

Form of the transfer of shares appointed.

“ I, A. B, in consideration of the sum of _____ paid to me by
 “ C. D. of _____ do hereby bargain, sell and transfer to the said
 “ C.

The form.

“ C. D. share (or shares) of the Stock of the *St. Lawrence and Industry Village Rail-road Company*, to hold to him the said C. D. his heirs, executors, curators, administrators and assigns, subject to the same rules and orders, and on the same conditions that I held the same immediately before the execution hereof. And I, the said C. D. do hereby agree to accept of the said (share or shares) subject to the same rules, orders and conditions. Witness our hands and seals, this day of in the year .”

Proviso. Provided always, that no such transfer of any share shall be valid until all calls or instalments then due thereon shall have been paid up.

Directors may appoint a Treasurer and Clerks, &c. Duty of the Clerk. XL. And be it enacted, That it shall and may be lawful to and for the said Directors, and they are hereby authorized from time to time to nominate and appoint a Treasurer or Treasurers, and a Clerk or Clerks to the said Company, taking such security for the due execution of their respective offices as the said Directors shall think proper; and such Clerk shall in a proper book or books enter and keep a true and perfect account of the names and places of abode of the several Proprietors of the said Rail-road and other works, and of the several persons who shall from time to time become owners and Proprietors of, or entitled to any share or shares therein, and of all the other acts, proceedings and transactions of the said Company and of the Directors for the time being, by virtue of and under the authority of this Act.

Company of Proprietors or the Directors if empowered, may establish Tolls for all goods, &c., passing on the Rail-road. How Tolls may be recovered if not duly paid. Seizure of goods, &c. Tolls may be lowered and again raised. Proviso against monopoly. XLI. And be it enacted, That it shall and may be lawful to and for the said Company from time to time, and at all times hereafter, to ask, demand, take and recover, to and for their own proper use and behoof, for all goods, wares, merchandize and commodities, of whatever description, transported upon the said Rail-road, such Tolls as they may deem expedient; which said Tolls shall be from time to time fixed and regulated by By-laws of the Company, or by the Directors if thereunto authorized by the said By-laws, and shall be paid to such person or persons, and at such place or places near to the said Rail-road, in such manner and under such regulations as the said Company or the said Directors shall direct and appoint; and in case of denial or neglect of payment of any such rates or dues, or any part thereof, on demand, to the person or persons appointed to receive the same as aforesaid, the said Company may sue for and recover the same in any Court having competent jurisdiction, or the person or persons to whom the said rates or dues ought to be paid, may and he is, and they are hereby empowered to seize and detain such goods, wares and merchandize or other commodities, for or in respect whereof such rates or dues ought to be paid, and detain the same until payment thereof; and in the meantime the said goods, wares, merchandize or other commodities shall be at the risk of the owner or owners thereof; and the said Company or the said Directors shall have full power, from time to time, at any General Meeting, to lower or reduce all or any of the said Tolls, and again to raise the same, as often as it shall be deemed necessary for the interests of the said undertaking: Provided always, that the same Tolls shall be payable at the same time and under the same circumstances upon all goods and upon all persons; so that no undue advantage, privilege or monopoly may be afforded to any person or class of persons by any By-law relating to the said Tolls.

Account of the profits of the said underta- XLII. And in order to ascertain the amount of the clear profits of the said undertaking: Be it enacted, That the said Company, or the Directors for managing the affairs

affairs of the said Company, shall and they are hereby required to cause a true, exact and particular account to be kept and annually made up and balanced on the thirty-first day of December in each year, of the money collected and received by the said Company, or by the Directors or Treasurer of the said Company, or otherwise, for the use of the said Company, by virtue of this Act, and of the charges and expenses attending the erecting, making, supporting, maintaining and carrying on their works, and of all other receipts and expenditure of the said Company or the said Directors; and at the General Meetings of the Proprietors of the said undertaking, to be from time to time holden as aforesaid, a dividend shall be made out of the clear profits of the said undertaking, unless such Meetings shall declare otherwise; and such dividend shall be at and after the rate of so much per share upon the several shares held by the Proprietors, in the joint stock of the said Company, as such meeting or meetings shall think fit to appoint or determine: Provided always, that no dividend shall be made whereby the capital of the said Company shall be in any degree reduced or impaired, nor shall any dividend be paid in respect of any share, after a day appointed for payment of any call for money in respect thereof, until such call shall have been paid.

king to be annually made up and balanced at certain periods.

Dividends to be made from time to time at General Meetings.

Proviso. Capital not to be impaired.

XLIII. Provided always, and be it enacted, That whenever the said Company shall have declared for the then preceding year a dividend or dividends exceeding six pounds currency on each and every share in the said undertaking, the said Company shall and they are hereby directed and required to pay over, as a duty to Her Majesty, Her Heirs and Successors, recoverable as other duties are, one moiety of the net income from the said Rail-road accruing thereafter over and above the said six pounds per share, first payable to the said Proprietors: Provided always, that no such duty shall be payable until the dividends declared shall in the whole have amounted to ten *per cent. per annum*, on the paid up stock of the said Company from the time it was so paid up, this provision being made as an allowance to the Company for the loss of interest on the money expended before the work shall produce any income.

A Tax to be paid to the Government on all the net income above £6 per share per annum.

Proviso: Allowance for the time until the work shall produce income.

XLIV. Provided always, and be it enacted, That in all cases where there shall be a fraction in the distance which goods, wares, merchandize or other commodities or passengers shall be conveyed or transported on the said Rail-road, such fraction shall, in ascertaining the said rates, be deemed and considered as a whole mile, and that in all cases where there shall be the fraction of a ton in the weight of any such goods, wares, merchandize or other commodities, a proportion of the said rates shall be demanded and taken by the said Company, to the number of quarters of a ton contained therein; and in all cases where there shall be a fraction of a quarter of a ton such fraction shall be deemed and considered as a whole quarter of a ton.

Fractions in miles and fractions in weight of goods,—ascertained rates, &c. how regulated.

XLV. Provided always, and be it enacted, That it shall and may be lawful to and for the Directors of the said Company, from time to time to make such regulations for ascertaining and fixing the price or sum or sums of money to be charged or taken for the carriage of any parcel not exceeding one hundred and twenty pounds weight as aforesaid, upon the said Rail-road, or any part thereof, as to them may seem fit and reasonable; and that the said Company shall from time to time print and stick up or cause to be printed and stuck up in their office, and in all and every the places where the Tolls are to be collected, in some conspicuous place there, a printed board or paper ascertaining all the Tolls payable under this Act, and particularising the price or sum

Company of Proprietors may at a general meeting make By-Laws for fixing the price for the carriage of parcels on the Rail-road.

Tables of Tolls to be publicly affixed.

OR

or sums of money to be charged or taken for the carriage of such parcels not exceeding one hundred and twenty pounds weight as aforesaid.

Provision as to the carriage of H. M.'s Mail, Soldiers, Police Force, &c.

XLVI. Provided always, and be it enacted, That the said Company shall at all times when thereunto required by Her Majesty's Deputy Post Master General, the Commander of the Forces, or any person having the superintendence or command of any Police Force, and with the whole resources of the said Company if necessary, carry Her Majesty's Mail, Her Majesty's Naval or Military Forces or Militia, and all artillery, ammunition, provisions or other stores for their use, and all Policemen, Constables, and others, travelling on Her Majesty's Service, on their said Rail-road, on such terms and conditions and under such regulations as the said Company and the said Deputy Post Master General, the Commander of the Forces, or person in command of any Police Force, respectively, shall agree upon, or if they cannot agree, then on such terms and conditions and under such regulations as the Governor or Person administering the Government shall in Council make; Provided that any further enactments which the Legislature of this Province may hereafter deem it expedient to make, with regard to the carriage of the said Mail, or Her Majesty's Forces, and other persons and articles as aforesaid, or the rates to be paid for carrying the same, or in any way respecting the use of any Electric Telegraph, or other service to be rendered by the Company to the Government, shall not be deemed an infringement of the privileges intended to be conferred by this Act.

Proviso: The Legislature may make further provision.

Company of Proprietors to divide the land taken from the lands adjoining, if required.

XLVII. And be it enacted, That the said Company shall, within six calendar months, after any lands shall be taken for the use of the said Rail-road or undertaking, and if thereunto required by the proprietors of the adjoining lands respectively, but not otherwise, divide and separate, and keep constantly divided and separated, the lands so taken from the lands or grounds adjoining thereto, with a sufficient post and rail, hedge, ditch, bank or other fence, sufficient to keep off hogs, sheep and cattle, to be set and made on the lands or grounds which shall be purchased by, conveyed to, or vested in the said Company as aforesaid, and shall, at their own costs and charges, from time to time, maintain, support, and keep in sufficient repair the said posts, rails, hedges, ditches, trenches, banks, and other fences so set up and made as aforesaid.

The Company to have the Rail-road measured and miles marked.

XLVIII. And be it enacted, That as soon as conveniently may be after the said Rail-road shall be completed, the said Company shall cause the same to be measured, and stones or posts, with proper inscriptions on the sides thereof, denoting the distance, to be erected, and for ever after maintained, at the distance of every mile from each other.

Company to be bound to take sufficient security, by one or more bond or bonds, in a sufficient penalty or penalties, from their Treasurer, Receiver, and Collectors for the time being, of the monies to be raised by virtue of this Act, for the faithful execution by such Treasurer, Receiver and Collectors of his and their office and offices respectively.

XLIX. And be it enacted, That the said Company shall and are hereby required and directed to take sufficient security, by one or more bond or bonds, in a sufficient penalty or penalties, from their Treasurer, Receiver, and Collectors for the time being, of the monies to be raised by virtue of this Act, for the faithful execution by such Treasurer, Receiver and Collectors of his and their office and offices respectively.

Company may compel the persons subscribing to pay

L. And be it enacted, That the several persons who shall subscribe to advance any money for and towards making and maintaining the said Rail-road and other works connected therewith or hereby authorized; and those who shall accept of any transfer of

of any Share or Shares in the Stock of the said Company, and their several Heirs, Executors, Administrators, Curators and Assigns, or others legally representing them, and being in lawful possession of such Share or Shares, (all of whom shall be deemed proprietors of such Share or Shares for the purpose of this Section,) shall, and they are hereby required to pay the sum or sums of money by them respectively subscribed, or such parts or portions thereof as shall, from time to time, be called for by the said Company, under and by virtue of the powers and directions of this Act, to such person or persons, and at such times and places as shall be directed by the said Company, or the said Directors, in manner before mentioned; and in case any person or persons shall neglect or refuse to pay the same, at the time and in the manner required for that purpose, it shall be lawful for the said Company to sue for and recover the same with interest and costs, in any Court of Law having competent jurisdiction; and in any such action it shall be sufficient to allege that the defendant is the proprietor of a share (or of any number of shares, stating such number) in the Stock of the said Company; that certain sums of money were duly called for upon such share or shares by the said Company, under the authority of, and in the manner provided by this Act, and were due and payable at a certain time or times, wherefore an action hath accrued to the said Company, to recover such sum or sums, with interest and costs; and the production of the Newspapers containing such calls shall be evidence that the same were made as therein stated; and neither in such action, nor in any other action, suit, or legal proceeding by the Company, shall the election of the Directors, or the authority of them, or of any Attorney acting in the name of the Company be called in question except by the Company, nor shall it in any such case be necessary to name the Directors or any of them.

the amount of their shares.

What it shall be sufficient to aver and prove in such action.

LI. And be it enacted, That all fines and forfeitures imposed by this Act, or which shall be lawfully imposed by any By-Law, to be made in pursuance thereof, (of which By-Law, when produced, all Justices are hereby required to take notice,) the levying and recovering of which fines and forfeitures are not particularly herein directed, shall, upon proof of the offence before any one or more Justice or Justices of the Peace for the District, either by the confession of the party or parties, or by the oath or affirmation of any one credible witness (which oath or affirmation such Justice or Justices are hereby empowered and required to administer without fee or reward,) be levied by distress and sale of the offender's goods and chattels, by Warrant under the hand and seal or hands and seals of such Justice or Justices; and all such fines, forfeitures, or penalties by this Act imposed or authorized to be imposed, the application whereof is not hereinbefore particularly directed, shall be paid into the hands of the Treasurer or Receiver of the monies to be raised by virtue of this Act, and shall be applied and disposed of for the use of the said Rail-road or undertaking, and the overplus of the money raised by such distress and sale, after deducting the penalty and the expenses of the levying and recovering thereof, shall be rendered to the owner of the goods so distrained and sold; and for want of sufficient goods and chattels whereof to levy the said penalty and expenses, the offender shall be sent to the Common Jail for the District of Montreal, there to remain without bail or mainprize, for such term not exceeding one month, as such Justice or Justices shall think proper, unless such penalty or forfeiture and all expenses attending the same shall be sooner paid and satisfied.

Forfeitures under this Act how to be recovered and applied, when not otherwise provided for.

Levy by distress and sale of goods and chattels.

Imprisonment for want of sufficient chattels

LII. And be it enacted, That if any person or persons shall think himself, herself or themselves aggrieved by any thing done by any Justice or Justices of the Peace in pursuance

Persons aggrieved may appeal to the

General Sessions.

pursuance of this Act, every such person or persons may, within four calendar months after the doing thereof, appeal to the Justices of the Peace at the General Quarter or General Sessions to be holden in and for the District.

Limitation of actions for things done in pursuance of this Act.

LIII. And be it enacted, That if any action or suit shall be brought or commenced against any person or persons for anything done or to be done in pursuance of this Act, or in the execution of the powers and authorities, or of the orders and directions hereinbefore given or granted, every such action or suit shall be brought or commenced within six calendar months next after the fact committed; or in case there shall be a continuation of damage, then within six calendar months next after the doing or committing such damage shall cease, and not afterwards; and the Defendant or Defendants in such action or suit shall and may plead the general issue, and give this Act and the special matter in evidence at any trial to be held thereupon, and that the same was done in pursuance and by the authority of this Act, and if it shall appear to have been so done, or if any action or suit shall be brought after the time so limited for bringing the same, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinued his, her, or their action or suit after the Defendant or Defendants shall have appeared, or if judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have full costs, and shall have such remedy for the same as any Defendant or Defendants hath or have for costs of suit in other cases by law.

General issue.

Costs to defendant if the Plaintiff fail.

Any contravention of this Act not otherwise punishable, to be a misdemeanor.

LIV. And be it enacted, That any contravention of this Act by the said Company, or by any other party, for which no punishment or penalty is herein provided, shall be a misdemeanor, and shall be punishable accordingly; but such punishment shall not exempt the said Company (if they be the offending party) from the forfeiture of this Act, and the privileges hereby conferred on them, if by the provisions thereof or by law the same be forfeited by such contravention.

Her Majesty may assume the Rail-road, on certain conditions.

LV. And be it enacted, That Her Majesty, Her Heirs and Successors, may at any time before or after the said Rail-road is completed, assume the possession and property thereof, and of all the property which the said Company is hereby empowered to hold and shall then have, and of all the rights, privileges and advantages vested by this Act in the said Company, (all which shall, after such assumption, be vested in Her Majesty, Her Heirs and Successors,) on giving to the said Company three months' notice of the intention to assume the same, and on paying to the said Company, within three months of the expiration of such notice, the whole amount of their Capital Stock, then paid up and expended, with interest on the paid up Capital, from the time of the paying up of the same until the time of the opening of the said Rail-road.

Map and Book of reference to be deposited and the Rail-road to be completed within certain periods, or this Act to be void.

LVI. And be it enacted, That the said Company, to entitle themselves to the benefits and advantages to them granted by this Act, shall and they are hereby required to make and deposit the map or plan and book of reference mentioned in the fourth Section of this Act within six months after the passing thereof, and to make and complete the said Rail-road from Industry Village to the River St. Lawrence, in manner aforesaid, within three years from the passing of this Act; and if the said map or plan and book of reference be not so made and deposited within the said six months, or if the said Rail-road shall not be so made and completed within the said period so as to be used by the public as aforesaid, then and in either case this Act and every matter and thing therein contained, shall cease and be utterly null and void.

LVII.

LVII. And be it enacted, That the said Company shall annually submit to the three Branches of the Legislature, within the first fifteen days after the opening of each Session of the Provincial Parliament, after the opening of the said Rail-road or any part thereof to the Public, a detailed and particular account, attested upon oath, of the monies by them received and expended under and by virtue of this Act, with a classified statement of the amount of tonnage and of passengers that have been conveyed along the said Rail-road ; And no further provisions which the Legislature may hereafter make with regard to the form or details of such account, or the mode of attesting or rendering the same, shall be deemed an infringement of the privileges hereby granted to the Company.

Company annually to submit to the Legislature detailed accounts.

Further provision may be made touching such accounts.

LVIII. 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.

Saving of Her Majesty's rights, and of all other persons, &c.

LIX. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and as such shall be judicially taken notice of by all Judges, Justices of the Peace and others, without being specially pleaded.

Public Act.

LX. And be it enacted, That nothing herein contained shall be construed to except the Rail-road by this Act authorized to be made, from the provisions of any general Act relating to Rail-roads which may be passed during the present or any future Session of Parliament.

Company not to be exempted from any general Rail-road law.

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ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

C A P. L X V.

An Act to amend the Act incorporating *The St. Lawrence and Atlantic Rail-road Company*, and to extend the powers of the said Company.

[28th July, 1847.]

WHEREAS the Company incorporated by the Act of the Parliament of this Province, passed in the eighth year of Her Majesty's Reign, and intituled, *An Act to incorporate the St. Lawrence and Atlantic Rail-road Company*, were finally and duly organized on the fifteenth day of April, one thousand eight hundred and forty-six, by the election of Directors, in accordance with the twenty-seventh section of the said Act, and a portion of the said Rail-road was afterwards put under contract, and is now in the course of construction; and whereas the company have represented that the said Act requires amendment in certain respects, to insure its practical efficiency, and it is expedient to amend the same, and also to grant further powers and encouragement to the said Company: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That when the said Company and the owner of any land, ground, hereditament or property required for the purposes of the said Rail-road, cannot agree upon the price to be paid for the same, or cannot agree to an immediate arbitration thereon, it shall be lawful for the said Company to tender to the owner such sum of money as the said company shall deem to be a sufficient price; and if the tender be refused, then it shall be further lawful for the said Company, upon protest against the refusal, to enter upon and take possession of, and apply to the purposes of the said Rail-road, the premises so required; anything in the said Act of Incorporation to the contrary notwithstanding; Provided always, that whensoever afterwards the owner shall apply to the Court of Queen's Bench for a Jury, as directed by the twelfth section of the said Act, the said Company shall pay into Court the price previously tendered to the owner of the premises required; or if after such tender and protest, and before application shall be made by the owner to the Court of Queen's Bench as aforesaid, the owner shall, in writing, give notice to the company that he waives his refusal and will accept the tender, then and in that case the Company shall within ten days after the receipt of the notice, pay the amount of their tender to such owner.

Preamble.

If the Company cannot agree with the other party upon price to be paid for any land required by them, they may enter upon the same on certain conditions.

Proviso: the money offered to be paid into Court when the owner applies for a jury, or to such owner on demand.

Directors may call special meetings.

II. And be it enacted, That besides the annual, general, and the special meetings of the proprietors of shares in the said Company, to be respectively called and held under the provisions contained in the twenty-eighth section of the said Act of Incorporation, it shall be lawful for the Directors of the Company at any time to call a general meeting of the proprietors, either for the general business or purposes of the Company, or for a special purpose, in which latter case the special purpose shall be briefly mentioned in the preliminary notice, and then no other business than in relation to such special purpose shall be entered upon at the meeting; Provided always, that any vacancy in the Directorship of the Company may be filled up at any meeting of the proprietors, whether called for special or general purposes, and in the event of any such vacancy, the Directors may fill the same temporarily, subject to the approval or otherwise of such meeting of the proprietors.

Proviso: they may fill vacancies among the Directors.

Directors may make further calls on proprietors.

III. And be it enacted, (That besides the calls already made under the said Act, and which are hereby confirmed) the Directors of the said Company shall have power, from time to time, to make calls upon the proprietors of shares of the Capital Stock of the company, to pay such proportion thereof as the Directors shall deem necessary, and payment of such calls shall be made unto such person or persons, and at such times and places as the Directors shall from time to time appoint; and it shall be competent to the Directors to make several calls by one notice; Provided always, that there shall be an interval of not less than two calendar months between the dates fixed for the payment of the several calls; and that no call shall exceed in amount the sum of five pounds currency, for every share of fifty pounds currency, anything in the said Act to the contrary notwithstanding.

Proviso.

Proprietors of shares may anticipate payment thereof, and may be allowed interest for so doing.

IV. And be it enacted, That it shall be competent to the proprietor of any share or shares of the Capital Stock of the said Company to anticipate the payment of the amount thereof, or of such parts of the amount thereof as may remain unpaid and uncalled for; and thereupon, it shall be lawful for the Company to allow and pay lawful interest for the amount of the anticipated payment, until the same shall in due course become payable in virtue of the calls of the Directors.

Shareholders in default of payment, shall be liable to pay interest: and shall not vote while in default.

V. And be it enacted, That if the proprietor of any share or shares of the Capital Stock of the said Company shall have made, or shall make default in the payment of any call, he shall, *ipso facto*, be and become further liable to the payment to the Company of interest on the amount of the unpaid call from the date fixed for the payment of the same; and the Company, in its corporate name, shall and may recover the amount of every unpaid call, with interest as aforesaid, and costs of suit, by action or suit at law in any Court of competent jurisdiction; and so long as a proprietor of any share or shares shall be in default of the payment of any call, he shall not be entitled to vote at any meeting of the proprietors in respect of such shares so remaining in default, anything in the said Act to the contrary notwithstanding.

No transfer of shares to be valid unless all calls shall be paid.

VI. And be it enacted, That no transfer of shares of the Capital Stock of the Company shall be allowed or shall be valid unless all calls due, together with any interest that may be due in respect of unpaid calls, and the costs and expenses incurred in relation thereto, shall have been paid and discharged; nor shall any transfer of less than

than a whole share of the said stock be allowed or be valid ; any thing in the said Act to the contrary notwithstanding.

VII. And be it enacted, That in actions or suits at law by the Company, against the proprietor of a share or shares of the Capital Stock of the Company, for the recovery of any unpaid call or calls, with interest, it shall not be necessary to set forth the special matter, but it shall be sufficient for the Company to declare that the Defendant is a holder of one or more shares of the said Capital Stock, and is indebted to the Company in the sum of money to which the call or calls in arrear shall amount, with interest for non-payment; and in every such action it shall not be competent to the Defendant to plead the general issue, but he may, by a plea in denial, traverse any particular matter or matters of fact alleged in the declaration, or specially plead some particular matter or matters of fact in confession and avoidance; and in all such actions or suits at law, as well as in all other actions or suits at law, by or against the Company, instituted, or to be instituted in any Court of civil jurisdiction in that part of this Province which heretofore constituted Lower Canada, recourse shall be had to the rules of evidence laid down by the laws of England, as recognized and used by every such Court in Lower Canada, in commercial cases; and no proprietor of a share or shares of the Capital Stock of the Company shall be deemed an incompetent witness, either for or against the Company, unless he be also one of the Directors, or be otherwise than as a proprietor incompetent.

In actions for recovery of unpaid calls, it shall not be necessary to set forth special matter.

What averment and proof shall be sufficient in such action.

English rules of evidence allowed and Stockholders may be witnesses.

VIII. And be it enacted, That copies of the minutes of proceedings and resolves of the proprietors of shares of the Capital Stock of the said Company, at any general or special meeting, and of minutes of proceedings and resolves of the Directors, at their meetings, extracted from the minute-book or books kept by the Secretary of the Company, and by him duly certified to be true copies, extracted from such minute-book or books, shall be *primâ facie* evidence of such proceedings and resolves in all Courts of civil jurisdiction, and all notices given by the Secretary of the Company, by order of the Directors, shall be deemed notices by the said Directors and Company.

Copies of minutes to be *primâ facie* evidence.

IX. And be it enacted, That all notices of meetings of, or of calls upon the proprietors of shares of the Capital Stock of the said Company, shall be published once a week in the *Canada Gazette*, and in the *Montreal, Quebec and Sherbrooke Gazettes*, and in a newspaper published in the French language in each of the Cities of Montreal and Quebec, and that in all actions by or against the Company, in which it shall be necessary for the Company to prove the publication of any such notice, the proof of the publication thereof in the *Canada Gazette* (by the production of the *Gazette* itself) shall be deemed sufficient, unless the further publication be specially put in issue, and in that case, it shall not be necessary for the Company to give any further proof than that the notice was duly published in one of the aforesaid *Gazettes*, which was published in the District in which the defendant or party denying the publication dwelt or had his place of business; or that the defendant or party denying the same had been personally, or by letter from the Secretary of the Company, notified to the effect of the notice in question; anything in the said Act of Incorporation, and any other law, usage or custom to the contrary notwithstanding.

Notices of meetings and calls to be published in certain newspapers: and what shall be proof of such notices.

Company may borrow money and to what amount.

X. And be it enacted, That for the more speedy completion of the said Rail-road, it shall and may be lawful for the said Company to borrow, by way of loan, and at any rate of interest for which the same can be procured not exceeding legal interest, any sum or sums of money, not exceeding in the whole the balance of the aggregate sum which the Company is empowered to raise under their Act of Incorporation, and which is not paid up; and to agree with the lender or lenders to pay both the principal and interest either in this Province, or in Great Britain or elsewhere: and it shall also be lawful for the Company to issue debentures for the money so borrowed, under the signature of the President, and counter-signature of the Treasurer of the Company, and by the said debentures, or otherwise, to pledge the said Rail-road or such part or parts thereof as may be constructed, with the net income or tolls arising therefrom, as security for the payment of the principal sum or sums of money so borrowed and the interest thereof.

And may issue debentures.

Forging debentures to be felony.

XI. And be it enacted, That the offence of forging any debenture or a *coupon* of any debenture, issued under the authority of this Act, or of altering or disposing of any such debenture or *coupon*, knowing the same to be forged, or of being accessory, before or after the fact, to any such offence, shall be deemed felony and be punished accordingly.

Provision in case any bridge shall be constructed within certain limits across the St. Lawrence.

XII. And be it enacted, That in case any Company shall be incorporated by the Parliament of this Province, for the purpose of constructing a bridge across the River St. Lawrence to communicate between the South of the said River and the City of Montreal, it shall be lawful for the Saint Lawrence and Atlantic Rail-road Company to make and complete a branch Rail-road from such point on the main Rail-road as may be deemed proper, to the end of the bridge resting upon the said south bank: and from the end of the said bridge resting upon the Island of Montreal, to the City of Montreal; and also to contract and agree with the Company incorporated for the construction of the said bridge for the right of using the same or a portion of the same for the said branch Rail-road.

Powers conferred by 8 Viet. c 25, to apply to any Branch Rail-road made under this Act.

XIII. And be it enacted, That for the making the said branch Rail-road, with its proper appurtenances, the said Saint Lawrence and Atlantic Rail-road Company shall have, and they are hereby given all the rights, powers and privileges given to them by the said Act of Incorporation, for the making of the main Rail-road, and all the enactments in the said Act of Incorporation, and in the Act of the Parliament of this Province, passed in the ninth year of Her Majesty's Reign, intituled, *An Act to amend the Act incorporating the Saint Lawrence and Atlantic Rail-road Company*, and in this Act, shall be applicable to the said branch Rail-road, as fully as if the authority to make the same had been included in the said Act of Incorporation.

Company may establish a ferry over River St. Lawrence: rates of ferriage established.

XIV. And be it enacted, That it shall and may be lawful for the said Company to establish a ferry or ferries between the *terminus* of their Rail-road in the parish of Longueuil, and any point or points on the Island of Montreal, by one or more boats or vessels propelled by steam or other motive power; and to demand, receive, and recover such rates of ferriage for passengers, horses, cattle, carriages, goods and commodities, as shall not exceed the rates specified in the Schedule annexed to this Act; and the said Company shall have power, from time to time, to make and pass By-laws for the proper and efficient regulation of the said ferry or ferries; and for

for the infraction of any such By-law, to impose a penalty not exceeding five pounds ; to be recovered in like manner as the penalties specified in the said Act of Incorporation, and Acts amending the same, are directed to be recovered : Provided always, that nothing herein* contained shall be construed as conferring upon the said Company any exclusive privilege to, or in respect of, the said ferry or ferries.

Proviso.

XV. And to the end of encouraging the immediate investment of Capital in the Stock of the said Company, and thereby promoting the completion of the said Rail-road within the shortest possible time ; Be it enacted, That it shall and may be lawful for the said Company by Resolution to be passed at a Special Meeting of the Proprietors to be called for the purpose to allow and pay, either annually or semi-annually, interest not exceeding *six per centum per annum*, upon all such monies as are or shall be vested in shares of the Capital Stock of the said Company, and duly paid up : Provided always, that the allowance and payment of such interest shall utterly cease on the completion of the said Rail-road ; and that until such completion, no dividend of profits shall be made or paid to the Shareholders : Provided also, that it shall and may be lawful for any Special Meeting of Proprietors duly convened for the purpose to annul, abrogate, or alter any such Resolutions.

Recital.

Company may allow *six per cent. per annum* on all monies vested in shares and paid up.

Such allowance may be annulled subsequently.

XVI. Provided always and be it enacted, That the guage upon which the said rail shall be constructed, and which shall be used in the said Railway shall be four feet eighth and a half inches, unless within six calendar months the Governor of this Province in Council, shall by order in Council determine upon any different guage, and that upon communication to the said Company of any Order in Council establishing any different guage the guage so established shall be the one used in the said Road as if the same had been established in and by this Act.

The Guage of the Rail-road fixed ; unless it be altered by the Governor in Council.

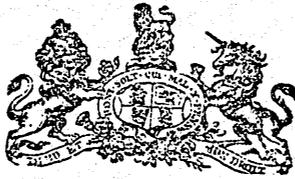
XVII. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and as such, shall be judicially taken notice of by all Judges, Justices of the Peace and others, without being specially pleaded.

Public Act.

SCHEDULE of rates of Ferriage to be charged by the St. Lawrence and Atlantic Railroad Company for their Ferry over the River Saint Lawrence.

FROM OR TO LONGUEUIL.	From or to a point opposite to Longueuil.			From or to the City of Montreal.		
	£	s.	d.	£	s.	d.
For every Coach, Stage Coach, Wagon, or other Carriage with four wheels, drawn by two horses or other beasts.....	0	1	8	0	2	0
For every Coach, Stage Coach, Wagon, or other Carriage with four wheels, drawn by one horse or other beast.....	0	1	0	0	1	3
For every Gig, Caleche, or Cab, drawn by one horse or other beast.....	0	1	0	0	1	3
For every Cart, Sleigh, Berlin, Train, or other Carriage not above described, drawn by one horse or other beast.....	0	0	10	0	1	0
And for every additional Horse or other beast to any of the above.....	0	0	6	0	0	7½
For every Saddle Horse, Ass, or Mule with its rider...	0	0	7½	0	0	10
For every Horse, Mare, Gelding, Ass, Mule, Bull, Ox, Cow, or Head of Cattle.....	0	0	6	0	0	7½
For every Sheep, Calf, Lamb, Goat or Hog.....	0	0	1	0	0	1½
For each person on foot, and for each person over five in any Carriage drawn by four horses, or over three in any Carriage drawn by a less number than four horses.....	0	0	3	0	0	4
For Wheat, Flour, Pork, Provisions, Merchandize generally, and other articles of bulk, per Ton.....	0	1	6	0	2	0

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ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. LXVI.

An Act explanatory of an Act passed in the eighth year of Her Majesty's Reign, intituled, *An Act to amend an Act passed in the sixth year of the Reign of His late Majesty King William the Fourth, intituled, 'An Act to incorporate the City of Toronto and Lake Huron Rail-road Company.'*

[28th July, 1847.]

WHEREAS an Act was passed by the Parliament of the Province of Upper Canada, in the sixth year of the Reign of His late Majesty King William the Fourth, intituled, *An Act to incorporate the City of Toronto and Lake Huron Rail-road Company*; And whereas the said Act was altered and renewed by an Act passed by the Parliament of this Province, in the eighth year of Her present Majesty's Reign, intituled, *An Act to amend an Act passed in the sixth year of the Reign of His late Majesty King William the Fourth, intituled, 'An Act to incorporate the City of Toronto and Lake Huron Rail-road Company'*; And whereas doubts have arisen as to the construction of the said lastly mentioned Act, and whether it was the intention of the Legislature thereby to affect the liability of persons who had subscribed for shares under or for the purposes of the first mentioned Act, or to make or continue the Stock subscribed under or for the purposes of the said first mentioned Act, parcel of the Capital Stock of the said Company, contemplated or established by the said lastly recited Act: Be it therefore enacted and declared by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the said Act, passed in the eighth year of Her Majesty's Reign, did not affect the subscribers to Shares in the Capital Stock of the said Company, subscribed or taken under or for the purposes of the said Act, passed in the sixth year of His said late Majesty's Reign, and did not make the Stock subscribed or taken under or for the purposes of the said last mentioned Act, parcel of the Stock of the said Company; and that the Stock subscribed or taken under or for the purposes of the said Act, passed in the sixth year of His said late Majesty's Reign, did not by virtue of the said Act, passed in the eighth year of Her Majesty's Reign continue to be, nor is the same now part of the Capital Stock of the said Company, nor did the subscribers of Stock under or for the purposes of the said Act, passed in the sixth year

Preamble.

Act of U. C.
6 W. 4. c. 5.
cited.

Act of Canada
8 V. c. 86. cited.

The subscriber to the Stock under 6 W. 4. c. 5, are not therefore Stock-holders under 8 V. c. 86, nor is the Stock subscribed under 6 W. 4. c. 5, part of the Stock under the new Act.

Proviso: Subscribers under 6 W. 4. c. 5, not to be relieved from certain responsibilities.

year of His said late Majesty's Reign, by virtue of their subscription thereto, continue to be holders of Shares in the Capital Stock of the said Company, upon the passing of the said Act, passed in the eighth year of Her Majesty's Reign, or for or by reason of anything in that Act contained: Provided always, that nothing herein contained shall be construed to relieve any of the subscribers for Shares in the Capital Stock of the said Company, under or for the purposes of the said Act, passed in the sixth year of His said late Majesty's Reign, from any liability either at law or in equity, for contribution for expenses incurred, or proceedings taken under and by virtue of the said last mentioned Act, by which such subscribers were affected immediately preceding the time of the passing of the said Act, passed in the eighth year of Her Majesty's Reign, nor to relieve any such persons from any liability which they may have imposed upon themselves by reason of having paid any call on such Stock subscribed, under or for the purposes of the said Act, passed in the sixth year of His said late Majesty's Reign, since the passing of the said Act, passed in the eighth year of Her said present Majesty's Reign.

Public Act.

II. And be it enacted, That this Act is and shall be for all purposes and in all Courts of Justice regarded as a public Act, and the same as such shall be judicially noticed without being specially pleaded.

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ANNO DECIMO ET UNDECIMO

VICTORIÆ REGINÆ.

CAP. LXVII.

An Act to incorporate *The Montreal Cemetery Company.*

[28th July, 1847.]

WHEREAS it hath become necessary to the health of the City of Montreal that a Public Cemetery should be established near to but without the limits thereof, upon the plan now adopted by the inhabitants of many of the great Cities in Europe and America; And whereas the persons hereinafter mentioned, and others, inhabitants of the said City, have associated themselves for the purpose of establishing such Cemetery, and have prayed that they and their successors be incorporated and divers powers conferred on them for the purpose 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 John Samuel McCord, John Torrance, John Smith, William Murray, The Honorable James Ferrier, Benjamin Holmes, J. H. Maitland, The Honorable George Moffatt, David Brown, John Redpath, Honorable John Molson, Benjamin Lyman, John Mathewson, John Birks, Henry Vennor, and A. A. David, all of the City of Montreal, and such others as now are or may hereafter become subscribers in the undertaking hereinafter mentioned, and their successors for ever, shall be and are hereby constituted a body politic and corporate, in fact and in name, by the name of *The Montreal Cemetery Company*, and by that name they and their successors shall have perpetual succession and a common seal, with power to alter and make new the same at pleasure, and may by that name contract and be contracted with, sue and be sued, plead and be impleaded in all Courts and places whatsoever, and shall have full power and authority to take, purchase and acquire by any title whatsoever, and to hold, possess and enjoy without letters of mortmain (but saving always the *droit d'indemnité* of the Seigneur) any lands or immoveable property within the Island of Montreal, but without the limits of the City, not exceeding two hundred arpents in extent, and may also take and hold moveable property for the purposes hereinafter mentioned; Provided always, that such immoveable property shall be held and used solely for the purpose of a Public Cemetery and Garden and the necessary and convenient roads and access to the same.

Preamble

Certain persons incorporated.

Corporate name and powers.

Proviso.

II. And be it enacted, That the Capital Stock of the said Company shall be divided into shares of five pounds each; and that each proprietor of one share shall be entitled to

Value of each share of capital stock.

to have conveyed to him and his assigns and legal representatives for ever, by the said Company, one hundred superficial feet English, of ground in the said Cemetery, and so in proportion for any greater number of shares, at the rate of one hundred superficial feet for each share.

Subscription Books to be opened.

III. And be it enacted, That so soon as may be after the passing of this Act, the persons hereinbefore named, or any majority of them, shall cause books of subscription to be opened in the said City of Montreal, and shall by advertisement in at least one newspaper published therein in each language, inserted at least three times in such newspapers, give public notice of the time and place at which the said books shall lie open to receive subscriptions: Provided always, that the persons who have before the passing of this Act subscribed in any book or list of subscriptions to the said undertaking, shall, during three days after the said books shall be so opened, be entitled to subscribe therein for the same amount and in the same order in which they had before the passing of this Act subscribed to the said undertaking; And provided also, that each subscriber shall, after his name, enter in the said books that one of the several religious denominations hereinafter mentioned to which he chooses to be deemed to belong, that is to say: Members of the Church of England, Presbyterians, Wesleyan Methodists, Congregationalists, Baptists, Unitarians, and Jews; and that no subscription shall be valid unless thirty-three shillings and four pence at least per share be paid in at the time of subscribing.

Proviso as to order of subscription.

Proviso as to Religious denomination of subscribers.

First meeting of the Company.

IV. And be it enacted, That so soon as the sum of three thousand pounds or upwards shall have been subscribed for, it shall be lawful for the persons aforesaid or a majority of them, to call by advertisement as aforesaid, a public meeting of all the subscribers, at a time and place in the City of Montreal to be announced in such advertisement, at which meeting some one of the subscribers shall be chosen to act as Chairman, and some other to act as Secretary.

Proceedings at the first meeting.

V. And be it enacted, That twenty-one Trustees shall be elected to manage the affairs of the said Company in the following manner: at the said meeting the Chairman and Secretary shall ascertain the amount subscribed by persons of each of the religious denominations aforesaid, and the subscribers of each such denomination shall be entitled to elect a number of Directors bearing such proportion to twenty-one as the sum subscribed by persons of such denomination shall bear to the whole amount of the Capital Stock subscribed, and the Chairman and Secretary shall declare such proportion; Provided, that each one of the said denominations shall be entitled to elect at least one Trustee, and that if by such proportion there be a fractional number equal to more than half the number which would entitle any denomination to elect another Trustee, such denomination shall be entitled to elect such other Trustee, but if the fractional number be less than this it shall not be reckoned; and if any question shall arise as to the number of Trustees to be elected by any of the said religious denominations, the same shall be decided by the Chairman and Secretary, or if they differ, then by the majority of the persons present at the meeting voting according to the scale hereinafter provided.

Proviso as to Religious denominations.

First Election of Trustees

VI. And be it enacted, That at the said first meeting a day and hour shall be appointed (not less than three days nor more than one week from the day of such meeting) when the members of each religious denomination shall meet at some place in

in the said City to be also named, for the purpose of electing by a majority of votes the number of Trustees to which such denomination may be entitled, being members of the said Company, and whose names shall be returned to the Chairman or Secretary appointed at the first meeting, who shall enter them in the books of the Company.

VII. And be it enacted, That at every future annual election of Trustees the same general rule of election shall be followed, the several religious denominations being entitled to elect a number of Trustees proportionate to the amount of Stock they shall respectively hold at the time of the election.

Future Election.

VIII. And be it enacted, That there shall be an Annual General Meeting of the Company and an election of Trustees on some two days in each year to be appointed from time to time by the By-laws of the Company; and the Trustees shall always remain in office until the end of the day appointed for the election of their successors, but shall always be re-eligible if qualified as Stock-holders.

Elections to be annually.

IX. And be it enacted, That the day, hour and place of all Annual General Meetings after the first, and of the meetings of the members of the several religious denominations for the election of the number of Trustees to which they may be entitled, and the persons or officers who shall preside at such meetings, and the mode of proceeding thereat, shall be fixed by the By-laws of the Company to be made in that behalf, and not being contrary to the provisions, and being in accordance with the intent and spirit of this Act; and it shall not be necessary that the general meeting or elections be on the same day in every year, provided they be not more than fourteen nor less than ten calendar months from each other; and by such By-laws provision may be made for another meeting or election in case of failure to meet or elect on the days first appointed.

Provision to be made by By-law as to such future Elections.

X. And be it enacted, That the whole management of the affairs and property of the Company shall be vested in the Trustees for the time then being, elected as aforesaid, and any seven of the said Trustees shall be a *Quorum* for the transaction of business, and any majority of such *Quorum* may exercise all the powers hereby or by the By-laws of the Company vested or to be vested in the Directors; and the Trustees shall as soon as may be convenient after the election in each year, elect one of their number to be the President of the Company, and another to be Vice-President thereof, and the President if present, (or if he be not present, then the Vice-President, or if he be not present, then some Trustee to be chosen for the occasion,) shall preside at all meetings of the Trustees, and shall in case of equality of votes have a double or casting vote unless it be otherwise provided by the By-laws of the Company; and the said Trustees may empower the President or any other Director to sign and seal with the common seal of the Company, and any Officer of the Company to countersign any *Acte*, Instrument or Document in the name and on behalf of the Company, and any *Acte*, Instrument or Document so signed and sealed shall be deemed to be the *Acte* of the Company; and the said Trustees shall have power to treat for and acquire immoveable and moveable property for the Company; and to lay out and manage the same, subject always to such By-laws as may be made touching such management; and shall have such other powers, not inconsistent with this Act, as being hereby vested in the said Company, shall by the By-laws thereof be assigned to and vested in the Trustees.

Powers of the Trustees.

Quorum.

President and Vice-President.

Further powers: Deeds of the Company.

Purchase of property, &c.

Trustees may frame By-laws to be submitted to the Company.

XI. And be it enacted, That the said Trustees shall have full power from time to time to frame By-laws for the government of the Company and of the members and Officers thereof, and to submit the same to a general meeting of the Company to be called by the Trustees, after such notice as is hereinbefore required for the first meeting; and such By-laws being so submitted may be allowed or disallowed, amended or altered at such meeting; and such By-laws as shall be finally allowed thereat shall be binding on all members of the Company until repealed or altered in like manner.

Mode of voting at meetings.

XII. And be it enacted, That at all meetings of the Trustees the votes shall be given *per capita*; but at all meetings of the members of the Company they shall be given by the members present thereat, according to the following proportion, that is to say: each member shall be entitled to one vote for each share he may hold up to ten, but no member shall have more than ten votes.

Company may keep hearses, &c.

XIII. And be it enacted, That the Company shall have power to keep hearses and mourning coaches, with the requisite horses and other articles for conveying the corpse and mourners and other persons to and from their Cemetery, and to charge such reasonable rates for the use thereof as shall be from time to time fixed by the Trustees.

Plan of Cemetery to be made.

Certain portions to be assigned to particular Religious denominations.

XIV. And be it enacted, That after having acquired the ground required for the said Cemetery, the Trustees shall cause the same to be surveyed, and a plan thereof and of the mode proposed for laying out the same, to be prepared by some sworn Surveyor, and shall cause such Surveyor to lay off a portion thereof for the members of the Company being members of the Church of England, and bearing the same proportion to the whole area of the Cemetery as the sum then subscribed by members of the said denomination shall bear to the whole sum then subscribed, such portion to be vested in the Bishop administering the Diocese of Quebec according to the establishment of the Church of England, or the Bishop administering any other such Diocese in which the said Island of Montreal may be included for the time being, and another portion thereof for the members of the Company being of the Jewish persuasion, which shall bear the same proportion to the whole area of the Cemetery, as the sum then subscribed by members of the said denomination shall bear to the whole sum then subscribed; and the portions so laid out and approved by a majority of the whole of the Trustees for the time being, shall be assigned and kept for the use of the said denominations, respectively, and may by them be consecrated or set apart as burial grounds, in such manner as by the rites and customs of the said denominations may be required, but shall not be fenced in or separated from the remainder of the Cemetery, except in accordance with the general regulations to be made in that behalf, and shall be subject in all respects to such general regulations, and all monies to be received for lots sold in the said portions shall be paid over to the general funds of the Company, and such lots shall be sold at the same rates as lots in other portions of the Cemetery.

Proviso as to sale of lots in such portions.

Order in which members shall select their lots.

XV. And be it enacted, That the said Trustees shall also cause the said Cemetery to be divided into lots; and that each member of the Company shall, on the payment of the first instalment of the sum he shall have subscribed, be entitled to select (the right of selection following the order of subscription, if the payment of the first instalment on the sum subscribed, and the selection be made within the time to be fixed for that purpose by the Directors, but otherwise in the order of the payment of such instalments)

instalments) at the rate of one lot of one hundred superficial feet for each share for which he shall have subscribed and paid the instalments as aforesaid : Provided, that no person not being a member of the Church of England or of the Jewish persuasion shall select a lot in the portions of the Cemetery assigned to the members of these denominations.

Proviso.

XVI. And be it enacted, That any party having subscribed for and selected more than six lots, may dispose of and assign any two or more lots to any other party (subject to the provisions of the next preceding section, as to the portion of the Cemetery assigned to members of the Church of England or of the Jewish persuasion,) but no less than two lots shall be so assigned to any one party, nor shall the price to be paid for the same exceed the sum paid for the same by subscription, and the legal interest thereon.

Parties subscribing for more than six lots may assign some of them to others on certain conditions.

XVII. And be it enacted, That the said Company shall furnish graves for the poor free of charge, on the certificate of a Minister or Clergyman, of the denomination to which such poor belong, that the relations of the deceased are poor, and cannot afford to purchase a lot in the said Cemetery ; and the Trustees may sell any lot of any size whatsoever less than one hundred superficial feet, to any party ; but no party being the proprietor of a lot containing less than one hundred feet shall thereby become a member of the Company or have any vote in the management of the affairs thereof.

Company to furnish places of burial for the poor gratis.

Small lots may be sold.

XVIII. And be it enacted, That all the funds of the said Company shall be appropriated and applied solely to the purchasing, laying out, fencing, ornamenting and keeping up the said Cemetery, and roads and access to the same, and for the other purposes authorized by this Act, and the defraying of the necessary expenses of the Company, and no dividend or profit of any kind shall be paid by the said Company to any member or members thereof; and the price of all lots sold and of all rates or fees received for the use of any part thereof, or of any property of the Company, shall go into the general fund of the Company and be appropriated and applied as aforesaid.

All the funds of the Company to be expended on the Cemetery

XIX. And be it enacted, That the said Trustees shall have power to employ such surveyors, architects, gardeners, superintendents, clerks, and other officers and servants as they may think necessary, and to pay them such remuneration as may be deemed proper, subject always to any By-laws to be made in that behalf.

Trustees may employ gardeners, officers and servants.

XX. And be it enacted, That the whole Cemetery shall be under the management of the same chief gardener or superintendent, and subject to the general regulations which shall be made by the Trustees as to the laying out, planting and ornamenting of the Cemetery : Provided always, that the members of any religious denomination may on ground belonging to members of the Company of their own persuasion, and with the consent of such members, erect a Church or Chapel thereon, at the expense of the members of such persuasion, and have the same consecrated or set apart for Divine Service, according to the rites and ceremonies of such persuasion, and may have their own manager for all purposes connected with the burial of their Dead and with the keeping of their Registers, and for all other purposes, saving and excepting the laying out, planting, or ornamenting of the Cemetery, but nothing herein contained shall be held to exempt the members of any such denomination from contributing to all the expences of the Company for the purposes mentioned in the eighteenth section, or from the payment of the rates or fees therein mentioned.

The whole Cemetery to be under the same superintendent.

Proviso: Churches may be erected by and at the expense of any denomination.

And they may have officers. for certain purposes only.

Conveyance of
lots in the
Cemetery, &c.

XXI. And be it enacted, That the lots in the said Cemetery shall be held to be immoveable property, and shall be inherited or may be devised or assigned and conveyed accordingly, saving only that it shall not be necessary that such conveyance be before a Notary or Notaries, but any form of conveyance under the hand and seal of the owner or executed in the manner required for *Actes* of the Company if by the Trustees to any party, and stating the number of the lot as it stands in the books of the Company, and that the same is thereby conveyed to some party, shall be a valid conveyance thereof; and no hypothec or incumbrance shall in any wise subsist upon any such lot, nor shall any registration of the conveyance be requisite to its validity, except that it be entered in the books of the Company.

Trustees to
call for instal-
ments.

Forfeiture if
the same be
not paid.

XXII. And be it enacted, That the Trustees shall have full power, by notice given in the manner provided for calling general meetings, to call for instalments on the sums which shall then have been subscribed for as aforesaid, and to appoint the time and place where the same shall be payable; and if the same shall not then be paid, the right of the subscriber and any instalment he may have previously paid shall be forfeited, and he shall be held not to have subscribed, unless the Directors shall think it expedient to remit such forfeiture, which they may do in their discretion, if the instalments be paid, with the interest, within one year after the day when it ought to have been paid.

Interpretation
clause.

XXIII. And be it enacted, That in construing this Act, words importing the masculine gender or the singular number only, shall be deemed to include more than one person or thing, and females as well as males, unless there be something in the context repugnant to or inconsistent with such construction; and if there be any omitted case or matter, touching which it is necessary that provision be made in order to give full effect to this Act, and to the true intent and object thereof, such provision may be made by any By-law of the Company not inconsistent with or repugnant to this Act: Provided always, that no By-law of the Company shall be repugnant to the laws of Lower Canada except in so far as the same are modified by this Act.

Proviso as to
By-laws.

Public Act.

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



ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. LXVIII.

An Act to incorporate *The Montreal Mining Company.*

[28th July, 1847.]

WHEREAS it is of great importance to this Province that its mines and mineral wealth should be properly worked and brought into use; and the several persons hereinafter named have by their Petition represented that they have associated themselves together, with divers others, for that purpose, and have agreed by Articles of Agreement entered into at the City of Montreal the twenty-fifth day of April and the twelfth day of December, one thousand eight hundred and forty-six, and have raised by subscription the capital necessary effectually to begin their operations, but that they experience great difficulties in carrying out the objects for which they are associated without an Act incorporating them with the powers hereinafter mentioned, and have prayed that such Act may be passed: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue * and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Honorable Peter McGill, the Honorable George Moffatt, Sir George Simpson, William Collis Meredith, Thomas Cringan, the Honorable Sir Allan Napier MacNab, the Honorable James Ferrier, and David Davidson, the present Trustees of the Association mentioned in the Preamble to this Act, and their successors, and such and so many other persons or parties as have become, or shall become shareholders in the Capital Stock hereinafter mentioned, shall and they are hereby constituted a Body Politic and Corporate, by the name of "*The Montreal Mining Company*," and by that name shall and may sue and be sued, implead and be impleaded, answer and be answered unto in all Courts of Law or Equity whatsoever, and shall have uninterrupted succession with a Common Seal, which may by them be changed or varied at their pleasure.

Preamble.

* Sic. of omitted.

Certain persons incorporated.

Corporate name and powers.

II. And whereas the Capital Stock of the said Association formed under the Articles of Agreement aforesaid is divided into one hundred thousand shares, and it is expedient to reduce the number of the said shares: Be it therefore enacted, That the said one hundred thousand shares shall merge into and form forty thousand shares, that is to say, each holder of five shares of the stock mentioned in the said Articles of Agreement shall be entitled to two shares of the stock of the said Corporation, and

Number of shares of Stock of Corporation.

no

no more, and so in proportion to the number of shares which any shareholder may possess.

Liability of shareholders limited.

III. And be it enacted, That no shareholder in the said Corporation shall be in any manner whatsoever liable for or charged with the payment of any debt or demand due by the said Corporation beyond the amount of his, her or their subscribed share or shares in the capital Stock of the said Corporation.

Calls on holders of Stock not to exceed £1 7s. 6d. per share.

IV. And whereas the Instalments already paid or called in upon the stock already issued are equal to twelve shillings and six pence, on each share of five pounds: Be it enacted, that the calls to be hereafter made on the holders of the said Stock shall not exceed in the whole four pounds, seven shillings and six pence currency per share, and the same shall be paid by instalments when and in such manner as shall be prescribed by the Directors hereinafter named: Provided also, that nothing herein contained shall exonerate, diminish or relieve any party from existing liability to the said Company, whether the said liability relates to contributions due or to fall due upon Stock already issued, or otherwise, but on the contrary all such liabilities and contributions shall and may be forced in the same way, and the Corporations shall have the same remedy to enforce the payment of calls already made, and all other calls and sums now due or called for, as is hereinafter prescribed with respect to future calls and liabilities.

Proviso: former liabilities not to be diminished.

Certain property vested in Corporation

V. And be it enacted, That all and every the estate and property, real or personal, belonging to the Association formed under the Articles of Association aforesaid, at the time of the passing of this Act, and all debts and claims then due to or possessed by the said Association, shall be and are hereby transferred to and vested in the Corporation hereby established, which shall in like manner be liable to and for all debts due by or claims upon the said Association; and the Trustees of the said Association, at the time of the passing of this Act, shall be Directors of the said Corporation, as if elected under this Act, until their successors shall be elected as hereinafter provided.

Corporation may hold real property to extent of £100,000.

VI. And be it enacted, That it shall be lawful for the said Corporation to have and hold such lands and immoveable or real property as may be necessary for carrying on the business of the said Corporation, provided the sum vested in real property purchased from private individuals, do not at any one time exceed one hundred thousand pounds; and it shall be lawful for the said Corporation to sell, lease, or otherwise dispose of the said property and estate as they may see fit.

Business of the corporation defined.

VII. And be it enacted, That it shall be lawful for the said Corporation to engage in and follow the occupation and business of carrying on exploration for and of finding and getting copper and other ores, metals, and minerals, and manufacturing and of disposing of the same for the benefit of the said Corporation, and to do all things necessary for the purposes aforesaid, not inconsistent with the rights of any other parties or with the conditions of any grants or other title under which the said Corporation may hold the lands in which such things are to be done.

Corporation may increase Capital Stock to £400,000.

VIII. And be it enacted, That if the said sum of Two hundred thousand pounds be found insufficient for the purposes of this Act, then and in such case it shall be lawful for the Members of the said Corporation by a vote of not less than two-thirds in number of the Shareholders, representing not less than ten thousand shares, at any

General

General Meeting to be expressly called for that purpose, to increase the Capital Stock of the said Corporation, either by the admission of new members as subscribers to the said undertaking or otherwise, to a sum not exceeding in all the sum of Four hundred thousand pounds currency, including the said sum of Two hundred thousand pounds currency hereinbefore authorized to be raised, in such manner and upon such terms and conditions and under such regulations as shall be approved and agreed upon; and the capital so to be raised by the creation of new shares, shall be in all respects part of the Capital Stock of the said Corporation; and every Shareholder of such new Stock shall be a member of the said Corporation, and be entitled to all and every the same powers, privileges and rights as the persons who are now Shareholders, in proportion to the interest or number of shares which he may acquire, and to the amount of calls paid thereon, and shall also be liable and subject to the same obligations and stand interested in all the profits and losses of the said undertaking in proportion to the sum that he shall subscribe and pay thereto, as fully and effectually to all intents and purposes whatsoever as if such other or further sum had been originally raised as a part of the said first sum of Two hundred thousand pounds, anything herein contained to the contrary notwithstanding.

Rights and liabilities of holders of the new Stock.

IX. And be it enacted, That it shall be lawful for the said Corporation from time to time to borrow either in this Province or elsewhere, all such sum or sums of money not exceeding in all, at any one time, One hundred thousand pounds currency, as they may find expedient, and to make the bonds, debentures or other securities they shall grant for the sums so borrowed payable either in currency or in sterling with interest, at such place or places within or without this Province as they may deem advisable, and such bonds, debentures or other securities may be made payable to bearer, or transferable by simple endorsement or otherwise, and may be in such form as the Directors for the time being may see fit; and the said Directors may hypothecate, mortgage or pledge the lands, revenues and other property of the said Corporation for the due payment of the said sums and the interest thereon: Provided always, that the said Corporation shall not be allowed to borrow any part of such sum of One hundred thousand pounds aforesaid, until at least one half of the Capital Stock of the said Corporation of Two hundred thousand pounds currency, shall be paid up and available for the uses of the Corporation.

Corporation may borrow money from time to time.

Such money not to be borrowed until half the capital is paid up.

X. And be it enacted, That the Stock of the said Corporation shall be deemed personal, moveable estate, notwithstanding the conversion of any portion of the funds constituting the same into lands; and at all meetings of the Shareholders held in pursuance of this Act, whether the same be general or special, every Shareholder shall be entitled to as many votes as he shall have Shares in the said Stock, and such vote or votes may be given in person or by proxy; and all questions proposed or submitted for the consideration of the said meetings shall be finally determined by the majority of the votes, except in the case or cases otherwise provided for; And provided also, that no person shall be entitled to vote as proxy at any meeting unless he shall be a Shareholder in the said Corporation, and produce written authority as such proxy in the form prescribed by the Schedule A.

Stock of the Corporation to be moveable property. Number of votes of each Shareholder.

Proviso.

XI. And be it enacted, That the shares in the Stock of the said Corporation shall be assignable by delivery of the certificates, to be issued to the holders of such shares respectively, and by assignment in the form of the Schedule B, or in any other convenient

Shares of Stock to be assignable by delivery of certificates in

form of Schedule B. &c.

Proviso.

convenient form to be prescribed by any By-law of the said Corporation; and that by such assignment the party accepting such transfer shall thenceforth become in all respects a member of the said Corporation in respect of such share or shares in the place of the party so transferring the same; but no such transfer shall be valid or effectual until all calls or instalments due on the shares purporting to be transferred, and all debts or monies due to the said Corporation thereon, shall have been fully paid up and discharged; and a copy of such transfer extracted from the proper book of entry, and purporting to be signed by the Clerk, or other officer of the said Company duly authorized thereto, shall be sufficient *prima facie* evidence of every such transfer, in all Courts in this Province.

Directors may open offices for certain purposes in England and the United States.

Proviso.

XII. And be it enacted, That the Directors of the said Corporation shall have power and authority to establish and have a place of business or office in the Cities of London and Liverpool in England, and New York, Boston, Philadelphia and Detroit in the United States of America, and to open books of subscription in all or any of the said Cities for the stock of the said Corporation, and to receive there subscriptions for the said stock, and to make the said stock transferable there, respectively, and to make all instalments called thereon, and dividends declared thereby, payable there, respectively. And the said Directors shall also have power to name one or more Agent or Agents or Commissioners in all or any of the aforesaid Cities, for all or any of the purposes aforesaid, and to allow to such Agent or Agents or Commissioners, a reasonable remuneration for his or their services, and all other necessary expenses of the said Office and Offices; and it shall also be competent for the said Directors to make all such rules and regulations, and to prescribe all such forms as to them may seem meet for the better and more satisfactorily managing and conducting the affairs and business of the said Corporation in all or any of the Cities aforesaid, and for facilitating and rendering effectual the subscription for and transfer of and payments upon the said stock respectively, and for all other proper purposes connected therewith and incidental thereto. Provided always, that the said Directors may make By-laws prescribing the mode in which any shares of the stock in all or any or either of the said Cities may be made shares in Canada, or whereby any shares of the stock in Canada may be made shares in England or in the United States aforesaid.

Eight Directors of Corporation to be elected, to manage its affairs: their qualification. Three to form a *quorum*.

Proviso as to By-laws, &c. for certain purposes.

Proviso: mode of voting.

XIII. And be it enacted, That for managing the affairs of the said Corporation, there shall be from time to time elected out of the members of the said Corporation eight persons, being each a proprietor of not less than two hundred shares of the said Capital Stock, to be Directors of the said Corporation, for ordering, managing and directing the affairs of the said Corporation; and any four Directors shall form a *quorum* of the Board, and any majority of such *quorum* may exercise all the powers of the Directors: Provided always, that unless at a meeting of a majority of the Directors no by-law, rule, resolution or regulation for raising money or disposing of the real estate of the Corporation, shall be finally passed unless confirmed at the next meeting of the Directors to take place upon due notice given: Provided that no Director shall have more than one vote at any meeting of Directors, except the President, who shall in case of an equal division have the casting vote although he may have given one vote before; and whenever any vacancy shall happen among the Directors by death, resignation, or removal out of the Province, such vacancy shall be filled up until the next General Meeting of the Shareholders in such manner as may be prescribed by any By-law of the Corporation; and the Directors shall have full powers to dispose of such part of the

the Stock of the said Corporation as may remain to be disposed of, or as may from time to time be added to or fall into the general mass either by forfeiture or otherwise on such terms and conditions and to such parties as they may think most likely to promote the interests of the said Corporation; and they shall also have full power to make such calls for money from the several Shareholders for the time being as is hereinbefore provided for, and to sue for, recover and get in all such calls, whether already made or hereafter to be made, and to cause and declare the said shares to be forfeited to the said Corporation in case of non-payment, on such terms and in such way as they shall see fit to prescribe by any By-law; and in any action to be brought to recover any money due on any call, it shall not be necessary to set forth the special matter in the declaration, but it shall be sufficient to allege that the defendant is a holder of one share or more in the said stock (stating the number of shares) and is indebted to the Corporation in the sum to which the calls in arrear shall amount (stating the number and amount of such calls,) whereby an action hath accrued to the Corporation by virtue of this Act; and it shall be sufficient to maintain such action, to prove by any one witness, that the Defendant at the time of making such call was a Shareholder in the number of shares alleged, and that the calls sued for were made and notice thereof given, in conformity with the By-laws of the said Corporation, and it shall not be necessary to prove the appointment of the Directors nor any other matter whatsoever; That the said Directors shall and may use and affix or cause to be used and affixed the common seal of the said Corporation to any documents which in their judgment may require the same, and any act or deed bearing such seal, and signed by the President (or by any two Directors) and countersigned by the Secretary, shall be held to be the act or deed of the Corporation; That they may appoint such and so many agents, officers and servants of the said Corporation under them as to the said Directors may seem meet, and may fix the salaries and remuneration of such officers, agents and servants; may make any payments and enter into any contracts for the execution of the purposes of the said Corporation, and for all other matters necessary for the transaction of its affairs; may generally deal with, treat, purchase, lease, sell, mortgage, let, release and dispose of and exercise all acts of ownership over the lands, tenements, property, and effects of the said Corporation; may institute and defend in the name of the said Corporation all suits at Law; may from time to time displace the officers, agents and servants of the said Corporation, except as hereinafter provided; and that they shall and may have power to do all things whatsoever which may be necessary or requisite to carry out the objects of the Corporation, and to vest the present property and funds of the said Association in the Corporation hereby erected: That they shall declare dividends of the profits of the said Corporation, when and as often as the state of the funds thereof may permit; may appoint when Special Meetings of the Shareholders shall be held, and determine on the mode of giving notice thereof, and of the manner in which the Shareholders may call or require such Special Meetings to be called; And they shall have power to make By-Laws for the government and control of the officers and servants of the said Corporation, respectively, and shall also have power to make and frame all other By-laws, Rules and Regulations for the management of the business of the said Corporation in all its particulars and details, whether hereinbefore specially enumerated or not, and the same also at any time to alter, change, modify and repeal, which said By-laws, Rules and Regulations shall be submitted for approval, rejection or alteration by the Stockholders at the next General Meeting, or at a Special Meeting to be called by the said Directors, and when and as so ratified and confirmed shall be put into writing and duly recorded in the minutes

Directors may dispose of remaining Stock of Corporation, &c. Calls.

Proceedings in actions upon calls.

Affixing corporate seal, &c.

May appoint Agents and Officers, &c.

Management of property.

Suits. Officers.

General provision.

Shall declare dividends.

And appoint meetings of Corporation.

May frame By-laws, to be submitted to shareholders.

Evidence of
By-laws.

Proviso as to
remuneration
of Directors.

First meeting
of Sharehold-
ers when held.

Certain per-
sons appointed
Directors.

Honorable G.
Moffatt ap-
pointed Presi-
dent.

Proviso as to
service of Pro-
cess on the
Company.

Retirement of
Directors.

Proviso: Di-
rectors may be
re-elected.

Failure to hold
meeting not to
operate disso-
lution of Cor-
poration.

of the said Corporation, and be binding upon and observed and taken notice of by all members of the said Corporation; and any copy of the said By-laws, or any of them purporting to be under the hand of the Clerk, Secretary or other officer of the said Company, and having the seal of the Corporation affixed to it, shall be received as *prima facie* evidence of such By-laws, in all Courts in this Province. Provided always, that the Stockholders may, at any General or Special Meeting, appoint such salary or compensation to the President and Directors respectively as to them shall seem reasonable and proper.

XIV. And be it enacted, That the first General Meeting of the Shareholders of the said Corporation shall be held at the office of the said Corporation in the City of Montreal, (at which place the said Corporation shall have its principal place of business) on the third Wednesday in February, one thousand eight hundred and forty-eight; and at such time and place, and on like day in every year thereafter, the said Shareholders shall elect four fit and qualified persons to be Directors of the said Company in the place and stead of the four who shall retire, as prescribed in the next following section; and until such first election, and until they shall respectively retire as aforesaid, the Trustees of the Association aforesaid, to wit: The Honorable George Moffatt, the Honorable Sir Allan Napier MacNab, the Honorable James Ferrier, Sir George Simpson, the Honorable Peter McGill, William Collis Meredith, Thomas Cringan, David Davidson, and the survivors or survivor of them shall be and are hereby declared to be and constituted Directors of the said Corporation; and The said Honorable George Moffatt shall, until such day, be the President of the said Corporation, and they shall have and exercise all and every the powers and shall be subject to all and every the clauses, conditions, liability and restrictions imposed on the Directors to be chosen under this Act; Provided always, that in all actions or suits, or other legal proceedings to be brought against the said Corporation, it shall be lawful and sufficient for the Plaintiff or Complainant, or any other party to cause process to be served at the said office of the said Corporation in the City of Montreal, or personally upon the President, or on any one of the Directors, or on the Secretary of the said Corporation, at any other place; and provided that at the first meeting of the Directors to be holden after the passing of this Act, the said Directors shall choose and elect from among themselves, some one to be President, and also some one to be Vice-President of the said Corporation.

XV. And be it enacted, That at the first General Meeting of the Shareholders, and at the Annual General Meeting in each year thereafter, four of the said Directors shall retire in rotation, (the order of retirement of the said eight hereinbefore named to be decided by lot on or before the said third Wednesday in February, one thousand eight hundred and forty-eight); provided always, that all Directors retiring at any time shall be eligible for re-election; and the Directors, immediately after the election at each Annual Meeting, shall choose one of their own number to be President.

XVI. And be it enacted, That the failure to hold the said first General Meeting or any other meeting, or to elect such Directors or President, shall not dissolve the said Corporation, but such failure or omission shall and may be supplied by and at any Special Meeting to be called as the Directors, in conformity with the By-laws of the said Corporation, may see fit to appoint, and until such election of new Directors those who may be in office for the time being shall be and continue in office and exercise all the rights and powers thereof until such new election be made, as hereinbefore provided.

XVII.

XVII. And be it further enacted, That it shall not be lawful for the said Corporation to commence or proceed with their operations under this Act, unless they shall have first paid up the sum of ten per cent. on the amount of their capital stock of two hundred thousand pounds.

When the Company may commence business.

XVIII. And be it enacted, That the word "Lands" in this Act shall include all lands, tenements, and hereditaments, and real or immoveable property whatsoever; and all words importing the singular number or the masculine gender only shall extend to more than one person, party or thing, and to females as well as males, and the word "Shareholder" shall include the heirs, executors, administrators, curators, legatees or assigns of such Shareholder, or any other party having the legal possession of any share, whether in his own name or that of any other, unless the context shall be inconsistent with such construction; and whenever power is by this Act given to do anything, power shall be intended also to do all things which may be necessary to the doing of such thing; and generally all words and clauses herein shall receive such liberal and fair construction as will best ensure the carrying into effect of this Act according to its true intent and spirit.

Interpretation clause.

XIX. And be it enacted, That nothing in this Act contained shall in any manner derogate from or affect the rights of Her Majesty, Her Heirs or Successors, or of any person or persons, body politic or corporate, excepting so far as the same may be specially derogated from or affected by the provisions of this Act.

Rights of Her Majesty and others saved.

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

Public Act.

SCHEDULE A.

FORM OF PROXY.

" I, A. B., of _____ hereby appoint C. D. of _____ to be my Proxy,
 " and to vote and act for me as such at all Meetings of the Shareholders of *The*
 " *Montreal Mining Company*, and in my name to do all things with regard to the
 " business of the said Company, which I may, by law, do by Proxy.
 " Witness my hand, this _____ day of _____ 18
 " _____ A. B."

Form of Proxy.

SCHEDULE B.

FORM OF TRANSFER.

" I, A. B., in consideration of the sum of _____ paid to me by C.
 " D. of _____ do hereby bargain, sell and transfer to the said C. D.
 " _____ share of the Stock of *The Montreal Mining Company*,
 " to hold to him the said C. D., his heirs, executors, curators, administrators and as-
 " signs, subject to the same rules and orders, and on the same conditions that I held the
 " same immediately before the execution hereof. And I, the said C. D., do hereby
 " agree and accept of the said _____ share subject to the same rules, orders
 " and conditions.
 " Witness our hands and seals, this _____ day of _____
 " in the year _____"

Form of Transfer.





ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. LXIX.

An Act to incorporate *The Quebec and Lake Superior Mining Association.*

[28th July, 1847.]

WHEREAS it is of great importance to this Province that its Mines and Mineral wealth should be properly worked and brought into use; And the several persons hereinafter named, have, by their Petition, represented that they have associated themselves together, with divers others for that purpose, and have agreed by Articles of Association entered into at the City of Quebec, on the twentieth day of October, one thousand eight hundred and forty-six, and have raised by subscription the capital necessary effectually to begin their operations, but that they experience great difficulties in carrying out the objects for which they are associated, without an Act incorporating them with the powers hereinafter mentioned, and have prayed that such Act may be passed: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, 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 Peter Patterson, John Bonner, Henry Lemesurier, William Petry, and Thomas William Lloyd, the present Trustees of the Association mentioned in the Preamble to this Act, and their successors, and such and so many other persons or parties as have become or shall become shareholders in the Capital Stock hereinafter mentioned, shall be, and they are hereby constituted a Body Politic and Corporate, by the name of *The Quebec and Lake Superior Mining Association*, and by that name shall and may sue and be sued, implead and be impleaded, answer and be answered unto in all Courts of Law or Equity whatsoever, and shall have uninterrupted succession with a Common Seal, which may by them be changed or varied at their pleasure.

Preamble.

Certain persons incorporated.

Corporate name and powers.

II. And be it enacted, That the Capital Stock of the said Corporation hereby constituted, shall be eighty-eight thousand pounds, and be divided into forty-four thousand shares, which shares shall be numbered from one to forty-four thousand, and are hereby vested in the present holders or proprietors thereof.

Number of Shares of Stock of Corporation and amount of Capital.

III.

To what extent shareholders shall be liable.

III. And be it enacted, That no shareholder in the said Corporation shall be in any manner whatsoever liable for or charged with the payment of any debt or demand due by the said Corporation beyond the amount of his, her, or their subscribed share or shares in the capital stock of the said Corporation.

Calls on holders of Stock not to exceed £2 per share.

Proviso as to liability of present shareholders.

IV. And be it enacted, That the calls to be made on the holders of the said stock shall not exceed in the whole, two pounds currency per share, and the same shall be paid by instalments when and in such manner as shall be prescribed by the Directors hereinafter named; Provided also, that nothing herein contained shall exonerate, diminish, or relieve any party from existing liability to the said Company, whether the said liability relates to contributions due or to fall due upon stock already issued or otherwise; but on the contrary, all such liabilities and contributions shall and may be enforced in the same way, and the Corporation shall have the same remedy to enforce the payment of calls already made, and all other calls and sums now due and called for as is hereinafter provided with respect to future calls and liabilities.

Certain property vested in Corporation.

V. And be it enacted, That all and every the estate and property, real or personal, belonging to the Association formed under the articles of association aforesaid, at the time of the passing of this Act, and all debts or claims then due to or possessed by the said Association shall be transferred to and vested in the Corporation hereby established, which shall in like manner be liable to and for all debts due by or claims upon the said Association, and the Trustees of the said Association, at the time of the passing of this Act, shall be Directors of the said Corporation, as if elected under this Act, until their successors shall be elected as hereinafter provided.

Corporation may hold real property purchased from private parties to extent of £100,000; And dispose thereof.

VI. And be it enacted, That it shall be lawful for the said Corporation to have and hold such lands and immoveable or real property as may be necessary for carrying on the business of the said Corporation, provided the sum invested in real property purchased from private individuals do not at any one time exceed one hundred thousand pounds; and it shall be lawful for the said Corporation to sell, lease, or otherwise dispose of the said property and estate as they may see fit.

May explore for the purpose of finding copper and other ores, and manufacturing the same, &c.

VII. And be it enacted, That it shall be lawful for the said Corporation to engage in and follow the occupation and business of carrying on exploration for and of finding and getting copper and other ores, metals and minerals, and of manufacturing and disposing of the same for the benefit of the said Corporation, and to do all things necessary for the purposes aforesaid, not inconsistent with the rights of any other parties, or with the conditions of any grants or other title under which the said Corporation may hold the lands in which such things are to be done.

Corporation may increase Capital Stock to £200,000 currency.

VIII. And be it enacted, That if the said sum of eighty-eight thousand pounds be found insufficient for the purposes of this Act, then and in such case it shall be lawful for the members of the said Corporation by a vote of not less than two-thirds in number of the shareholders, representing not less than twenty-two thousand shares at any General Meeting to be expressly called for that purpose, to increase the Capital Stock of the said Corporation either by the admission of new members as subscribers to the said undertaking or otherwise, to a sum not exceeding in all the sum of two hundred thousand pounds, currency, including the said sum of eighty-eight thousand pounds, currency, hereinbefore authorized to be raised, in such manner and upon such terms and

and conditions and under such regulations as shall be approved and agreed upon, and the capital so to be raised by the creation of new shares, shall be in all respects part of the capital stock of the said Corporation; and every Shareholder of such new Stock shall be a member of the said Corporation, and be entitled to all and every the same powers, privileges and rights as the persons who are now Shareholders, in proportion to the interest or number of shares which he may acquire, and to the amount of calls paid thereon; and shall also be liable and subject to the same obligations and stand interested in all the profits and losses of the said undertaking in proportion to the sum that he shall subscribe and pay thereto, as fully and effectually to all intents and purposes whatsoever as if such other or further sum had been originally raised as a part of the said first sum of eighty-eight thousand pounds; any thing herein contained to the contrary notwithstanding.

Rights and liabilities of holders of the new stock.

IX. And be it enacted, That it shall be lawful for the said Corporation, from time to time, to borrow either in this Province or elsewhere, all such sum or sums of money not exceeding in all, at any one time, fifty thousand pounds, currency, as they may find expedient, and to make the bonds, debentures or other securities they shall grant for the sums so borrowed payable either in currency or in sterling with interest, and at such place or places within or without this Province as they may deem advisable, and such bonds, debentures or other securities may be made payable to bearer, or transferable by simple endorsement or otherwise, and may be in such form as the Directors for the time being may see fit; and the said Directors may hypothecate, mortgage or pledge the lands, revenues and other property of the said Corporation for the due payment of the said sums and the interest thereon; Provided always, that such Corporation shall not be allowed to borrow any part of such sum of fifty thousand pounds aforesaid, until at least one half of the said Capital Stock of the said Corporation first hereinbefore authorized of eighty-eight thousand pounds, currency, be paid up and available for the uses of the Corporation.

Corporation may borrow money from time to time to a certain amount.

Proviso: money not to be borrowed until one half the Capital is paid up.

X. And be it enacted, That the Stock of the said Corporation shall be deemed personal moveable estate, notwithstanding the conversion of any portion of the funds constituting the same into lands, and at all meetings of the Shareholders held in pursuance of this Act whether the same be general or special, every Shareholder shall be entitled to as many votes as he shall have shares in the said stock, and such vote or votes may be given in person or by proxy; and all questions proposed or submitted for the consideration of the said meetings shall be finally determined by the majority of the votes, except in the case or cases otherwise provided for; And provided also, that no person shall be entitled to vote as proxy at any meeting unless he shall be a Shareholder in the said Corporation and produce written authority as such proxy in the form prescribed by the Schedule A.

Shares to be personal property.

Proportion of votes.

Majority to decide.

Proviso as to Proxies.

XI. And be it enacted, That the shares in the Stock of the said Corporation shall be assignable by delivery of the certificates, to be issued to the holders of such shares respectively, and by assignment, in the form of the Schedule B, or in any other convenient form to be prescribed by any By-law of the said Corporation, and that by such assignment the party accepting such transfer, shall thenceforth become in all respects a member of the said Corporation in respect of such share or shares in the place of the party so transferring the same, but no such transfer shall be valid or effectual until all calls or instalments due on the shares purporting to be transferred, and

Shares of Stock to be assignable by delivery of certificates and in form of Schedule B. &c.

and all debts or monies due to the said Corporation thereon, shall have been fully paid up and discharged, and a copy of such transfer extracted from the proper book of entry, and purporting to be signed by the Clerk, or other officer of the said Company duly authorized thereto, shall be sufficient *prima facie* evidence of every such transfer, in all Courts in this Province.

Evidence of transfer.

Directors may open offices in England and the United States, for certain purposes.

XII. And be it enacted, That the Directors of the said Corporation shall have power and authority to establish and have a place of business or office in the Cities of London, Liverpool and Bristol, in England, and New York, Boston, Philadelphia, Detroit and Chicago, in the United States of America, and to open books of subscription in all or any of the said Cities for the Stock of the said Corporation; And the said Directors shall also have power to name one or more Agent or Agents or Commissioners in all or any of the aforesaid Cities, to allow to such Agent or Agents or Commissioners, a reasonable remuneration for his or their services, and all other necessary expenses of the said Office and Offices; and it shall also be competent for the said Directors to make all such rules and regulations, and to prescribe all such forms as to them may seem meet for the better and more satisfactorily managing and conducting the affairs and business of the said Corporation in all or any of the Cities aforesaid; Provided always, that the said Directors may make By-laws prescribing the mode in which any shares of the stock in all or any or either of the said Cities may be made shares in Canada, or whereby any shares of the stock in Canada may be made shares in England or in the United States aforesaid.

Six Directors to be elected. Their powers. Three to form a *quorum*.

Proviso.

Proviso as to mode of voting.

Directors may dispose of remaining Stock of Corporation, &c;

May recover amount of calls.

What shall be sufficient averment and

XIII. And be it enacted, That for managing the affairs of the said Corporation, there shall be from time to time elected out of the members of the said Corporation six persons, being each a proprietor of not less than two hundred and fifty shares of the said Capital Stock, to be Directors of the said Corporation; for ordering, managing and directing the affairs of the said Corporation: and any three Directors shall form a *quorum* of the Board, and any majority of such *quorum* may exercise all the powers of the Directors; Provided always, that unless at a meeting of a majority of the Directors no By-law, Rule, Resolution or Regulation for raising money or disposing of the real estate of the Corporation, shall be finally passed unless confirmed at the next meeting of Directors to take place upon due notice given; Provided also, that no Director shall have more than one vote at any meeting of Directors except the President, who shall, in case of any equal division, have the casting vote although he may have given one vote before, and whenever any vacancy shall happen among the Directors by death, resignation, or removal out of the Province, such vacancy shall be filled up until the next general meeting of the Shareholders in such manner as may be prescribed by any By-law of the Corporation; and the Directors shall have full power to dispose of such part of the stock of the said Corporation as may remain to be disposed of, or as may from time to time be added to or fall into the general mass either by forfeiture or otherwise, on such terms and conditions, and to such parties as they may think most likely to promote the interests of the said Corporation; and they shall also have full power to make such calls of money from the several Shareholders for the time being, as is hereinbefore provided for, and to sue for, recover and get in all such calls, and to cause and declare the said shares to be forfeited to the said Corporation in case of non-payment, on such terms and in such way as they shall see fit to prescribe by any By-law: and in any action to be brought to recover any money due on any call, it shall not be necessary to set forth the

the special matter in the declaration, but it shall be sufficient to allege that the defendant is a holder of one share or more in the said stock (stating the number of shares) and is indebted to the Corporation in the sum to which the calls in arrear shall amount (stating the number and amount of such calls), whereby an action hath accrued to the Corporation by virtue of this Act, and it shall be sufficient to maintain such action, to prove by any one witness, that the defendant at the time of making such call was a Shareholder in the number of shares alleged, and that the calls sued for were made and notice thereof given, in conformity with the By-laws of the said Corporation, and it shall not be necessary to prove the appointment of the Directors nor any other matter whatsoever: That the said Directors shall and may use and affix or cause to be used and affixed the common seal of the said Company to any documents which in their judgment may require the same, and any act or deed bearing such seal, and signed by the President (or by any two Directors) and countersigned by the Secretary, shall be held to be the act or deed of the Corporation; That they may appoint such and so many agents, officers and servants of the said Corporation under them as to the said Directors may seem meet, and may fix the salaries and remuneration of such officers, agents and servants; may make any payments and enter into any contracts for the execution of the purposes of the said Corporation, and for all other matters necessary for the transaction of its affairs; may generally deal with, treat, purchase, lease, sell, mortgage, let, release and dispose of, and exercise all acts of ownership over the lands, tenements, property, and effects of the said Corporation; may institute and defend in the name of the said Corporation all suits at Law; may from time to time displace the officers, agents and servants of the said Corporation, except as hereinafter provided; and that they shall and may have power to do all things whatsoever which may be necessary or requisite to carry out the objects of the Corporation, and to vest the present property and funds of the said Association in the Corporation hereby erected: That they shall declare dividends of the profits of the said Corporation, when and as often as the state of the funds thereof may permit; may appoint when Special Meetings of the Shareholders shall be held, and determine on the mode of giving notice thereof, and of the manner in which the Shareholders may call or require such Special Meetings to be called; and they shall have power to make By-laws for the government and control of the officers and servants of the said Corporation, and shall also have power to make and frame all other By-laws, Rules and Regulations for the management of the business of the said Corporation in all its particulars and details whether hereinbefore specially enumerated or not, and the same also at any time to alter, change, modify and repeal; which said By-laws, Rules and Regulations shall be submitted for approval, rejection, or alteration by the Stockholders at the next General Meeting, or at a Special Meeting to be called by the said Directors, and when and as so ratified and confirmed shall be put into writing and duly recorded in the minutes of the said Corporation, and be binding upon and observed and taken notice of by all members of the said Corporation; and any copy of the said By-laws, or any of them purporting to be under the hand of the Clerk, Secretary, or other officer of the said Corporation, and having the seal of the Corporation affixed to it, shall be received as *primâ facie* evidence of such By-laws, in all Courts in this Province; Provided always, that the Stockholders may, at any General or Special Meeting, appoint such salary or compensation to the President and Directors respectively as to them shall seem reasonable and proper; Provided also, that at the First Meeting of the Directors to be holden after the passing of this Act, the said Directors shall choose and elect from among themselves some one to be President, and also some one to be Vice-President of the said Corporation.

proof in actions for calls.

They may use the corporate seal, &c;

May appoint Agents and Officers, &c.

Further powers.

Actions generally.

Shall declare dividends; And appoint meetings of Corporation.

May make By-Laws.

By-Laws must be submitted to shareholders for approval, &c.

Copies of By-Laws.

Proviso.

Proviso.

First meeting
of shareholders
when held.

Subsequent
elections.

Certain per-
sons appointed
Directors *pro*
tempore, and
their powers.
P. Patterson
appointed Pre-
sident.

Proviso.

XIV. And be it enacted, That the first General Meeting of the Shareholders of the said Corporation shall be held at the office of the said Corporation in the City of Quebec, (at which place the said Corporation shall have its principal place of business) on the Second Monday of the Month of July, one thousand eight hundred and forty-eight; and at such time and place, and on the like day in every year thereafter, the said Shareholders shall elect two fit and qualified persons to be Directors of the said Company in the place and stead of the two who shall retire as prescribed in the next following section, and until such first election, and until they shall respectively retire as aforesaid, the Trustees of the Association aforesaid, to wit: the said Peter Patterson, John Bonner, Henry Lemesurier, William Petry, Thomas William Lloyd, and the survivors or survivor of them shall be and are hereby declared to be and constituted Directors of the said Corporation, and the said Peter Patterson shall until such day be the President of the said Corporation; and they shall have and exercise all and every the powers and shall be subject to all and every the clauses, conditions, liability and restrictions imposed on the Directors to be chosen under this Act; Provided always, that in all actions or suits, or other legal proceedings to be brought against the said Corporation, it shall be lawful and sufficient for the Plaintiff or Complainant, or any other party, to cause process to be served at the said office of the said Corporation in the City of Quebec, or personally on the President, or on any one of the Directors, or on the Secretary of the said Corporation, at any other place.

Retirement of
Directors.

Proviso: Di-
rectors may be
re-elected.

XV. And be it enacted, That at the first General Meeting of the Shareholders, one of the said Directors shall retire, and at the Annual General Meeting in each year thereafter two of the said Directors shall retire in rotation (the order of retirement of the said five hereinbefore named to be decided by lot, on or before the said second Monday in July, one thousand eight hundred and forty-eight): Provided always, that all Directors retiring at any time shall be eligible for re-election, and the Directors immediately after the election at each Annual Meeting shall choose one of their own number to be President.

Failure to hold
any meeting
not to operate
a dissolution
of Corporation.

XVI. And be it enacted, That the failure to hold the said first General Meeting or any other meeting, or to elect such Directors or President, shall not dissolve the said Corporation, but such failure or omission shall and may be supplied by and at any Special Meeting, to be called as the Directors, in conformity with the By-laws of the said Corporation, may see fit to appoint; and, until such election of new Directors, those who may be in office for the time being shall be and continue in office, and exercise all the rights and powers thereof until such new election be made, as hereinbefore provided.

Interpretation
clause.

XVII. And be it enacted, That the word "Lands" in this Act shall include all lands, tenements and hereditaments, and real and immoveable property whatsoever; and all words importing the singular number or the masculine gender only, shall extend to more than one person, party or thing, and to females as well as males, and the word "Shareholders" shall include the heirs, executors, administrators, curators, legatees or assigns of such Shareholders, or any other party having the legal possession of any share, whether in his own name or that of any other, unless the context shall be inconsistent with such construction; and whenever power is by this Act given to do any thing, power shall be intended also to do all things, which may be necessary to the doing of such things and generally all words and clauses herein shall receive such liberal



ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

C A P. L X X.

An Act to incorporate *The British North American Mining Company.*

[28th July, 1847.]

WHEREAS it is of great importance to this Province that its Mines and Mineral wealth should be properly worked and brought into use, and the several persons hereinafter named have, by their petition, represented that they are occupiers of a tract of land on Lake Superior, including Spar Island and lands adjacent on the main shore, under the Crown, and that they have at great cost and expense discovered valuable Copper and other Ores therein, and have prayed to be incorporated under the style and title of *The British North American Mining Company*; And whereas the said persons have with others associated themselves for some time past under the said style and title, and have carried on Mining operations at the places aforesaid, and have expended large sums of money in such operations; Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under 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 John Prince, Charles H. Castle, John M. Tobin, John T. Badgley, Edmund A. Meredith and James Ferrier, Esquires, and their successors, and such and so many other persons or parties as have become, or shall become shareholders in the Capital Stock hereinafter mentioned, shall be and they are hereby constituted a Body Politic and Corporate, by the name of *The British North American Mining Company*, and by that name shall and may sue and be sued, implead and be impleaded, answer and be answered unto in all Courts of Law or Equity whatsoever, and shall have uninterrupted succession with a Common Seal, which may by them be changed or varied at their pleasure.

Preamble.

Certain persons incorporated.

Corporate name and powers.

II. And be it enacted, That the Capital Stock of the said Association shall be one hundred thousand pounds currency, divided into ten thousand shares of ten pounds currency each, which shares shall be numbered from one to ten thousand, and are hereby vested in the present holders or proprietors thereof.

Capital Stock of Corporation.

III. And be it enacted, That no shareholder in the said Corporation shall be in any manner whatsoever liable for or charged with the payment of any debt or demand due by the said Corporation beyond the amount of his, her or their subscribed share or shares in the Capital Stock of the said Corporation.

Liabilities of Shareholders limited.

IV.

Calls on holders of Stock, how to be made
 Proviso: former liabilities not to be affected.

IV. And be it enacted, That the calls to be hereafter made on the holders of the said Stock, shall be paid by instalments when and in such manner as shall be prescribed by the Directors hereinafter named; Provided also, that nothing herein contained shall exonerate, diminish or relieve any party from existing liability to the said Company, whether the said liability relates to contributions due or to fall due upon Stock already issued, or otherwise, but, on the contrary, all such liabilities and contributions shall and may be enforced in the same way and the Corporation shall have the same remedy to enforce the payment of calls already made, and all other calls and sums now due and called for as is hereinafter provided with respect to future calls and liabilities.

Certain property vested in Corporation.

V. And be it enacted, That all and every the estate and property, real or personal, belonging to the said Association at the time of the passing of this Act, and all debts or claims then due to or possessed by the said Association shall be transferred to and vested in the Corporation hereby established, which shall in like manner be liable to and for all debts due by or claims upon the said Association, and the Trustees of the said Association, at the time of the passing of this Act shall be Directors of the said Corporation, as if elected under this Act, until their successors shall be elected as hereinafter provided.

Corporation may hold real property to extent of £100,000.

VI. And be it enacted, That it shall and may be lawful for the said Corporation to have and hold such lands and immoveable or real property as may be necessary for carrying on the business of the said Corporation, provided the sum invested in real property purchased from private individuals or from the Crown do not at any one time exceed one hundred thousand pounds; And it shall be lawful for the said Corporation to sell, lease, or otherwise dispose of the said property and estate as they may see fit.

Business of the Corporation defined.

VII. And be it enacted, That it shall be lawful for the said Corporation to engage in and follow the occupation and business of carrying on exploration for and of finding and getting copper and other ores, metals, and materials, and of manufacturing and disposing of the same for the benefit of the said Corporation, and to do all things necessary for the purposes aforesaid, not inconsistent with the rights of any other parties or with the conditions of any grant or other title under which the said Corporation may hold the lands in which such things are to be done.

Corporation may increase Capital Stock to £200,000.

VIII. And be it enacted, That if the said sum of one hundred thousand pounds be found insufficient for the purposes of this Act, then and in such case it shall be lawful for the Members of the said Corporation by a vote of not less than two-thirds in number of the Shareholders, representing not less than five thousand shares, at any General Meeting to be expressly called for that purpose, to increase the Capital Stock of the said Corporation either by the admission of new members as subscribers to the said undertaking or otherwise, to a sum not exceeding in all the sum of two hundred thousand pounds currency, including the said sum of one hundred thousand pounds currency hereinbefore authorized to be raised, in such manner and upon such terms and conditions and under such regulations as shall be approved and agreed upon, and the capital so to be raised by the creation of new shares, shall be in all respects part of the Capital Stock of the said Corporation; and every Shareholder of such new Stock shall be a member of the said Corporation, and be entitled to all and every the same powers, privileges and rights as the persons who are now Shareholders, in proportion to

Rights and liabilities of holders of new Stock.

to the interest or number of shares which he may acquire, and to the amount of calls paid thereon; and shall also be liable and subject to the same obligations and stand interested in all the profits and losses of the said undertaking in proportion to the sum that he shall subscribe and pay thereto, as fully and effectually to all intents and purposes whatsoever as if such other or further sum had been originally raised as a part of the said first sum of one hundred thousand pounds; anything herein contained to the contrary notwithstanding.

IX. And be it enacted, That it shall be lawful for the said Corporation from time to time to borrow either in this Province or elsewhere all such sum or sums of money not exceeding in all, at any one time, fifty thousand pounds currency, as they may find expedient, and to make the bonds, debentures, or other securities they shall grant for the sums so borrowed payable either in currency or in sterling with interest, and at such place or places within or without this Province as they may deem advisable, and such bonds, debentures or other securities may be made payable to bearer, or transferable by simple endorsement or otherwise and may be in such form as the Directors for the time being may see fit; and the said Directors may hypothecate, mortgage or pledge the lands, revenues and other property of the said Corporation for the due payment of the said sums and the interest thereon; Provided always, that the said Corporation shall not be allowed to borrow any part of such sum of fifty thousand pounds aforesaid until at least one half of the said Capital Stock of the said Corporation of one hundred thousand pounds first hereinbefore authorized be paid up and available for the uses of the Corporation.

Corporation may borrow money from time to time.

The same not to be borrowed until one half the capital be paid up.

X. And be it enacted, That the Stock of the said Corporation shall be deemed personal moveable estate, notwithstanding the conversion of any portion of the funds constituting the same into lands, and at all meetings of the Shareholders held in pursuance of this Act, whether the same be general or special, every shareholder shall be entitled to as many votes as he shall have shares in the said stock, and such vote or votes may be given in person or by proxy; and all questions proposed or submitted for the consideration of the said Meetings shall be finally determined by the majority of the votes, except in the case or cases otherwise provided for.

Stock to be personal property.
Number of votes of Shareholders.

XI. And be it enacted, That the shares in the Stock of the said Corporation shall be assignable by delivery of the certificates, to be issued to the holders of such shares respectively, and by assignment, in the form of the Schedule B, or in any other convenient form to be prescribed by any By-law of the said Corporation, and that by such assignment the party accepting such transfer shall thenceforth become in all respects a Member of the said Corporation in respect of such share or shares in the place of the party so transferring the same, but no such transfer shall be valid or effectual until all calls or instalments due on the shares purporting to be transferred shall have been fully paid up and discharged, and a certificate of such transfer extracted from the proper book of entry, and purporting to be signed by the Clerk, or other officer of the said Company duly authorized thereto, shall be sufficient *primâ facie* evidence of every such transfer, in all Courts in this Province.

Shares of Stock to be assignable by delivery of certificates in form of Schedule B, &c. &c.

XII. And be it enacted, That the Directors of the said Corporation shall have power and authority to establish and have a place of business or office in the Cities of London, Liverpool, and Bristol, in England, and New York, Boston, Philadelphia, Detroit,

Directors may establish offices for certain purposes in England and

the United States.

Detroit, and Chicago, in the United States of America, and to open books of subscription in all or any of the said Cities for the Stock of the said Corporation. And the said Directors shall also have power to name one or more Agent or Agents or Commissioners in all or any of the aforesaid Cities, and to allow such Agent or Agents or Commissioners, a reasonable remuneration for his or their services, and all other necessary expenses of the said Office and Offices; and it shall also be competent for the said Directors to make all such rules and regulations, and to prescribe all such forms as to them may seem meet for the better and more satisfactory managing and conducting the affairs and business of the said Corporation in all or in any of the Cities aforesaid: Provided always, that the said Directors may make By-laws prescribing the mode in which any shares of the stock in all or any or either of the said Cities may be made shares in Canada, or whereby any shares of the stock in Canada may be made shares in England or in the United States aforesaid: Provided always, that unless at a meeting of the majority of the Directors no By-law, rule, resolution or regulation for raising money or disposing of the real estate of the said Corporation, shall be finally passed unless confirmed at the next meeting of the Directors to take place upon due notice given.

Proviso.

Six Directors of Corporation to be elected to manage its affairs.

Three to form a *quorum*.

Proviso.

Vacancies.

Directors may dispose of remaining Stock of Corporation.

Calls.

Proceeding in actions or calls.

Deeds of the Corporation.

XIII. And be it enacted, That for managing the affairs of the said Corporation, there shall be from time to time elected out of the members of the said Corporation six persons, being each a proprietor of not less than fifty shares of the said Capital Stock, to be Directors of the said Corporation, for ordering, managing, and directing the affairs of the said Corporation; and any three Directors shall form a *quorum* of the Board, and any majority of such *quorum* may exercise all the powers of the Directors: Provided also, that no Director shall have more than one vote at any meeting of Directors; and whenever any vacancy shall happen among the Directors by death, resignation, or removal out of the Province, such vacancy shall be filled up until the next General Meeting of the Shareholders in such manner as may be prescribed by any By-law of the Corporation; and the Directors shall have full power to dispose of such part of the stock of the said Corporation as may remain to be disposed of, or as may, from time to time, be added to or fall into the general mass, either by forfeiture or otherwise, on such terms and conditions, and to such parties as they may think most likely to promote the interests of the said Corporation; and they shall also have full power to make such calls for money from the several Shareholders for the time being as is hereinbefore provided for, and to sue for, recover and get in all such calls, and to cause and declare the said shares to be forfeited to the said Corporation in case of non-payment, on such terms and in such way as they shall see fit to prescribe by any By-law; and in any action to be brought to recover any money due on any call, it shall not be necessary to set forth the special matter in the declaration, but it shall be sufficient to allege that the defendant is a holder of one share or more in the said stock (stating the number of shares,) and is indebted to the Corporation in the sum to which the calls in arrear shall amount (stating the number and amount of such calls,) whereby an action hath accrued to the Corporation by virtue of this Act, and it shall be sufficient to maintain such action, to prove by any one witness, that the Defendant at the time of making such call was a Shareholder in the number of shares alleged, and that the calls sued for were made and notice thereof given, in conformity with the By-laws of the said Corporation, and it shall not be necessary to prove the appointment of the Directors, nor any other matter whatsoever; That the said Directors shall and may use and affix, or cause to be used and affixed, the common seal of the

the said Corporation to any documents which in their judgment may require the same, and any act or deed bearing such seal, and signed by the President (or by any two Directors) and countersigned by the Secretary, shall be held to be the act or deed of the Corporation; That they may appoint such and so many agents, officers, and servants of the said Corporation under them as to the said Directors may seem meet, and may fix the salaries and remuneration of such officers, agents and servants; may make any payments and enter into any contracts for the execution of the purposes of the said Corporation, and for all other matters necessary for the transaction of its affairs; may generally deal with, treat, purchase, lease, sell, mortgage, let, release and dispose of and exercise all acts of ownership over the lands, tenements, property, and effects of the said Corporation; may institute and defend in the name of the said Corporation all suits at law; may from time to time displace the officers, agents and servants of the said Corporation, except as hereafter provided; and that they shall and may have power to do all things whatsoever which may be necessary or requisite to carry out the objects of the Corporation, and to vest the present property and funds of the said Association in the Corporation hereby erected: That they shall declare dividends of the profits of the said Corporation, when and so often as the state of the funds thereof may permit; may appoint when Special Meetings of the Shareholders shall be held, and determine on the mode of giving notice thereof, and of the manner in which the Shareholders may call or require such Special Meetings to be called; And they shall have power to make By-laws for the government and control of the officers and servants of the said Corporation respectively, and shall also have power to make and frame all other By-laws, Rules and Regulations for the management of the business of the said Corporation in all its particulars and details, whether hereinbefore specially enumerated or not, and the same also at any time to alter, change, modify, and repeal; which said By-laws, Rules and Regulations shall be submitted for approval, rejection, and alteration by the Stockholders, at the next General Meeting, or at a Special Meeting, to be called by the said Directors, and when so ratified and confirmed, shall be put into writing and duly recorded in the minutes of the said Corporation, and be binding upon and observed and taken notice of by all members of the said Corporation; and any copy of the said By-laws, or any of them purporting to be under the hand of the Clerk, Secretary, or other Officer of the said Corporation, and having the seal of the Corporation affixed to it, shall be received as *prima facie* evidence of such By-laws, in all Courts in this Province: Provided always, that the Stockholders may, at any General or Special Meeting, appoint such salary or compensation to the President and Directors respectively as to them shall seem reasonable and proper: Provided always, that at the first Meeting of the Directors, to be holden after the passing of this Act, the said Directors shall choose and elect from among themselves some one to be President, and also some one to be Vice-President of the said Corporation.

May appoint Agents and Officers, &c.

Damaging property.

Shall declare dividends.

And appoint meetings of Corporation.

May make By-laws.

Evidence of By-law.

Proviso as to remuneration of Directors.

Proviso.

First meeting of Shareholders when and where to be held.

XIV. And be it enacted, That the first General Meeting of the Shareholders of the said Corporation shall be held at the office of the said Corporation, in the City of Montreal, (at which place the said Corporation shall have its principal place of business,) on the Third Friday of February, one thousand eight hundred and forty-eight, and at such time and place, and on like day in every year thereafter, the said Shareholders shall elect two fit and qualified persons to be Directors of the said Company in the place and stead of the two who shall retire as prescribed in the next following section; and until such first election, and until they shall

Certain persons appointed Directors.

shall respectively retire as aforesaid, the Trustees of the Association aforesaid to wit: The said John Prince, Charles H. Castle, John M. Tobin, and George Grundy and W. M. B. Hartley, Esquires, and the survivors or survivor of them shall be and are hereby declared to be and constituted Directors of the said Corporation, and the said John Prince shall, until such day, be the President of the said Corporation; and they shall have and exercise all and every the powers, and shall be subject to all and every the clauses, conditions, liabilities and restrictions imposed on the Directors to be chosen under this Act: Provided always, that in all actions or suits, or other legal proceedings to be brought against the said Corporation, it shall be lawful and sufficient for the Plaintiff or Complainant, or any other party, to cause process to be served at the said office of the said Corporation in Montreal, or personally upon the President, or any one of the Directors, or on the Secretary of the said Corporation, at any other place.

Proviso as to service of process.

Retirement of Directors.

XV. And be it enacted, That at the first General Meeting of the Shareholders, and at the Annual General Meeting in each year thereafter, two of the said Directors shall retire in rotation (the order of retirement of the said five hereinbefore named to be decided by lot,) on or before the said third Friday in February, one thousand eight hundred and forty-eight: Provided always, that all Directors retiring at any time shall be eligible for re-election, and the Directors immediately after the election at each Annual Meeting shall choose one of their own number to be President.

Proviso: Directors may be re-elected.

Failure to hold meeting not to operate dissolution of Corporation.

XVI. And be it enacted, That the failure to hold the said first General Meeting or any other meeting, or to elect such Directors or President, shall not dissolve the said Corporation, but such failure or omission shall and may be supplied by and at any Special Meeting to be called as the Directors, in conformity with the By-laws of the said Corporation, may see fit to appoint, and until such election of new Directors, those who may be in office for the time being shall be and continue in office, and exercise all the rights and powers thereof until such new election be made, as hereinbefore provided.

Interpretation clause.

XVII. And be it enacted, That the word "Lands" in this Act shall include all lands, tenements and hereditaments, and real and immoveable property whatsoever; and all words importing the singular number or the masculine gender only shall extend to more than one person, party or thing, and to females as well as males, and the word "Shareholder" shall include the heirs, executors, administrators, curators, legatees or assigns of such Shareholder, or any other party having the legal possession of any share, whether in his own name or that of any other, unless the context shall be inconsistent with such construction; and whenever power is by this Act given to do anything, power shall be intended also to do all things which may be necessary to the doing of such thing; and generally all words and clauses herein shall receive such liberal and fair construction as will best ensure the carrying into effect of this Act according to its true intent and spirit.

When the Company may commence business.

XVIII. And be it enacted, That it shall not be lawful for the said Corporation to commence or proceed with their operations under this Act, unless they shall have first paid up the sum of ten per cent. on the amount of their capital stock.

XIX. And be it enacted, That nothing in this Act contained shall in any manner derogate from or affect the rights of Her Majesty, Her Heirs or Successors, or of any person or persons, body politic or corporate, excepting so far as the same may be specially derogated from or affected by the provisions of this Act.

Rights of Her Majesty and others saved.

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

Public Act.

SCHEDULE A.

FORM OF PROXY.

“ I, A. B. of _____ hereby appoint C. D. of _____
 “ to be my Proxy, and to vote and act for me as such at all meetings of the Share-
 “ holders of *The British North American Mining Company*, and in my name to do
 “ all things with regard to the business of the said Company, which I may, by law, do
 “ by Proxy.

Form of Proxy.

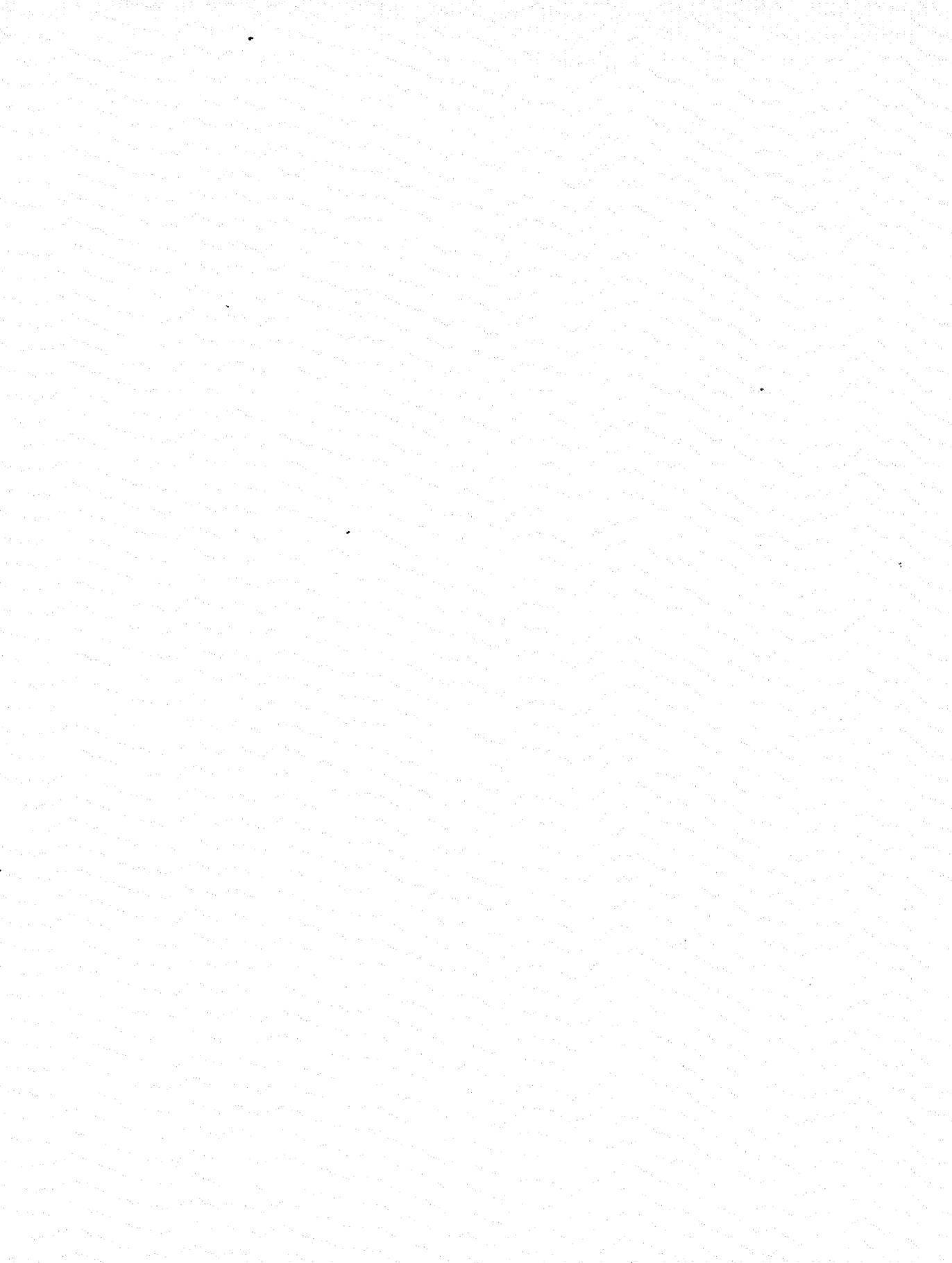
“ Witness my hand, this _____ day of _____ 18 _____
 “ A. B.”

SCHEDULE B.

FORM OF TRANSFER.

“ I, A. B. in consideration of the sum of _____
 “ paid to me by C. D. of _____ do hereby bargain, sell, and
 “ transfer to the said C. D. _____ share or shares of the stock of the
 “ *The British North American Mining Company*, to hold to him the said C. D. his
 “ executors, curators, administrators and assigns, subject to the same rules and orders,
 “ and on the same conditions that I held the same immediately before the execution
 “ hereof. And I, the said C. D., do hereby agree and accept of the said
 “ share or shares, subject to the same rules, orders and conditions. Witness our hands
 “ and seals, this _____ day of _____ in the year _____.”

Form of Transfer.





ANNO DECIMO ET UNDECIMO

VICTORIÆ REGINÆ.

CAP. LXXI.

An Act to incorporate *The Huron and Saint Mary's Copper Company.*

[28th July, 1847.]

WHEREAS it will tend to the benefit of this country if its mineral resources be developed by the skill of the miner; And whereas the several persons hereinafter named have united and bound themselves to each other by agreement executed at Montreal before Notaries Public, and bearing date the second day of January, one thousand eight hundred and forty-seven, to prosecute conjointly the legitimate operations of Mining in this Province with adequate capital for that purpose; And whereas furthermore, the said individuals, acting under the sanction of the Crown, have explored for and discovered rich Mineral Veins of Copper and other Ores on a certain tract of land on the shores of Lake Huron, and have obtained from the Crown a full and valid title to the same, and have employed a large number of laborers and miners since the beginning of December, one thousand eight hundred and forty-six, in opening and working the said Veins, and have erected buildings and machinery at considerable expense, and have succeeded in excavating and bringing to the surface ready for shipment to market a large quantity of Ore; And whereas the said persons experience great difficulties in carrying out the objects for which they were associated without an Act incorporating them as hereinafter mentioned, and have prayed that such Act may be passed: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, 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 Stewart Derbishire, of Montreal, Arthur Rankin, of Sandwich, John Keating, of Saint Joseph's Island in Lake Huron, Major Raines, of the same place, Edward Davis, of the same place, and John Simpson, of Coteau du Lac, Esquires, the present Trustees of the Association mentioned in the Preamble to this Act, and their successors, and such and so many other persons or parties as have become, or shall become shareholders in the Capital Stock hereinafter mentioned, shall be and they are hereby constituted a Body Politic and Corporate, in fact and in name, by the name of *The Huron and Saint Mary's Copper Company*, and by that name shall and may sue and be sued, implead and be impleaded, answer and be answered unto; in all Courts of Law or Equity whatsoever, and shall have uninterrupted succession with a Common Seal, which may by them be changed or varied at their pleasure.

Preamble.

Certain persons incorporated.

Corporate name and powers.

Capital and
number of
shares of Stock
of Corporation.

II. And be it enacted, That the Capital Stock of the said Association formed under the Articles of Agreement aforesaid, that is to say, the sum of forty-five thousand pounds be and the same is hereby divided into fifteen thousand shares, of the value of three pounds each, and shall form the Capital Stock of the said Corporation, subject to be increased as hereinafter provided.

Liability of
shareholders
limited.

III. And be it enacted, That no shareholder in the said Corporation shall be in any manner whatsoever liable for or charged with the payment of any debt or demand due by the said Corporation beyond the amount of his, her, or their subscribed share or shares in the Capital Stock of the said Corporation.

Calls on hold-
ers of Stock
not to exceed
£3 per share.

IV. And be it enacted, That the calls made and to be made on the holders of the said Stock inclusive of the calls already demanded shall not exceed in the whole the sum of three pounds, currency, per share, and the same shall be paid by instalments when and in such manner as shall be prescribed by the Directors hereinafter named; Provided also, that nothing herein contained shall exonerate, diminish or relieve any party from existing liability to the said Company, arising from any cause or matter whatsoever, but on the contrary the right to recover all demands, subscriptions, and all sums and instalments called for before the passing of this Act, in the manner hereinafter provided with respect to future calls and liabilities, is hereby declared to vest in and is hereby given to the Corporation hereby established.

Proviso:
former liabili-
ties not to be
affected.

Certain proper-
ty vested in
Corporation.

V. And be it enacted, That all and every the estate and property, real or personal, belonging to the said Association formed under the Articles of Association aforesaid, at the time of the passing of this Act, and all debts or claims then due to or possessed by the said Association, shall be transferred to and vested in the Corporation hereby established, which shall in like manner be liable to and for all debts due by or claims upon the said Association; and the Trustees of the said Association hereinafter named, shall be Directors of the said Corporation, as if elected under this Act, until their successors shall be elected as hereinafter provided.

Corporation
may hold real
property to ex-
tent of
£50,000

VI. And be it enacted, That it shall be lawful for the said Corporation to have and hold such lands and immoveable or real property as may be necessary for carrying on the business of the said Corporation, provided the sum invested in real property purchased from private individuals or from the Crown do not at any one time exceed fifty thousand pounds; And it shall be lawful for the said Corporation to sell, lease, or otherwise dispose of the said property and estate as they may see fit.

Business of the
corporation de-
fined.

VII. And be it enacted, That it shall be lawful for the said Corporation to engage in and follow the occupation and business of carrying on exploration for and of finding and getting copper and other ores, metals, and minerals, and of manufacturing and disposing of the same for the benefit of the said Corporation, and to do all things necessary for the purposes aforesaid, not inconsistent with the rights of any other parties or with the conditions of any grant or other title under which the said Corporation may hold the lands in which such things are to be done.

Corporation
may increase
Capital Stock
to £100,000
currency.

VIII. And be it enacted, That if the sum of forty-five thousand pounds be by the said Corporation considered insufficient for the purposes of this Act, then and in such case it shall be lawful for the Members of the said Corporation by a vote of not less than two-thirds in number of the Shareholders, representing not less than eight thousand shares,

shares, at any General Meeting to be expressly called for that purpose, to increase the Capital Stock of the said Corporation, either by the admission of new members as subscribers to the said undertaking or otherwise, to a sum not exceeding one hundred thousand pounds currency, including the said forty-five thousand pounds currency hereinbefore authorized to be raised, in such manner and upon such terms and conditions and under such regulations as shall be approved and be agreed upon; and the capital so to be raised by the creation of new shares, shall be in all respects part of the Capital Stock of the said Corporation; and every Shareholder of such new Stock shall be a member of the said Corporation, and be entitled to all and every the same powers, privileges and rights as the persons who are now Shareholders, in proportion to the interest or number of shares which he may acquire, and to the amount of calls paid thereon; and shall also be liable and subject to the same obligations and stand interested in all the profits and losses of the said undertaking, in proportion to the sum that he shall subscribe and pay thereto, as fully and effectually to all intents and purposes whatsoever as if such other or further sum had been originally raised as a part of the said first sum of forty-five thousand pounds; any thing herein contained to the contrary notwithstanding.

Rights and liabilities of holders of new Stock.

IX. And be it enacted, That it shall be lawful for the said Corporation from time to time to borrow, either in this Province or elsewhere, all such sum or sums of money not exceeding in all thirty thousand pounds currency, as they may find expedient; and to make the bonds, debentures, or other securities they shall grant for the sums so borrowed payable either in currency or in sterling with interest, and at such place or places within or without this Province as they may deem advisable, and such bonds, debentures or other securities may be made payable to bearer, or transferable by simple endorsement or otherwise, and may be in such form as the Directors for the time being may see fit; and the said Directors may hypothecate, mortgage or pledge the lands, revenues and other property of the said Corporation for the due payment of the said sums and the interest thereon; Provided always, that such Corporation shall not be allowed to borrow any part of said sum of thirty thousand pounds until at least one half of the said Capital Stock of said Corporation hereinbefore authorized, be paid up and available for the uses of the Corporation.

Corporation may borrow money from time to time.

The same not to be borrowed until half the capital be paid up.

X. And be it enacted, That the Stock of the said Corporation shall be deemed personal or moveable estate, notwithstanding the conversion of any portion of the funds constituting the same into lands; and at all meetings of the Shareholders held in pursuance of this Act, whether the same be special or general, every Shareholder shall be entitled to as many votes as he shall have shares in the said stock; and such vote or votes may be given in person or by proxy; and all questions proposed or submitted for the consideration of the said meetings shall be finally determined by the majority of the votes, except in the case or cases otherwise provided for; and provided also, that no person shall be entitled to vote as proxy at any meeting unless he shall be a Shareholder in the said Corporation and produce written authority as such proxy in the form prescribed by the Schedule A.

Stock to be personal property. Number of votes of shareholders, &c.

Proviso.

XI. And be it enacted, That the shares in the Stock of the said Corporation shall be assignable by delivery of the certificates, to be issued to the holders of such shares respectively, and assignment in the form of the Schedule B, or in any other convenient form to be prescribed by any By-law of the said Corporation; and that by such

Shares of Stock to be assignable by delivery of certificates in

form of Schedule B. &c. such assignment the party accepting such transfer shall thenceforth become in all respects a member of the said Corporation in respect of such share or shares in the place of the party so transferring the same ; but no such transfer shall be valid or effectual until all calls or instalments due on the shares purporting to be transferred, and all debts or monies due to the said Corporation thereon, shall have been fully paid up and discharged ; and a copy of such transfer extracted from the proper book of entry, and purporting to be signed by the Clerk, or other officer of the said Corporation duly authorized thereto, shall be sufficient *prima facie* evidence of every such transfer in all Courts in this Province.

Directors may open offices for certain purposes in England and the United States. XII. And be it enacted, That the Directors of the said Corporation shall have power and authority to establish and have a place of business or office in the Cities of London and Liverpool in England, and New York, Boston, Philadelphia and Detroit in the United States of America, and to open books of subscription in all or any of the said Cities for the stock of the said Corporation, and to receive there subscriptions for the said stock transferable there, respectively, and to make all such instalments called thereon, payable there, respectively. And the said Directors shall also have power to name one or more Agent or Agents or Commissioners in all or any of the aforesaid Cities, for all or any of the purposes aforesaid, and to allow to such Agent or Agents or Commissioners, a reasonable remuneration for his or their services, and all other necessary expenses of the said Office and Offices ; and it shall also be competent for the said Directors to make all such rules and regulations, and to prescribe all such forms as to them may seem meet for the better and more satisfactorily managing and conducting the affairs and business of the said Corporation in all or any of the Cities aforesaid, and for facilitating and rendering effectual the subscription for and transfer of and payments upon the said stock respectively, and for all other purposes connected therewith and incidental thereto. Provided always, that the said Directors may make By-laws prescribing the mode in which any shares of the stock in all or any or either of the said Cities may be made shares in Canada, or whereby any shares of the stock in Canada may be made shares in England or in the United States aforesaid.

Proviso.

Directors of Corporation to be elected to manage its affairs. Two to form a quorum. Proviso. Directors may dispose of remaining Stock of Corporation. May make calls. May sue for such calls. XIII. And be it enacted, That for managing the affairs of the said Corporation, there shall, subject to the provisions hereinafter contained, be from time to time elected out of the members of the said Corporation, not fewer than three persons, being each a proprietor of not less than fifty shares of the said Capital Stock, to be Directors of the said Corporation, for ordering, managing and directing the affairs of the said Corporation ; and any two Directors shall form a *quorum* of the Board, and may exercise all the powers of the Directors : Provided that no Director shall have more than one vote at any meeting of Directors ; and whenever any vacancy shall happen among the Directors by death, resignation, or removal out of the Province, such vacancy shall be filled up until the next General Meeting of the Shareholders, in such manner as may be prescribed by any By-law of the Corporation ; and the Directors shall have full power to dispose of such part of the stock of the said Corporation as may remain to be disposed of, or as may from time to time be added to or fall into the general mass either by forfeiture or otherwise, on such terms and conditions and to such parties as they may think most likely to promote the interests of the said Corporation ; and they shall also have full power to make such calls for money from the several Stockholders for the time being as is hereinbefore provided for, and in the name of the said Corporation to sue for, recover and get in all such calls whether already made under the said articles of association or to be made under this Act, and to cause and declare the said shares

shares to be forfeited to the said Corporation in case of non-payment, on such terms and in such way as shall be prescribed by any By-law : and in any action to be brought to recover any money due on any call, it shall not be necessary to set forth the special matter in the declaration, but it shall be sufficient to allege that the defendant is a holder of one share or more in the said stock (stating the number of shares) and is indebted to the Corporation in the sum to which the calls in arrear shall amount (stating the number and amount of such calls,) whereby an action hath accrued to the Corporation by virtue of this Act ; and it shall be sufficient to maintain such action, to prove by any one witness that the Defendant at the time of making such call was a Shareholder in the number of shares alleged, and that the calls sued for were made and notice thereof given, in conformity with the By-laws of the said Corporation, and it shall not be necessary to prove the appointment of the Directors nor any other matter whatsoever ; That the said Directors shall and may use and affix or cause to be used and affixed the common seal of the said Corporation to any documents which in their judgment may require the same, and any act or deed bearing such seal, and signed by the President (or by any two Directors) and countersigned by the Secretary, shall be held to be the act or deed of the Corporation ; That they may appoint such and so many agents, officers and servants of the said Corporation under them as to the said Directors may seem meet, and may fix the salaries and remuneration of such officers, agents and servants ; may make any payment and enter into any contracts for the execution of the purposes of the said Corporation, and for all other matters necessary for the transaction of its affairs ; may generally deal with, treat, purchase, lease, sell, mortgage, let, release and dispose of and exercise all acts of ownership over the lands, tenements, property, and effects of the said Corporation ; may institute and defend in the name of the said Corporation all suits at law ; may from time to time displace the officers, agents and servants of the said Corporation, except as hereafter provided ; and that they shall and may have power to do all things whatsoever which may be necessary or requisite to carry out the objects of the Corporation, and to vest the present property and funds of the said Association in the Corporation hereby erected : That they shall declare dividends of the profits of the said Corporation, when and as often as the state of the funds thereof may permit ; may appoint when Special Meetings of the Shareholders shall be held, and determine on the mode of giving notice thereof, and of the manner in which the Shareholders may call or require such Special Meetings to be called ; And they shall have power to make By-laws for the government and control of the officers and servants of the said Corporation, and shall also have power to make and frame all other By-laws, Rules and Regulations for the management of the business of the said Corporation in all its particulars and details, whether hereinbefore specially enumerated or not, and the same also at any time to alter, change, modify and repeal ; which said By-laws, Rules and Regulations shall be submitted for approval, rejection or alteration by the Stockholders at the next General Meetings, or at a Special Meeting to be called by the said Directors, and when so ratified and confirmed shall be put into writing and duly recorded in the minutes of the said Corporation, and be binding upon and observed and taken notice of by all members of the said Corporation ; and any copy of the said By-laws, or any of them, purporting to be under the hand of the Clerk, Secretary or other officer of the said Company, and having the seal of the said Corporation affixed to it, shall be received as *prima facie* evidence of such By-laws, in all Courts in this Province : Provided always, that the Stockholders may, at any General or Special Meeting, appoint such salary or compensation to the President and Directors respectively as to them shall seem reasonable and proper.

What it shall be sufficient to allege and prove in such actions.

Directors may affix the common seal of the Corporation.

May appoint Agents and Officers, &c.

Shall declare dividends.

And appoint meetings of Corporation. May make By-laws.

Evidence of By-laws.

Proviso as to remuneration of Directors.

First meeting of Shareholders when and where to be held.

XIV. And be it enacted, That the first General Meeting of the Shareholders of the said Corporation shall be held at the office of the said Corporation in the City of Montreal, (at which place the said Corporation shall have its principal place of business) on the second Monday in November, one thousand eight hundred and forty-seven; and at such time and place, and on the like day in every year thereafter, the said Shareholders shall elect one fit and qualified person to be Director of the said Company in the place and stead of the one who shall retire as prescribed in the next following section; and until such first election, and until they shall respectively retire as aforesaid, the Trustees of the Association aforesaid hereinafter named, that is to say: Stewart Derbshire, Arthur Rankin, and John Simpson, and the survivors or survivor of them shall be and are hereby declared to be and constituted Directors of the said Corporation, and the said Stewart Derbshire shall until such day be the President of the said Corporation; and they shall have and exercise all and every the powers, and shall be subject to all and every the clauses, conditions, liability and restrictions imposed on the Directors to be chosen under this Act: Provided always, that in all actions or suits, or other legal proceedings to be brought against the said Corporation, it shall be lawful and sufficient for the Plaintiff or Complainant, or any other party, to cause process to be served at the said office of the said Corporation in the City of Montreal, or personally upon the President, or any one of the Directors, or on the Secretary of the said Corporation, at any other place; and provided also, that at the first meeting of the Directors to be holden after the passing of this Act, the said Directors shall choose and elect from among themselves, some one to be President, and also some one to be Vice-President of the said Corporation.

Certain persons appointed Directors.

Stewart Derbshire appointed President.

Proviso as to service of process.

Retirement of Directors.

XV. And be it enacted, That at the first General Meeting of the Shareholders, and at the Annual General Meeting in each year thereafter, one of the said Directors shall retire in rotation (the order of retirement of the said three persons, hereinbefore named to be decided by lot, on or before the said second Monday in November, one thousand eight hundred and forty-seven): Provided always, that all Directors retiring at any time shall be eligible for re-election; and the Directors, immediately after the election at each Annual Meeting, shall choose one of their own number to be President.

Proviso: Directors may be re-elected.

Failure to hold meeting not to operate dissolution of Corporation.

XVI. And be it enacted, That the failure to hold the said first General Meeting or any other meeting, or to elect such Directors or President, shall not dissolve the said Corporation, but such failure or omission shall and may be supplied by and at any Special Meeting to be called as the Directors, in conformity with the By-laws of the said Corporation, may see fit to appoint; and until such election of new Directors those who may be in office for the time being shall be and continue in office, and exercise all the rights and powers thereof until such new election be made, as hereinbefore provided.

Interpretation clause.

XVII. And be it enacted, That the word "Lands" in this Act shall include all lands, tenements, and hereditaments, and real or immoveable property whatsoever; and all words importing the singular number or the masculine gender only shall extend to more than one person, party or thing, and to females as well as males, and the word "Shareholder" shall include the heirs, executors, administrators, curators, legatees, or assigns of such Shareholder, or any other party having the legal possession of any share, whether in his own name or that of any other, unless the context shall be inconsistent with such construction; and whenever power is by this Act given to do anything,

power

power shall be intended also to do all things which may be necessary to the doing of such thing; and generally all words and clauses herein shall receive such liberal and fair construction as will best ensure the carrying into effect of this Act according to its true intent and spirit.

XVIII. And be it enacted, That it shall not be lawful for the said Corporation to commence or proceed with their operations under this Act, unless they shall have first paid up the sum of ten per centum on the amount of their capital stock.

When the Company may commence business.

XIX. And be it enacted, That nothing in this Act contained shall in any manner derogate from or affect the rights of Her Majesty, Her Heirs or Successors, or of any person or persons, body politic or corporate, excepting so far as the same may be specially derogated from or affected by the provisions of this Act.

Rights of Her Majesty and others saved.

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

Public Act.

SCHEDULE A.

FORM OF PROXY.

" I, A. B., of _____, hereby appoint C. D., of _____ to be my
 " Proxy, and to vote and act for me as such at all Meetings of the Shareholders of
 " *The Huron and Saint Mary's Copper Company*, and in my name to do all things
 " with regard to the business of the said Company, which I may, by law, do by Proxy.

Form of Proxy.

" Witness my hand, this _____ day of _____ 18

A. B."

SCHEDULE B.

FORM OF TRANSFER.

" I, A. B., for value received from C. D., of _____ do hereby bargain, sell
 " and transfer to the said C. D. _____ share or shares of the Stock
 " of *The Huron and Saint Mary's Copper Company*, to hold to him the said C. D.,
 " his heirs, executors, curators, administrators and assigns, subject to the same rules
 " and orders, and on the same conditions that I held the same immediately before the
 " execution hereof. And I, the said C. D., do hereby agree and accept of the said
 " _____ share or shares, subject to the same rules, orders and conditions.

Form of Transfer.

" Witness our hands and seals, this _____ day of _____ in the year

A. B.
 C. D."



ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. LXXII.

An Act to incorporate "The Lake Huron Silver and Copper Mining Company."

[28th July, 1847.]

WHEREAS it is of great importance to this Province that its Mines and Mineral wealth should be properly worked and brought into use, and the several persons hereinafter named have, by their Petition, represented that they have associated themselves together, with divers others, for that purpose, and have agreed by Articles of Association entered into at the City of Montreal, and have raised by subscription the capital necessary effectually to begin their operations, but that they experience great difficulties in carrying out the objects for which they are associated without an Act incorporating them with the powers hereinafter mentioned, and have prayed that such Act may be passed: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That Alexander Simpson, Esquire, the Honorable Francis Hincks, John R. Livingston*, Simeon Draper, the younger, and Samuel Jaudon, Esquires, the present Trustees of the Association mentioned in the Preamble to this Act, and their Successors, and such and so many other persons or parties as have become, or shall become Shareholders in the Capital Stock hereinafter mentioned, shall be and they are hereby constituted a Body Politic and Corporate, by the name of *The Lake Huron Silver and Copper Mining Company*, and by that name shall and may sue and be sued, implead and be impleaded, answer and be answered unto in all Courts of Law or Equity whatsoever, and shall have uninterrupted succession with a Common Seal, which may by them be changed or varied at their pleasure.

Preamble.

Certain persons incorporated.
* Sic.

Corporate name and powers.

II. And be it enacted, That the Capital Stock of the said Association shall be twenty five thousand pounds currency, divided into twenty thousand shares of one pound five shillings each, which shares shall be numbered from one to twenty thousand, and are hereby vested in the present holders or proprietors thereof, and which shall be paid by instalments at such times and in such manner as shall be prescribed by the Directors hereinafter mentioned.

Number and value of shares of Stock of Corporation.

III.

Liabilities of Shareholders limited.

III. And be it enacted, That no Shareholder in the said Corporation shall be in any manner whatsoever liable for or charged with the payment of any debt or demand due by the said Corporation beyond the amount of his, her or their subscribed share or shares in the Capital Stock of the said Corporation.

Calls on holders of Stock per share how regulated.

IV. And whereas by the said Articles of Association five thousand seven hundred and fifty shares of the said Capital Stock are exempted from assessment until five shillings per share shall have been paid on the remaining fourteen thousand two hundred and fifty shares: And whereas one shilling and three pence per share has been paid on the said fourteen thousand two hundred and fifty shares, Be it therefore enacted, That the calls to be hereafter made on the said Stock shall be one pound per share on the said five thousand seven hundred and fifty shares, and one pound three shillings and nine pence per share on the said fourteen thousand two hundred and fifty shares; Provided always, that nothing herein contained shall exonerate, diminish or relieve any party from existing liability to the said Company, whether the said liability relates to contributions due or to fall due upon Stock already issued, or otherwise, but on the contrary all such liabilities and contributions shall and may be enforced in the same way, and the Corporation shall have the same remedy to enforce the payment of calls already made and all other calls and sums now due and called for, as is hereinafter provided with respect to future calls and liabilities.

Proviso: former liabilities not to be diminished.

Certain property vested in Corporation.

V. And be it enacted, That all and every the estate and property, real or personal, belonging to the Association formed under the Articles of Association aforesaid, at the time of the passing of this Act, and all debts or claims due to or possessed by the said Association shall be transferred to and vested in the Corporation hereby established, which shall in like manner be liable to and for all debts due by or claims upon the said Association, and the Trustees of the said Association, at the time of the passing of this Act, shall be Directors of the said Corporation, as if elected under this Act, until their successors shall be elected as hereinafter provided.

Corporation may hold real property to extent of £100,000.

VI. And be it enacted, That it shall be lawful for the said Corporation to have and hold such lands and immoveable or real property as may be necessary for carrying on the business of the said Corporation, provided the sum invested in real property purchased from private individuals do not at any one time exceed one hundred thousand pounds; And it shall be lawful for the said Corporation to sell, lease, or otherwise dispose of the said property and estates as they may see fit.

Business of the Corporation defined.

VII. And be it enacted, That it shall be lawful for the said Corporation to engage in and follow the occupation and business of carrying on exploration for and of finding and getting copper and other ores, metals, and minerals, and of manufacturing and disposing of the same for the benefit of the said Corporation, and to do all things necessary for the purposes aforesaid, not inconsistent with the rights of any other parties or with the conditions of any grant or other title under which the said Corporation shall hold the lands in which such things are to be done.

Corporation may increase Capital Stock to £100,000.

VIII. And be it enacted, That if the said sum of twenty five thousand pounds be found insufficient for the purposes of this Act, then and in such case it shall be lawful for the members of the said Corporation by a vote of not less than two-thirds in number of the Shareholders, representing not less than ten thousand shares, at any

any General Meeting to be expressly called for that purpose, to increase the Capital Stock of the said Corporation either by the admission of new members as subscribers to the said undertaking or otherwise, to a sum not exceeding in all the sum of one hundred thousand pounds currency, including the said sum of twenty-five thousand pounds currency hereinbefore authorized to be raised, in such manner and upon such terms and conditions and under such regulations as shall be approved and agreed upon, and the capital so to be raised by the creation of new shares, shall be in all respects part of the Capital Stock of the said Corporation; and every Shareholder of such new Stock shall be a member of the said Corporation, and be entitled to all and every the same powers, privileges and rights as the persons who are now Shareholders, in proportion to the interest or number of shares which he may acquire, and to the amount of calls paid thereon; and shall also be liable and subject to the same obligations and stand interested in all the profits and losses of the said undertaking in proportion to the sum that he shall subscribe and pay thereto, as fully and effectually to all intents and purposes whatsoever as if such other or further sum had been originally raised as a part of the said first sum of twenty-five thousand pounds; anything herein contained to the contrary notwithstanding.

Rights and liabilities of holders of new Stock.

IX. And be it enacted, That it shall be lawful for the said Corporation from time to time to borrow either in this Province or elsewhere all such sum or sums of money not exceeding in all, at any one time, fifty thousand pounds currency, as they may find expedient, and to make the bonds, debentures, or other securities they shall grant for the sums so borrowed payable either in currency or in sterling with interest, and at such place or places within or without this Province as they may deem advisable, and such bonds, debentures or other securities may be made payable to bearer, or transferable by simple endorsement or otherwise, and may be in such form as the Directors for the time being may see fit; and the said Directors may hypothecate, mortgage or pledge the lands, revenues and other property of the said Corporation for the due payment of the said sums and the interest thereon; Provided always, that such Corporation shall not be allowed to borrow any part of such sum of fifty thousand pounds aforesaid until at least one half of the said Capital Stock of the said Corporation of one hundred thousand pounds hereinbefore authorized, be paid up and available for the uses of the Corporation.

Corporation may borrow money from time to time.

Such money not to be borrowed until one half the capital be paid up.

X. And be it enacted, That the Stock of the said Corporation shall be deemed personal moveable estate, notwithstanding the conversion of any portion of the funds constituting the same into lands; and at all meetings of the Shareholders held in pursuance of this Act, whether the same be general or special, every Shareholder shall be entitled to as many votes as he shall have shares in the said stock, and such vote or votes may be given in person or by proxy; and all questions proposed or submitted for the consideration of the said Meetings shall be finally determined by the majority of the votes, except in the case or cases otherwise provided for; And provided also, that no person shall be entitled to vote as proxy at any meeting unless he shall be a Shareholder in the said Corporation and produce written authority as such proxy in the form prescribed by the Schedule A.

Stock of the Corporation to be personal property.

Number of votes of each Shareholder.

Proviso.

XI. And be it enacted, That the shares in the Stock of the said Corporation shall be assignable by delivery of the certificates, to be issued to the holders of such shares respectively, and by assignment, in the form of the Schedule B, or in any other convenient

Shares of Stock to be assignable by delivery of

certificates in
form of Sched-
ule B, &c.

convenient form to be prescribed by any By-law of the said Corporation, and that by such assignment the party accepting such transfer shall thenceforth become in all respects a member of the said Corporation in respect of such share or shares in the place of the party so transferring the same, but no such transfer shall be valid or effectual until all calls or instalments due on the shares purporting to be transferred, and all debts or monies due to the said Corporation thereon, shall have been fully paid up and discharged, and a copy of such transfer extracted from the proper book of entry, and purporting to be signed by the Clerk, or other officer of the said Company duly authorized thereto, shall be sufficient *prima facie* evidence of every such transfer, in all Courts in this Province.

Directors may
open offices
for certain pur-
poses in Eng-
land and the
United States.

XII. And be it enacted, That the Directors of the said Corporation shall have power and authority to establish and have a place of business or office in the Cities of London, Liverpool and Bristol in England, and New-York, Boston, Philadelphia, Detroit and Chicago in the United States of America, and to open books of subscription in all or any of the said Cities for the stock of the said Corporation, and the said Directors shall also have power to name one or more Agent or Agents or Commissioners in all or any of the aforesaid Cities, and to allow such Agent or Agents or Commissioners, a reasonable remuneration for his or their services, and all other necessary expenses of the said office and offices ; and it shall also be competent for the said Directors to make all such rules and regulations, and to prescribe all such forms as to them may seem meet for the better and more satisfactory managing and conducting the affairs and business of the said Corporation in all or any of the Cities aforesaid ; Provided always, that the said Directors may make By-laws prescribing the mode in which any shares of the stock in all or any or either of the said Cities may be made shares in Canada, or whereby any shares of the stock in Canada may be made shares in England or in the United States aforesaid ; Provided always, that unless at a meeting of a majority of the Directors no By-laws, rule, resolution or regulation for raising money or disposing of the real estate of the said Corporation, shall be finally passed unless confirmed at the next meeting of the Directors to take place upon due notice given.

Five Directors
of Corporation
to be elected to
manage its af-
fairs.

XIII. And be it enacted, That for managing the affairs of the said Corporation, there shall be from time to time elected out of the members of the said Corporation five persons, being each proprietor of not less than fifty shares of the said Capital Stock, to be Directors of the said Corporation, for ordering, managing and directing the affairs of the said Corporation ; and any three Directors shall form a *quorum* of the Board, and such *quorum* may exercise all the powers of the Directors ; Provided also, that no Director shall have more than one vote at any meeting of Directors, and whenever any vacancy shall happen among the Directors by death, resignation, or removal out of the Province, such vacancy shall be filled up until the next General Meeting of the Shareholders in such manner as may be prescribed by any By-law of the Corporation ; and the Directors shall have full power to make such calls for money from the several Shareholders for the time being as in* hereinbefore provided for, and to sue for, recover and get in all such calls, and to cause and declare the said shares to be forfeited to the said Corporation in case of non-payment, on such terms and in such way as they shall see fit to prescribe by any By-law : and in any action to be brought to recover any money due on any call, it shall not be necessary to set forth the special matter in the declaration, but it shall be sufficient to allege that the defendant is a holder of one share or more in the said stock (stating the number of shares) and is indebted to the Corporation

Three to form
a *quorum*.

Proviso : mode
of voting.

Calls.

* *Sic. should be*
is.

Proceedings in
action upon
calls.

in the sum to which the calls in arrear shall amount (stating the number and amount of such calls,) whereby an action hath accrued to the Corporation by virtue of this Act, and it shall be sufficient to maintain such action, to prove by any one witness, that the Defendant at the time of making such call was a Shareholder in the number of shares alleged, and that the calls sued for were made and notice thereof given, in conformity with the By-laws of the said Corporation, and it shall not be necessary to prove the appointment of the Directors, nor any other matter whatsoever ; That the said Directors shall and may use and affix or cause to be used and affixed the common seal of the said Corporation to any documents which in their judgment may require the same, and any act or deed bearing such seal, and signed by the President (or by any two Directors) and countersigned by the Secretary, shall be held to be the act or deed of the Corporation ; That they may appoint such and so many agents, officers and servants of the said Corporation under them as to the said Directors may seem meet, and may fix the salaries and remuneration of such officers, agents and servants ; may make any payments and enter into any contracts for the execution of the purposes of the said Corporation, and for all other matters necessary for the transaction of its affairs ; may generally deal with, treat, purchase, lease, sell, mortgage, let, lease and dispose of and exercise all acts of ownership over the lands, tenements, property, and effects of the said Corporation ; may institute and defend in the name of the said Corporation all suits of * Law ; may from time to time displace the officers, agents and servants of the said Corporation, except as hereafter provided ; and that they shall and may have power to do all things whatsoever which may be necessary or requisite to carry out the objects of the Corporation, and to vest the present property and funds of the said Association in the Corporation hereby erected : That they shall declare dividends of the profits of the said Corporation, when and as often as the state of the funds thereof may permit ; may appoint when Special Meetings of the Shareholders shall be held, and determine on the mode of giving notice thereof, and of the manner in which the Shareholders may call or require such Special Meetings to be called ; And they shall have power to make By-laws for the government and control of the officers and servants of the said Corporation, and shall also have power to make and frame all other By-laws, Rules and Regulations for the management of the business of the said Corporation in all its particulars and details, whether hereinbefore specially enumerated or not, and the same also at any time to alter, change, modify and repeal, which said By-laws, Rules and Regulations shall be submitted for approval, rejection or alteration by the Stockholders at the next General Meeting, or at a Special Meeting to be called by the said Directors, and when so ratified and confirmed shall be put into writing and duly recorded in the minutes of the said Corporation, and be binding upon and observed and taken notice of by all members of the said Corporation ; and any copy of the said By-laws, or any of them purporting to be under the hand of the Clerk, Secretary or other officer of the said Corporation, and having the seal of the Corporation affixed to it, shall be received as *prima facie* evidence of such By-laws, in all Courts in this Province ; Provided always, that the Stockholders may, at any General or Special Meeting, appoint such salary or compensation to the President and Directors respectively as to them shall seem reasonable and proper : Provided always, that at the first meeting of the Directors to be elected under the authority hereof, holden after the passing of this Act, the said Directors shall choose and elect from among themselves some one to be President and also some one to be Vice-President of the said Corporation.

Affixing corporate seal, &c.

May appoint Agents and Officers, &c.

Management of property.

Suits.

Officers.

General provision.

Shall declare dividends.

And appoint meetings of Corporation.

May frame By-laws, to be submitted to shareholders.

* *Sic. should be at.*

Evidence of By-laws.

Proviso as to remuneration of Directors.

Proviso for election of a President and Vice President.

First meeting
of Sharehold-
ers when held.

XIV. And be it enacted, That the first General Meeting of the Shareholders of the said Corporation shall be held at the office of the said Corporation in the City of Montreal (at which place the said Corporation shall have its principal place of business) on the third Wednesday of January, one thousand eight hundred and forty-eight; and at such time and place, and on like day in every year thereafter, the said Shareholders shall elect five fit and qualified persons to be Directors of the said Company in the place and stead of the five who shall retire as prescribed in the next following section; and until such first election, and until they shall respectively retire as aforesaid, the Trustees of the Association aforesaid, to wit: Alexander Simpson, Francis Hincks, John R. Livingston, Simeon Draper, the younger, and Samuel Jaudon, and the survivors or survivor of them shall be and are hereby declared to be and constituted Directors of the said Corporation, and the said Alexander Simpson shall until such day be the President of the said Corporation; and they shall have and exercise all and every the powers, and shall be subject to all and every the clauses, conditions, liability and restrictions imposed on the Directors to be chosen under this Act; Provided always, that in all actions or suits or other legal proceedings, to be brought against the said Corporation, it shall be lawful and sufficient for the Plaintiff or Complainant or any other party to cause process to be served at the office of the said Corporation in Montreal, or personally upon the President or any one of the Directors, or on the Secretary of the said Corporation at any other place.

Certain persons appointed
Directors.

A. Simpson appointed
President.

Proviso: as to
service of process on the
Company.

Retirement of
Directors.

XV. And be it enacted, That at the first General Meeting of the Shareholders, and the Annual General Meeting in each year thereafter, the Directors hereinbefore named or theretofore appointed, shall retire from office, and their places shall be filled as provided in the next preceding Section: Provided always, that all Directors retiring at any time shall be eligible for re-election, and the Directors immediately after the election at each Annual Meeting shall choose one of their own number to be President.

Proviso Directors may be
re-elected.

Failure to hold
meeting not to
operate dissolution of Corporation.

XVI. And be it enacted, That the failure to hold the said first General Meeting or any other meeting, or to elect such Directors or President shall not dissolve the said Corporation, but such failure or omission shall and may be supplied by and at any Special Meeting to be called as the Directors, in conformity with the By-laws of the said Corporation, may see fit to appoint, and until such election of new Directors those who may be in office for the time being shall be and continue in office and exercise all the rights and powers thereof until such new election be made, as hereinbefore provided.

Interpretation
clause.

XVII. And be it enacted, That the word "Lands" in this Act shall include all lands, tenements, and hereditaments, and real or immoveable property whatsoever; and all words importing the singular number or the masculine gender only shall extend to more than one person, party or thing, and to females, as well as males, and the word "Shareholder" shall include the heirs, executors, administrators, curators, legatees or assigns of such Shareholder, or any other party having the legal possession of any share, whether in his own name or that of any other, unless the context shall be inconsistent with such construction; and whenever power is by this Act given to do anything, power shall be intended also to do all things which may be necessary to the doing of such thing; and generally all words and clauses herein shall receive such liberal and fair construction as will best ensure the carrying into effect of this Act according to its true intent and spirit.

XVIII.

XVIII. And be it further enacted, That it shall not be lawful for the said Corporation to commence or proceed with their operations under this Act unless they shall have first paid up the sum of ten per cent. on the amount of their Capital Stock.

When the
Company may
commence
business.

XIX. And be it enacted, That nothing in this Act contained shall in any manner derogate from or affect the rights of Her Majesty, Her Heirs or Successors, or of any person or persons, body politic or corporate, excepting so far as the same may be specially derogated from or affected by the provisions of this Act.

Rights of Her
Majesty saved.

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

Public Act.

SCHEDULE A.

FORM OF PROXY.

" I, A. B. of _____ hereby appoint C. D. of _____
" to be my Proxy, and to vote and act for me as such at all Meetings of the Share-
" holders of *The Lake Huron Silver and Copper Mining Company*, and in my name
" to do all things with regard to the business of the said Company, which I may, by
" law, do by Proxy.

Form of
Proxy.

" Witness my hand, this _____ day of _____ 18
A. B."

SCHEDULE B.

FORM OF TRANSFER.

" I, A. B., in consideration of the sum of _____ paid to me by C.
" D. of _____ do hereby bargain, sell and transfer to the said C. D.
" _____ share (or shares) of the stock of the *Lake Huron Silver
" and Copper Mining Company*, to hold to him the said C. D., his heirs, executors,
" curators, administrators and assigns, subject to the same rules and orders, and on
" the same conditions that I held the same immediately before the execution hereof.
" And I, the said C. D., do hereby agree and accept of the said
" share (or shares,) subject to the same rules, orders and conditions. Witness our
" hands and seals, this _____ day of _____ in the
" year _____ ."

Form of
Transfer.



ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

C A P. LXXIII.

An Act to incorporate *The Upper Canada Mining Company.*

[28th July, 1847.]

WHEREAS it is of great importance to this Province that its Mines and Mineral wealth should be properly worked and brought into use, and the several persons hereinafter named have, by their petition, represented that they are occupiers of tracts of land on Lakes Huron and Superior, under the Crown, and that they have, at great cost and expense, discovered valuable Copper and other ores therein, and have prayed to be incorporated under the style and title of *The Upper Canada Mining Company*; And whereas, the said persons have with others associated themselves for some time past under the said style and title, and have carried on Mining operations at the places aforesaid, and have expended large sums of money in such operations: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That John Thomas Brondgeest, George Sylvester Tiffany, Robert Pilkington Crooks, John W. Gwynne, Thomas Brunskill, and James Bell Ewart, Esquires, and their successors, and such and so many other persons or parties as have become or shall become shareholders in the Capital Stock hereinafter mentioned, shall be and they are hereby constituted a Body Politic and Corporate, by the name of *The Upper Canada Mining Company*, and by that name shall and may sue and be sued, implead and be impleaded, answer and be answered unto in all Courts of Law or Equity whatsoever, and shall have uninterrupted succession with a Common Seal, which may by them be changed or varied at their pleasure.

Preamble.

Certain persons incorporated.

Corporate name and powers.

II. And be it enacted, That the Capital Stock of the said Association shall be one hundred thousand pounds, divided into eighty thousand shares, of one pound five shillings currency each.

Capital of the corporation.

III. And be it enacted, That no shareholder in the said Corporation shall be in any manner whatsoever liable for or charged with the payment of any debt or demand due by the said Corporation beyond the amount of his, her, or their subscribed share or shares in the Capital Stock of the said Corporation.

Liability of Shareholders limited.

IV.

Directors not to make any further call for payment during 1817, without assent of Stockholders.

IV. And whereas, an instalment of five *per centum* already called in by the Trustees of the said Association hath already been paid up on the chief portion of the said Stock; Be it enacted, that the said Directors to be appointed as hereinafter provided for, shall not make any further call for payment upon the Stock during the year one thousand eight hundred and forty-seven, without the assent of Stockholders, holding in the aggregate forty thousand shares; and that the amount which the said Directors may call in, in each subsequent year, as well as the periods at which the same shall be paid, shall be determined at the General Meeting, to be held on the first Monday of January in each year, by a majority of votes, in the manner hereinafter provided.

Certain property vested in Corporation.

V. And be it enacted, That all and every the estate and property, real or personal, belonging to the said Association at the time of the passing of this Act, and all debts or claims due to or possessed by the said Association shall be transferred to and vested in the Corporation hereby established, which shall, in like manner, be liable to and for all debts due by or claims upon the said Association; and the Trustees of the said Association, at the time of the passing of this Act, shall be Directors of the said Corporation, as if elected under this Act, until their successors shall be elected as hereinafter provided.

Corporation may hold real property to extent of one half their capital.

VI. And be it enacted, That it shall be lawful for the said Corporation to have and hold such lands and immoveable or real property as may be necessary for carrying on the business of the said Corporation, provided the sum invested in real property purchased from private individuals, or from the Crown, do not at any one time exceed half the amount of the Capital Stock, and it shall be lawful for the said Corporation to sell, lease, or otherwise dispose of the said property and estate as they may see fit.

Business of the corporation defined.

VII. And be it enacted, That it shall be lawful for the said Corporation to engage in and follow the occupation and business of carrying on exploration for and of finding and getting copper and other ores, metals, and minerals, and of manufacturing and disposing of the same for the benefit of the said Corporation, and to do all things necessary for the purposes aforesaid, not inconsistent with the rights of any other parties, or with the conditions of any grants or other title under which the said Corporation may hold the lands in which such things are to be done.

Corporation may increase capital stock to £200,000 currency.

VIII. And be it enacted, That if the said sum of one hundred thousand pounds be found insufficient for the purposes of this Act, then and in such case it shall be lawful for the Members of the said Corporation by a vote of not less than two-thirds in number of the Shareholders, representing not less than fifty thousand shares, at any General Meeting to be expressly called for that purpose, to increase the Capital Stock of the said Corporation, either by the admission of new Members as subscribers to the said undertaking or otherwise, to a sum not exceeding in all the sum of two hundred thousand pounds currency, including the said sum of one hundred thousand pounds currency, hereinbefore authorized to be raised, in such manner and upon such terms and conditions, and under such regulations as shall be approved and agreed upon, and the capital so to be raised by the creation of new shares, shall be in all respects part of the Capital Stock of the said Corporation; and every Shareholder of such new Stock shall be a member of the said Corporation, and be entitled to all and every the same powers, privileges and rights as the persons who are now Shareholders,

Rights and liabilities of holders of new Stock.

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in proportion to the interest or number of shares which he may acquire, and to the amount of calls paid thereon; and shall also be liable and subject to the same obligations, and stand interested in all the profits and losses of the said undertaking, in proportion to the sum that he shall subscribe and pay thereto, as fully and effectually to all intents and purposes whatsoever as if such other or further sum had been originally raised as a part of the said first sum of one hundred thousand pounds; anything herein contained to the contrary notwithstanding.

IX. And be it enacted, That it shall be lawful for the said Corporation from time to time to borrow either in this Province or elsewhere all such sum or sums of money not exceeding in all, at any one time, fifty thousand pounds currency, as they may find expedient, and to make the bonds, debentures, or other securities they shall grant for the sums so borrowed payable either in currency or in sterling with interest, and at such place or places within or without this Province as they may deem advisable, and such bonds, debentures, or other securities may be made payable to bearer, or transferable by simple endorsement or otherwise, and may be in such form as the Directors for the time being may see fit; and the said Directors may hypothecate, mortgage or pledge the lands, revenues and other property of the said Corporation for the due payment of the said sums and the interest thereon: Provided always, that such Corporation shall not be allowed to borrow any part of the said sum of Twenty-five thousand pounds until at least one-half of the said Capital Stock of the said Corporation hereinbefore authorized be paid up and available for the use of the Corporation.

Corporation may borrow money from time to time.

The same not to be borrowed until half the capital be paid up.

X. And be it enacted, That the Stock of the said Corporation shall be deemed personal moveable estate, notwithstanding the conversion of any portion of the funds constituting the same into lands, and at all meetings of the Shareholders held in pursuance of this Act, whether the same be general or special, every Shareholder shall be entitled to as many votes as he shall have shares in the said stock, and such vote or votes may be given in person or by proxy; and all questions proposed or submitted for the consideration of the said Meetings shall be finally determined by the majority of the votes, except in the case or cases otherwise provided for; And provided also, that no person shall be entitled to vote as proxy at any meeting unless he shall be a Shareholder in the said Corporation, and produce written authority as such proxy in the form prescribed by the Schedule A.

Stock to be personal property.

Number of Votes of Shareholders, &c.

XI. And be it enacted, That the shares in the Stock of the said Corporation shall be assignable by delivery of the certificates, to be issued to the holders of such shares respectively, and by assignment, in the form of the Schedule B, or in any other convenient form to be prescribed by any By-Law of the said Corporation, and that by such assignment the party accepting such transfer shall thenceforth become in all respects a member of the said Corporation in respect of such share or shares in the place of the party so transferring the same, but no such transfer shall be valid or effectual until all calls or instalments due on the shares purporting to be transferred, and all debts or monies due to the said Corporation thereon, shall have been fully paid up and discharged, and a certified copy of such transfer extracted from the proper book of entry, and purporting to be signed by the Clerk, or other officer of the said Company, duly authorized thereto, shall be sufficient *prima facie* evidence of every such transfer, in all Courts in this Province.

Shares of Stock to be assignable by delivery of certificates in form of Schedule B. &c.

Directors may establish offices for certain purposes in England and the United States.

XII. And be it enacted, That the Directors of the said Corporation shall have power and authority to establish and have a place of business or office in the Cities of London and Liverpool in England, and New York, Boston, Philadelphia and Detroit in the United States of America, and to open books of subscription in all or any of the said Cities for the stock of the said Corporation, and to receive there subscriptions for the said stock, transferable there respectively, and to make all such instalments called thereon, and dividends declared thereby, payable there, respectively. And the said Directors shall also have power to name one or more Agent or Agents or Commissioners, in all or any of the aforesaid Cities, for all or any of the purposes aforesaid, and to allow to such Agent or Agents or Commissioners, a reasonable remuneration for his or their services, and all other necessary expenses of the said Office and Offices; and it shall also be competent for the said Directors to make all such rules and regulations, and to prescribe all such forms as to them may seem meet for the better and more satisfactorily managing and conducting the affairs and business of the said Corporation, in all or any of the Cities aforesaid, and for facilitating and rendering effectual the subscription for and transfer of and payments upon the said stock respectively, and for all other purposes connected therewith and incidental thereto; Provided always, that the said Directors may make By-Laws prescribing the mode in which any shares of the stock in all or any or either of the said Cities may be made shares in Canada, or whereby any shares of the stock in Canada may be made shares in England or in the United States aforesaid.

Proviso.

Six Directors of Corporation to be elected to manage its affairs.

Three to form a *quorum*.

Proviso.

Proviso.

Directors may dispose of remaining Stock of Corporation.

Calls.

Proceedings in actions or calls.

XIII. And be it enacted, That for managing the affairs of the said Corporation, there shall be from time to time elected out of the members of the said Corporation, six persons, being each a proprietor of not less than two hundred shares of the said Capital Stock to be Directors of the said Corporation, for ordering, managing, and directing the affairs of the said Corporation; and any three Directors shall form a *quorum* of the Board, and any majority of such *quorum* may exercise all the powers of the Directors: Provided always, that unless at a meeting of the majority of the Directors no By-law, rule, resolution or regulation for raising money or disposing of the real estate of the Corporation shall be finally passed, unless confirmed at the next meeting of the Directors, to take place upon due notice given; Provided also, that no Director shall have more than one vote at any meeting of Directors except the President who shall in case of an equal division have the casting vote although he may have given one vote before; and whenever any vacancy shall happen among the Directors by death, resignation, or removal out of the Province, such vacancy shall be filled up until the next General Meeting of the Shareholders in such manner as may be prescribed by any By-law of the Corporation; and the Directors shall have full power to dispose of such part of the stock of the said Corporation as may remain to be disposed of, or as may from time to time be added to or fall into the general mass either by forfeiture or otherwise on such terms and conditions and to such parties as they may think most likely to promote the interests of the said Corporation; and they shall also have full power to make such calls for money from the several Shareholders for the time being as is hereinbefore provided for, and to sue for, recover, and get in all such calls, and to cause and declare the said shares to be forfeited to the said Corporation in case of non-payment, on such terms and in such way as they shall see fit to prescribe by any By-law: and in any action to be brought to recover any money due on any call, it shall not be necessary to set forth the special matter in the declaration, but it shall be sufficient to allege that the defendant is a holder of one share or more

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in the said stock (stating the number of shares) and is indebted to the Corporation in the sum to which the calls in arrear shall amount (stating the number and amount of such calls,) whereby an action hath accrued to the Corporation by virtue of this Act, and it shall be sufficient to maintain such action, to prove by any one witness, that the Defendant at the time of making such call was a Shareholder in the number of shares alleged, and that the calls sued for were made and notice thereof given, in conformity with the By-laws of the said Corporation, and it shall not be necessary to prove the appointment of the Directors nor any other matter whatsoever; That the said Directors shall and may use and affix or cause to be used and affixed the common seal of the said Corporation to any documents which in their judgment may require the same, and any act or deed bearing such seal, and signed by the President (or by any two Directors) and countersigned by the Secretary, shall be held to be the act or deed of the Corporation; That they may appoint such and so many agents, officers and servants of the said Corporation under them as to the said Directors may seem meet, and may fix the salaries and remuneration of such officers, agents and servants; may make any payments and enter into any contracts for the execution of the purposes of the said Corporation, and for all other matters necessary for the transaction of its affairs; may generally deal with, treat, purchase, lease, sell, mortgage, let, release and dispose of and exercise all acts of ownership over the lands, tenements, property and effects of the said Corporation; may institute and defend in the name of the said Corporation all suits at Law; may from time to time displace the officers, agents and servants of the said Corporation, except as hereafter provided; and that they shall and may have power to do all things whatsoever which may be necessary or requisite to carry out the objects of the Corporation, and to vest the present property and funds of the said Association in the Corporation hereby erected: That they shall declare dividends of the profits of the said Corporation, when and as often as the state of the funds thereof may permit; may appoint when Special Meetings of the Shareholders shall be held, and determine on the mode of giving notice thereof, and of the manner in which the Shareholders may call or require such Special Meetings to be called; and they shall have power to make By-laws for the government and control of the officers and servants of the said Corporation, and shall also have power to make and frame all other By-laws, Rules and Regulations for the management of the business of the said Corporation in all its particulars and details, whether hereinbefore specially enumerated or not, and the same also at any time to alter, change, modify and repeal, which said By-laws, Rules and Regulations shall be submitted for approval, rejection or alteration by the Stockholders, at the next General Meeting, or at a Special Meeting to be called by the said Directors, and when so ratified and confirmed shall be put into writing and duly recorded in the minutes of the said Corporation, and be binding upon and observed and taken notice of by all members of the said Corporation; and any copy of the said By-laws, or any of them purporting to be under the hand of the Clerk, Secretary or other officer of the said Company, and having the seal of the Corporation affixed to it, shall be received as *prima facie* evidence of such By-laws, in all Courts in this Province; Provided always, that the Stockholders may, at any General or Special Meeting appoint such salary or compensation to the President and Directors respectively as to them shall seem reasonable and proper.

Deeds of the Corporation.

May appoint Agents and Officers, &c.

Management of property.

Shall declare dividends.

And appoint meetings of Corporation.

May make By-laws.

Proof of By-laws.

Proviso as to remuneration to Directors.

XIV. And be it enacted, That the first General Meeting of the Shareholders of the said Corporation shall be held at the office of the said Corporation in the City of Hamilton, (at which place the said Corporation shall have its principal office,) on the first

First meeting of Shareholders, when and where to be held.

first Monday of January, one thousand eight hundred and forty-eight; and at such time and place, and on like day in every year thereafter, the said Shareholders shall elect two fit and qualified persons to be Directors of the said Company in the place and stead of the two who shall retire as prescribed in the next following section; and until such first election, and until they shall respectively retire as aforesaid, the Trustees of the Association aforesaid, to wit: the said John Thomas Brondgeest, George Sylvester Tiffany, Robert Pilkington Crooks, John W. Gwynne, Thomas Brunskill, and James Bell Ewart, and the survivors or survivor of them, shall be and are hereby declared to be and constituted Directors of the said Corporation, and the said John Thomas Brondgeest shall until such day be the President of the said Corporation; and they shall have and exercise all and every the powers and be subject to all and every the clauses, conditions, liability and restrictions imposed on the Directors to be chosen under this Act; Provided always, that in all actions or suits or other legal proceedings to be brought against the said Corporation, it shall be lawful and sufficient for the Plaintiff or Complainant or any other party to cause process to be served at the office of the said Corporation, in the City of Hamilton, or personally upon the President or on any one of the Directors, or on the Secretary of the said Corporation at any other place; and provided that at the first Meeting of the Directors to be holden after the passing of this Act, the said Director shall choose and elect from among themselves some one to be President, and also some one to be Vice-President of the said Corporation.

Certain persons appointed Directors.

Provide as to service of process.

Retirement of Directors.

Provide: Directors may be re-elected.

Failure to hold meeting not to operate dissolution of Corporation.

Interpretation clause.

XV. And be it enacted, That at the first General Meeting of the Shareholders, and at the Annual General Meeting in each year thereafter, two of the said Directors shall retire in rotation, the order of retirement of the said six hereinbefore named to be decided by lot, on or before the said first Monday in January, one thousand eight hundred and forty-eight: Provided always, that all Directors retiring at any time, shall be eligible for re-election, and the Directors, immediately after the election at each Annual Meeting, shall choose one of their own number to be President.

XVI. And be it enacted, That the failure to hold the said first General Meeting or any other meeting, or to elect such Directors or President, shall not dissolve the said Corporation, but such failure or omission shall and may be supplied by and at any Special Meeting to be called as the Directors, in conformity with the By-laws of the said Corporation, may see fit to appoint, and until such election of new Directors, those who may be in office for the time being shall be and continue in office and exercise all the rights and powers thereof until such new election be made, as hereinbefore provided.

XVII. And be it enacted, That the word "Lands" in this Act shall include all lands, tenements, and hereditaments, and real or immovable property whatsoever, and all words importing the singular number or the masculine gender only shall extend to more than one person, party or thing, and to females as well as males, and the word "Shareholder" shall include the heirs, executors, administrators, curators, legatees or assigns of such Shareholder, or any other party having the legal possession of any share, whether in his own name or that of any other, unless the context shall be inconsistent with such construction; and whenever power is by this Act given to do anything, power shall be intended also to do all things which may be necessary to the doing of such thing; and generally all words and clauses herein shall receive such liberal and fair

fair construction as will best ensure the carrying into effect of this Act according to its true intent and spirit.

XVIII. And be it enacted, That it shall not be lawful for the said Corporation to commence or proceed with their operations under this Act, unless they shall have first paid up the sum of ten per cent. on the amount of their Capital Stock.

When the Company may commence business.

XIX. And be it enacted, That nothing in this Act contained shall in any manner derogate from or affect the rights of Her Majesty, Her Heirs or Successors, or of any person or persons, body politic or corporate, excepting so far as the same may be specially derogated from or affected by the provisions of this Act.

Rights of Her Majesty saved.

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

Public Act.

SCHEDULE A.

FORM OF PROXY.

" I, A. B., of _____ hereby appoint C. D. of _____ to be
 " my Proxy, and to vote and act for me as such at all Meetings of the Shareholders of
 " *The Upper Canada Mining Company*, and in my name to do all things with regard
 " to the business of the said Company, which I may by law do by Proxy."

Form of Proxy.

" Witness my hand, this

day of

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A. B."

SCHEDULE B.

FORM OF TRANSFER.

" I, A. B., in consideration of the sum of _____ paid to me by C. D.
 " of _____ do hereby bargain, sell and transfer to the said C. D.
 " _____ share (or shares) of the Stock of *The Upper Canada Mining*
 " *Company*, to hold to him the said C. D. his heirs, executors, curators, administrators
 " and assigns, subject to the same rules and orders, and on the same conditions that I
 " held the same immediately before the execution thereof. And I, the said C. D. do
 " hereby agree and accept of the said _____ share (or shares,) subject
 " to the same rules, orders and conditions. Witness our hands and seals, this
 " _____ day of _____ in the year _____"

Form of Transfer.

A. B.

C. D."





ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. LXXIV.

An Act to incorporate *The Philadelphia and Huron Mining Company.*

[28th July, 1847.]

WHEREAS the several persons hereinafter named have, by their Petition, represented that they have associated themselves together, with divers others, for the purpose of exploring for and working Mines of Copper and other ores, and of smelting the same on the shores of Lake Huron and elsewhere, by Articles of Agreement, entered into at the City of Montreal, the twenty-fifth day of May, one thousand eight hundred and forty-seven, and have raised by subscription the capital necessary effectually to begin their operations, but that they experience great difficulties in carrying out the objects for which they are associated without an Act incorporating them with the powers hereinafter mentioned, and have prayed that such Act may be passed: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council, and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That John S. McCahen, J. C. Van Dyke, and J. Graham, of Philadelphia, Esquires; George N. Sanders, of New York, and C. K. Green, of Detroit, Esquires; Stephen C. Sewell, M. D., and George Desbarats, of Montreal, Esquires, and their successors, and such and so many other persons or parties as have become, or shall become shareholders in the Capital Stock hereinafter mentioned, shall be and they are hereby constituted a Body Politic and Corporate, in fact and in name by the name of *The Philadelphia and Huron Mining Company*, and by that name shall and may sue and be sued, implead and be impleaded, answer and be answered unto in all Courts of Law or Equity whatsoever, and shall have uninterrupted succession with a Common Seal, which may by them be changed or varied at their pleasure.

Preamble.

Certain persons incorporated.

Corporate name and powers.

II. And be it enacted, That no shareholder in the said Corporation shall be in any manner whatsoever liable for or charged with the payment of any debt or demand due by the said Corporation beyond the amount of his, her, or their subscribed share or shares in the Capital Stock of the said Corporation.

Stockholders to be liable to the amount of their shares only.

III. And be it enacted, That the Capital Stock of the said Company shall be and the same is hereby declared to be seventeen thousand five hundred pounds, divided into

Number of shares of Stock of Corporation.

into twenty-five thousand shares: Provided always, that the said capital may be increased to sixty-two thousand five hundred pounds, as hereinafter provided.

Calls on holders of Stock.

IV. And be it enacted, That the calls to be hereafter made on the holders of the said Stock shall be paid by instalments when and in such manner as shall be prescribed by the Directors hereinafter named: Provided also, that nothing herein contained shall exonerate, diminish or relieve any party from existing liability to the said Company, whether the said liability relates to contributions due or to fall due upon Stock already issued, or otherwise, but on the contrary all such liability and contributions shall and may be enforced in the same way, and the said Corporation shall have the same remedy to enforce the payment of calls already made, and all other calls and sums now due or called for, as is hereinafter prescribed with respect to future calls and liabilities.

Certain property vested in Corporation.

V. And be it enacted, That all and every the estate and property, real or personal, belonging to the Association, formed under the Articles of Association aforesaid, at the time of the passing of this Act, or which may subsequently be acquired by them, and all debts or claims due to or possessed by the said Association, shall be and hereby are transferred to and vested in the Corporation hereby established, which shall in like manner be liable to and for all debts due by or claims upon the said Association, and the Trustees of the said Association, at the time of the passing of this Act, shall be Directors of the said Corporation, as if elected under this Act, until their successors shall be elected as hereinafter provided.

Corporation may hold real property to extent of £25,000.

VI. And be it enacted, That it shall be lawful for the said Corporation to have and hold such lands and immoveable or real property as may be necessary for carrying on the business of the said Corporation, provided the sum invested in real property purchased from private individuals do not at any one time exceed Twenty-five thousand pounds; and it shall be lawful for the said Corporation to sell, lease, or otherwise dispose of the said property and estate as they may see fit.

May explore for the purpose of finding copper and other ores.

VII. And be it enacted, That it shall be lawful for the said Corporation to engage in and follow the occupation and business of carrying on exploration for and of finding and getting copper and other ores, metals, and minerals, and manufacturing and of disposing of the same for the benefit of the said Corporation, and to do all things necessary for the purposes aforesaid, not inconsistent with the rights of any other parties, or with the conditions of any grant or other title under which the said Corporation may hold the lands in which such things are to be done.

Corporation may increase Capital Stock to £62,500. currency.

VIII. And be it enacted, That if the said sum of Seventeen thousand five hundred pounds be found insufficient for the purposes of this Act, then and in such case it shall be lawful for the Members of the said Corporation by a vote of not less than two-thirds in number of the Shareholders, representing not less than twelve thousand shares, at any General Meeting, to be expressly called for that purpose, to increase the Capital Stock of the said Corporation, either by the admission of new Members as subscribers to the said undertaking or otherwise, to a sum not exceeding in all the sum of Sixty-two thousand five hundred pounds currency, including the said sum of Seventeen thousand five hundred pounds currency hereinbefore authorized to be raised, in such manner and upon such terms and conditions, and under such regulations as shall

shall be approved and agreed on; and the capital so to be raised by the creation of new shares or otherwise shall be in all respects part of the Capital Stock of the said Corporation; and every Shareholder of such new Stock shall be a member of the said Corporation, and be entitled to all and every the same powers, privileges and rights as the persons who are now Shareholders, in proportion to the interest or number of shares which he may acquire, and to the amount of calls paid thereon, and shall also be liable and subject to the same obligations and stand interested in all the profits and losses of the said undertaking in proportion to the sum that he shall subscribe and pay thereto, as fully and effectually to all intents and purposes whatsoever as if such other or further sum had been originally raised as a part of the said first sum of Seventeen thousand five hundred pounds; any thing herein contained to the contrary notwithstanding.

IX. And be it enacted, That it shall be lawful for the said Corporation from time to time to borrow either in this Province or elsewhere, all such sum or sums of money, not exceeding in all, at any one time, Twenty-five thousand pounds currency, as they may find expedient, and to make the bonds, debentures, or other securities they shall grant for the sums so borrowed payable either in currency or in sterling with interest, and at such place or places within or without this Province as they may deem advisable, and such bonds, debentures or other securities may be made payable to bearer, or transferable by simple indorsement or otherwise, and may be in such form as the Directors for the time being may see fit; and the said Directors may hypothecate, mortgage, or pledge the lands, revenues, and other property of the said Corporation, for the due payment of the said sums and the interest thereon: Provided always, that such Corporation shall not be allowed to borrow any part of said sum of Twenty-five thousand pounds until at least one half of the said Capital Stock of the said Corporation hereinbefore authorized be paid up and available for the uses of the Corporation.

Corporation
may borrow
money from
time to time.

Proviso.

X. And be it enacted, That the Stock of the said Corporation shall be deemed personal or moveable estate, notwithstanding the conversion of any portion of the funds constituting the same into lands; and at all the meetings of the Shareholders held in pursuance of this Act, whether the same be general or special, every Shareholder shall be entitled to as many votes as he shall have Shares in the said Stock, and such vote or votes may be given in person or by proxy; and all questions proposed or submitted for the consideration of the said meetings shall be finally determined by the majority of the votes, except in the case or cases otherwise provided for: And provided also, that no person shall be entitled to vote as proxy at any meeting unless he shall be a Shareholder in the said Corporation, and produce written authority as such proxy in the form prescribed by the Schedule A.

Property vest-
ed in Directors
for time being.

XI. And be it enacted, That the Shares in the Stock of the said Corporation shall be assignable by delivery of the certificates, to be issued to the holders of such shares respectively, and by assignment in the form of the Schedule B, or in any other convenient form to be prescribed by any By-law of the said Corporation: and that by such assignment the party accepting such transfer shall thenceforth become in all respects a member of the said Corporation in respect of such share or shares in the place of the party so transferring the same; but no such transfer shall be valid or effectual until all calls or instalments due on the shares purporting to be transferred shall

Shares of
Stock to be
assignable by
delivery of
certificates in
form of Sched-
ule B, &c.

shall have been fully paid up and discharged, and a certified copy of such transfer extracted from the proper book of entry, and purporting to be signed by the Clerk, or other officer of the said Company duly authorized thereto, shall be sufficient *prima facie* evidence of every such transfer, in all Courts in this Province.

Directors may establish offices in London, Liverpool and in New York, &c. for certain purposes.

XII. And be it enacted, That the Directors of the said Corporation shall have power and authority to establish and have a place of business or office in the Cities of London and Liverpool in England, and New York, Boston, Philadelphia and Detroit in the United States of America, and to open books of subscription in all or any of the said Cities for the stock of the said Corporation, and to receive there subscriptions for the said stock, transferable there, respectively, and to make all such instalments called thereon, and dividends declared thereby, payable there, respectively. And the said Directors shall also have the power to name one or more Agent or Agents or Commissioners in all or any of the aforesaid Cities, for all or any of the purposes aforesaid, and to allow to such Agent or Agents or Commissioners, a reasonable remuneration for his or their services, and all other necessary expenses of the said Office and Offices; and it shall also be competent for the said Directors to make all such rules and regulations, and to prescribe all such forms as to them may seem meet for the better and more satisfactorily managing and conducting the affairs and business of the said Corporation in all or any of the Cities aforesaid, and for facilitating and rendering effectual the subscription for and transfer of and payments upon the said stock respectively, and for all other purposes connected therewith and incidental thereto. Provided always, that the said Directors may make By-laws prescribing the mode in which any shares of the stock in all or any or either of the said Cities may be made shares in Canada, or whereby any shares of the stock in Canada may be made shares in England or in the United States aforesaid.

May prescribe forms, &c. for the same.

Proviso.

Directors of Corporation to be elected to manage its affairs.

XIII. And be it enacted, That for managing the affairs of the said Corporation, there shall be from time to time elected out of the members of the said Corporation not less than three and not more than five persons, being each a proprietor of not less than one hundred shares of the said Capital Stock, to be Directors of the said Corporation, for ordering, managing and directing the affairs of the said Corporation; and any three Directors shall form a *quorum* of the Board, and may exercise all the powers of the Directors: Provided always, that unless at a meeting of a majority of the Directors, no by-law, rule, resolution or regulation for raising money or disposing of the real estate of the Corporation, shall be finally passed unless confirmed at the next meeting of the Directors to take place upon due notice given: Provided, that no Director shall have more than one vote at any meeting of Directors except the President or the Chairman of the meeting for the time being who shall in case of an equal division have the casting vote although he may have given one vote before; and whenever any vacancy shall happen among the Directors by death, resignation, or removal out of the Province, such vacancy shall be filled up until the next General Meeting of the Shareholders in such manner as may be prescribed by any By-law of the Corporation; and the Directors shall have full power to dispose of such part of the Stock of the said Corporation as may remain to be disposed of, or as may from time to time be added to or fall into the general mass either by forfeiture or otherwise on such terms and conditions and to such parties as they think most likely to promote the interests of the said Corporation; and they shall also have full power to make such calls for money from the several Shareholders for the time being as is hereinbefore provided

Three to form a *quorum*.
Proviso: Majority of Directors to be present at passing of By-laws for raising money, &c.
Proviso.

Directors may dispose of remaining Stock of Corporation.

provided

provided for, and to sue for, recover and get in all such calls, whether already made or hereafter to be made, and to cause and declare the said shares to be forfeited to the said Corporation in case of non-payment, on such terms and in such way as they shall see fit to prescribe by any By-law; and in any action to be brought to recover any money due on any call, it shall not be necessary to set forth the special matter in the declaration, but it shall be sufficient to allege that the defendant is a holder of one share or more in the said stock (stating the number of shares) and is indebted to the Corporation in the sum to which the calls in arrear shall amount (stating the number and amount of such calls,) whereby an action hath accrued to the Corporation by virtue of this Act; and it shall be sufficient to maintain such action, to prove by any one witness, that the Defendant at the time of making such call was a Shareholder in the number of shares alleged, and that the calls sued for were made and notice thereof given, in conformity with the By-Laws of the said Corporation, and it shall not be necessary to prove the appointment of the Directors nor any other matter whatsoever; That the said Directors shall and may use and affix or cause to be used and affixed the common seal of the said Corporation to any documents which in their judgment may require the same, and any act or deed bearing such seal, and signed by the President (or by any two Directors) and countersigned by the Secretary, shall be held to be the act or deed of the Corporation; That they may appoint such and so many agents, officers and servants of the said Corporation under them as to the said Directors may seem meet, and may fix the salaries and remuneration of such officers, agents and servants; may make any payments and enter into any contracts for the execution of the purposes of the said Corporation, and for all other matters necessary for the transaction of its affairs; may generally deal with, treat, purchase, lease, sell, mortgage, let, release and dispose of and exercise all acts of ownership over the lands, tenements, property and effects of the said Corporation; may institute and defend in the name of the said Corporation all suits at Law; may from time to time displace the officers, agents and servants of the said Corporation, except as hereafter provided; and that they shall and may have power to do all things whatsoever which may be necessary or requisite to carry out the objects of the Corporation, and to vest the present property and funds of the said Association in the Corporation hereby erected: That they shall declare dividends of the profits of the said Corporation when and as often as the state of the funds thereof may permit; may appoint when Special Meetings of the Shareholders shall be held, and determine on the mode of giving notice thereof, and of the manner in which the Shareholders may call or require such Special Meetings to be called; That they shall have power to carry into force all and every the provisions and stipulations contained in the Articles of Agreement in the first section of this Act, referred to with respect to the appropriation and allotment whether conditional or otherwise of the shares of the said Company, and also with respect to all other matters and things in the said Articles of Agreement provided for, not inconsistent with the present Act; And they shall have power to make By-laws for the government and control of the officers and servants of the said Corporation, and for appointing the Salary or allowance to be made to them, respectively, and shall also have power to make and frame all other By-laws, Rules and Regulations for the management of the business of the said Corporation in all its particulars and details, whether hereinbefore specially enumerated or not, and the same also at any time to alter, change, modify and repeal, which said By-laws, Rules and Regulations shall be submitted for approval, rejection or alteration by the Stockholders at the next General Meeting, or at a Special Meeting to be called by the said Directors, and when and as

May appoint
Agents and
Officers, &c.

Shall declare
dividends.
And appoint
meetings of
Corporation.

May make
By-laws.

so ratified and confirmed shall be put into writing and duly recorded in the minutes of the said Corporation, and be binding upon and observed and taken notice of by all members of the said Corporation; and any copy of the said By-laws, or any of them purporting to be under the hand of the Clerk, Secretary or other officer of the said Company, and having the seal of the Corporation affixed to it, shall be received as *prima facie* evidence of such By-laws, in all Courts in this Province; Provided always, that the Stockholders may, at any General or Special Meeting, appoint such salary or compensation to the President and Directors respectively as to them shall seem reasonable and proper.

Proviso:
Salary of Pre-
sident and
Directors.

First meeting
of Sharehold-
ers when held.

XIV. And be it enacted, That the First General Meeting of the Shareholders of the said Corporation shall be held at the Office of the said Corporation in the City of Montreal, (at which place the said Corporation shall have its principal place of business) on the third Thursday of January, one thousand eight hundred and forty-eight; and at such time and place, and on the like day in every year thereafter, the said Shareholders shall elect not less than three nor more than five fit and qualified persons to be Directors of the said Company, in the place and stead of those who shall retire, as prescribed in the next following section; and until such first election, and until they shall respectively retire as aforesaid, the Trustees of the Association aforesaid, to wit: George Desbarats and Stephen C. Sewell, M. D., Esquires, and the survivors or survivor of them shall be and are hereby declared to be and constituted Directors of the said Corporation; and they shall have and exercise all and every the powers and shall be subject to all and every the clauses, conditions, liability and restrictions imposed on the Directors to be chosen under this Act; Provided always, that in all actions or suits, or other legal proceedings to be brought against the said Corporation, it shall be lawful and sufficient for the Plaintiff or Complainant, or any other party, to cause process to be served at the Office of the said Corporation in the City of Montreal, or personally upon the President, or on any one of the Directors, or on the Secretary of the said Corporation, at any other place; and provided that at the first meeting of the Directors to be holden after the passing of this Act, the said Directors shall choose and elect from among themselves, some one to be President, and also some one to be Vice-President of the said Corporation.

Certain per-
sons appointed
Directors.

Proviso: Ser-
vice of Process.

Retirement of
Directors.

XV. And be it enacted, That at the First General Meeting of the Shareholders, and at the Annual General Meeting in each year thereafter, two of the said Directors shall retire from office, (the order of retirement of the said Directors to be decided by lot); provided always that all the Directors so retiring shall be eligible for re-election; and the Directors, immediately after the election at each Annual Meeting, shall choose one of their own number to be President.

Directors may
be re-elected.

Failure to hold
meeting not to
operate dis-
solution of Cor-
poration.

XVI. And be it enacted, That the failure to hold the said First General Meeting or any other meeting, or to elect such Directors or President, shall not dissolve the said Corporation, but such failure or omission shall and may be supplied by and at any Special Meeting to be called as the Directors, in conformity with the By-laws of the said Corporation, may see fit to appoint, and until such election of new Directors those who may be in office for the time being shall be and continue in office and exercise all the rights and powers thereof until such new election be made, as hereinbefore provided.

XVII. And be it enacted, That the word "Lands" in this Act shall include all lands, tenements, and hereditaments, and real or immoveable property whatsoever; and all words importing the singular number or the masculine gender only shall extend to more than one person, party or thing, and to females as well as males, and the word "Shareholder" shall include the heirs, executors, administrators, curators, legatees or assigns of such Shareholder, or any other party having the legal possession of any share, whether in his own name or that of any other, unless the context shall be inconsistent with such construction; and whenever power is by this Act given to do anything, power shall be intended also to do all things which may be necessary to the doing of such thing; and generally all words and clauses herein shall receive such liberal and fair construction as will best ensure the carrying into effect of this Act according to its true intent and spirit.

Interpretation
clause.

XVIII. And be it enacted, That it shall not be lawful for the said Corporation to commence or proceed with their operations under this Act, unless they shall have first paid up the sum of ten per cent. on the amount of their capital stock.

10 per cent. on
Capital to be
paid up.

XIX. And be it enacted, That nothing in this Act contained shall in any manner derogate from or affect the rights of Her Majesty, Her Heirs and Successors, or of any person or persons, body politic or corporate, excepting so far as the same may be specially derogated from or affected by the provisions of this Act.

Rights of Her
Majesty saved.

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

Public Act.

SCHEDULE A.

FORM OF PROXY.

" I, A. B., of _____ hereby appoint C. D. of _____ to be my Proxy,
" and to vote and act for me as such at all Meetings of the Shareholders of *The* _____
" *Philadelphia and Huron Mining Company*, and in my name to do all things with
" regard to the business of the said Company, which I may, by law, do by Proxy."
" Witness my hand, this _____ day of _____ 18 _____
A. B."

Form of
Proxy.

SCHEDULE B.

FORM OF TRANSFER.

" I, A. B., for value received, do hereby bargain, sell and transfer to C. D.
" _____ share (or shares) of the Stock of *The Philadelphia and Huron Mining*
" *Company*, to hold to him the said C. D., his heirs, executors, curators, administrators
" and assigns, subject to the same rules and orders, and on the same conditions that I
" held the same immediately before the execution hereof. And I, the said C. D., do
" hereby agree and accept of the said _____ share (or shares,) subject to the
" same rules, orders and conditions."
" Witness our hands and seals, this _____ day of _____ in
" in the year _____ A. B.
C. D."

Form of
Transfer.



ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. LXXV.

An Act to incorporate *The Canada Mining Company*.

[28th July, 1847.]

WHEREAS the several persons hereinafter named have by their Petition represented that they have associated themselves together with divers others, for the purpose of exploring for and working Mines of Copper and other Ores on the Shores of Lakes Superior and Huron and elsewhere, by Articles of Agreement entered into at the City of Montreal, on the first day of February, one thousand eight hundred and forty-seven, and have raised by subscription the capital necessary effectually to begin their operations, but that they experience great difficulties in carrying out the objects for which they are associated without an Act incorporating them, with the powers hereinafter mentioned, and have prayed that such Act may be passed; Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intitled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That David Torrance, Andrew Shaw, Theodore Hart, John Glass, Edward Way, Henry Starnes and Henry Chapman, the present Trustees of the Association mentioned in the Preamble to this Act, and their successors, and such and so many other persons or parties as have become or shall become shareholders in the Capital Stock hereinafter mentioned, shall be and they are hereby constituted a Body Politic and Corporate, in fact and in name, by the name of *The Canada Mining Company*, and by that name shall and may sue and be sued, implead and be impleaded, answer and be answered unto, in all Courts of Law or Equity whatsoever, and shall have uninterrupted succession with a Common Seal, which may by them be changed or varied at their pleasure.

Preamble.

Certain persons incorporated.

Corporate name and powers.

II. And be it enacted, That the Capital Stock of the said Corporation shall be twenty-five thousand pounds, and the same hereby is divided into twenty thousand shares, of the value of one pound five shillings each.

Capital Stock of Corporation.

III. And be it enacted, That no shareholder in the said Corporation shall be in any manner whatsoever liable for or charged with the payment of any debt or demand due by the said Corporation beyond the amount of his, her or their subscribed share or shares in the Capital Stock of the said Corporation.

Liability of Shareholders limited.

IV.

Calls on holders of Stock not to exceed £1 2s. 6d. per share.

IV. And whereas the instalments already paid or called in upon the Stock already issued are equal to two shillings and six pence currency per share: Be it enacted, That the calls to be hereafter made on the holders of the said Stock shall not exceed in the whole the sum of one pound two shillings and six pence per share, and the same shall be paid by instalments when and in such manner as shall be prescribed by the Directors hereinafter mentioned; Provided also, that nothing herein contained shall exonerate, diminish, or relieve any party from existing liability to the said Company, whether the said liability relates to contributions due or to fall due upon Stock already issued, or otherwise, but on the contrary all such liability and contributions shall and may be enforced in the same way, and the said Corporation shall have the same remedy to enforce the payment of calls already made and all other debts and sums now due or called for, as is hereinafter prescribed with respect to future calls and liabilities.

Proviso: Former liabilities not to be affected.

Certain property vested in Corporation.

V. And be it enacted, That all and every the estate and property, real or personal, belonging to the said Association formed under the Articles of Association aforesaid, at the time of the passing of this Act, and all debts or claims due to or possessed by by the said Association, shall be and hereby are transferred to and vested in the Corporation hereby established, which shall in like manner be liable to and for all debts due by or claims upon the said Association; and the Trustees of the said Association, at the time of the passing of this Act, shall be Directors of the said Corporation, as if elected under this Act, until their successors shall be elected as hereinafter provided.

Corporation may hold real property to extent of £20,000.

VI. And be it enacted, That it shall be lawful for the said Corporation to have and hold such lands and immoveable or real property as may be necessary for carrying on the business of the said Corporation, provided the sum invested in real property purchased from private individuals or from the Crown do not at any one time exceed twenty thousand pounds; and it shall be lawful for the said Corporation to sell, lease, or otherwise dispose of the said property and estate as they may see fit.

Business of the Corporation defined.

VII. And be it enacted, That it shall be lawful for the said Corporation to engage in and follow the occupation and business of carrying on exploration for and of finding and getting copper and other ores, metals, and minerals, and of manufacturing and disposing of the same for the benefit of the said Corporation, and to do all things necessary for the purposes aforesaid, not inconsistent with the rights of any other parties or with the conditions of any grant or other title under which the said Corporation may hold the lands in which such things are to be done.

Corporation may increase Capital Stock to £100,000 currency.

VIII. And be it enacted, That if the sum of twenty-five thousand pounds be found insufficient for the purposes of this Act, then and in such case it shall be lawful for the Members of the said Corporation by a vote of not less than two-thirds in number of the Shareholders, representing not less than ten thousand shares, at any General Meeting to be expressly called for that purpose, to increase the Capital Stock of the said Corporation, either by the admission of new members as subscribers to the said undertaking or otherwise, to a sum not exceeding in all the sum of one hundred thousand pounds currency, including the said sum of twenty-five thousand pounds currency hereinbefore authorized to be raised, in such manner and upon such terms and conditions and under such regulations as shall be approved and agreed upon; and the capital so to be raised by the creation of new shares, shall be in all respects part of the Capital Stock of the said Corporation; and every Shareholder of such new Stock shall be a

Member

Member of the said Corporation, and be entitled to all and every the same powers, privileges and rights as the persons who are now Shareholders, in proportion to the interest or number of shares which he may acquire, and to the amount of calls paid thereon; and shall also be liable and subject to the same obligations and stand interested in all the profits and losses of the said undertaking in proportion to the sum that he shall subscribe and pay thereon, as fully and effectually to all intents and purposes whatsoever as if such other or further sum had been originally raised as a part of the said first sum of twenty-five thousand pounds; anything herein contained to the contrary notwithstanding.

Rights and liabilities of holders of new Stock.

IX. And be it enacted, That it shall be lawful for the said Corporation from time to time to borrow, either in this Province or elsewhere, all such sum or sums of money not exceeding in all, at any one time, fifty thousand pounds currency, as they may find expedient; and to make the bonds, debentures, or other securities they shall grant for the sums so borrowed payable either in currency or in sterling with interest, and at such place or places within or without this Province as they may deem advisable, and such bonds, debentures or other securities may be made payable to bearer, or transferable by simple endorsement or otherwise, and may be in such form as the Directors for the time being may see fit; and the said Directors may hypothecate, mortgage or pledge the lands, revenues and other property of the said Corporation for the due payment of the said sums and the interest thereon; Provided always that such Corporation shall not be allowed to borrow any part of such sum of fifty thousand pounds aforesaid until at least one-half of the said Capital Stock of the said Corporation hereinbefore authorized shall be paid up and available for the use of the Corporation.

Corporation may borrow money from time to time.

The same not to be borrowed until half the Capital be paid up.

X. And be it enacted, That the Stock of the said Corporation shall be deemed personal or moveable estate, notwithstanding the conversion of any portion of the funds constituting the same into lands; and at all meetings of the Shareholders held in pursuance of this Act, whether the same be general or special, every Shareholder shall be entitled to as many votes as he shall have shares in the said stock; and such vote or votes may be given in person or by proxy; and all questions proposed or submitted for the consideration of the said meetings shall be finally determined by the majority of the votes, except in the case or cases otherwise provided for; and provided also, that no person shall be entitled to vote as proxy at any meeting unless he shall be a Shareholder in the said Corporation, and produce written authority as such proxy in the form prescribed by the Schedule A.

Stock to be personal property.

Number of Votes of Shareholders, &c.

XI. And be it enacted, That the shares in the Stock of the said Corporation shall be assignable by delivery of the certificates, to be issued to the holders of such shares respectively, and by assignment in the form of the Schedule B, or in any other convenient form to be prescribed by any By-law of the said Corporation; and that by such assignment the party accepting such transfer shall thenceforth become in all respects a member of the said Corporation in respect of such share or shares in the place of the party so transferring the same; but no such transfer shall be valid or effectual until all calls or instalments due on the shares purporting to be transferred, and all debts or monies due to the said Corporation thereon, shall have been fully paid up and discharged; and a certified copy of such transfer extracted from the proper book of entry, and purporting to be signed by the Clerk, or other officer of the said Company duly authorized thereto, shall be sufficient *prima facie* evidence of every such transfer in all Courts in this Province.

Proviso: Shares of Stock to be assignable by delivery of certificates in form of Schedule B, &c.

Directors may establish offices in England and the United States for certain purposes.

XII. And be it enacted, That the Directors of the said Company shall have power and authority to establish and have a place of business or office in the Cities of London and Liverpool in England, and New York, Boston, Philadelphia and Detroit in the United States of America, and to open books of subscription in all or any of the said Cities for the stock of the said Corporation, and to receive there subscriptions for the said stock, transferable there, respectively, and to make all such instalments called thereon, and dividends declared thereby, payable there, respectively. And the said Directors shall also have power to name one or more Agent or Agents or Commissioners in all or any of the aforesaid Cities, for all or any of the purposes aforesaid, and to allow to such Agent or Agents or Commissioners, a reasonable remuneration for his or their services, and all other necessary expenses of the said Office and Offices; and it shall also be competent for the said Directors to make all such rules and regulations, and to prescribe all such forms as to them may seem meet for the better and more satisfactorily managing and conducting the affairs and business of the said Corporation in all or any of the Cities aforesaid, and for facilitating and rendering effectual the subscription for and transfer of and payments upon the said stock respectively, and for all other purposes connected therewith and incidental thereto: Provided always, that the said Directors may make By-laws prescribing the mode in which any shares of the stock in all or any or either of the said Cities may be made shares in Canada, or whereby any shares of the stock in Canada may be made shares in England or in the United States aforesaid.

Proviso.

Seven Directors of Corporation to be elected to manage its affairs.

Four to form a quorum.

Proviso.

XIII. And be it enacted, That for managing the affairs of the said Corporation, there shall be from time to time elected out of the members of the said Corporation seven persons, being each a proprietor of not less than fifty shares of the said Capital Stock, to be Directors of the said Corporation, for ordering, managing and directing the affairs of the said Corporation; and any four Directors shall form a *quorum* of the Board, and any majority of such *quorum* may exercise all the powers of the Directors: Provided always, that unless at a meeting of a majority of the Directors no By-law, Rule, Resolution or Regulation for raising money or disposing of the real estate of the Corporation, shall be finally passed unless confirmed at the next meeting of the Directors to take place upon due notice given: Provided also, that no Director shall have more than one vote at any meeting of Directors except the President or Chairman for the time being, who shall in case of an equal division have the casting vote although he may have given one vote before; and whenever any vacancy shall happen among the Directors by death, resignation, or removal out of the Province, such vacancy shall be filled up until the next General Meeting of the Shareholders, in such manner as may be prescribed by any By-law of the Corporation; and the Directors shall have full power to dispose of such part of the stock of the said Corporation as may remain to be disposed of, or as may from time to time be added to or fall into the general mass either by forfeiture or otherwise, on such terms and conditions and to such parties as they think most likely to promote the interests of the said Corporation; and they shall also have full power to make such calls for money from the several Shareholders for the time being as is hereinbefore provided for, and to sue for, recover and get in all such calls, whether already made or hereafter to be made, and to cause and declare the said shares to be forfeited to the said Corporation in case of non-payment, on such terms and in such way as they shall see fit to prescribe by any By-law: and in any action to be brought to recover any money due on any call, it shall not be necessary to set forth the special matter in the declaration, but it shall be sufficient to allege that the defendant is

Proviso.

Directors may dispose of remaining Stock of Corporation.

Calls.

Proceedings in actions or calls.

a holder of one share or more in the said stock (stating the number of shares) and is indebted to the Corporation in the sum to which the calls in arrear shall amount (stating the number and amount of such calls,) whereby an action hath accrued to the Corporation by virtue of this Act ; and it shall be sufficient to maintain such action, to prove by any one witness, that the Defendant at the time of making such call was a Shareholder in the number of shares alleged, and that the calls sued for were made and notice thereof given, in conformity with the By-laws of the said Corporation, and it shall not be necessary to prove the appointment of the Directors nor any other matter whatsoever ; that the said Directors shall and may use and affix or cause to be used and affixed the common seal of the said Corporation to any documents which in their judgment may require the same, and any act or deed bearing such seal, and signed by the President (or by any two Directors) and countersigned by the Secretary, shall be held to be the act or deed of the Corporation ; that they may appoint such and so many agents, officers and servants of the said Corporation under them as to the said Directors may seem meet, and may fix the salaries and remuneration of such officers, agents and servants ; may make any payments and enter into any contracts for the execution of the purposes of the said Corporation, and for all other matters necessary for the transaction of its affairs ; may generally deal with, treat, purchase, lease, sell, mortgage, let, release, and dispose of and exercise all acts of ownership over the lands, tenements, property, and effects of the said Corporation ; may institute and defend in the name of the said Corporation all suits at law ; may from time to time displace the officers, agents and servants of the said Corporation, except as hereafter provided ; and that they shall and may have power to do all things whatsoever which may be necessary or requisite to carry out the objects of the Corporation, and to vest the present property and funds of the said Association in the Corporation hereby erected : that they shall declare dividends of the profits of the said Corporation, when and as often as the state of the funds thereof may permit ; may appoint when Special Meetings of the Shareholders shall be held, and determine on the mode of giving notice thereof, and of the manner in which the Shareholders may call or require such Special Meetings to be called ; that they shall have power to carry into force and effect all and every the provisions and stipulations contained in the Articles of Agreement in the first section of this Act referred to, with respect to the appropriation and allotment, whether conditional or otherwise, of the Stock of the said Company, and also with respect to all other matters and things in the said Articles of Agreement provided for, not inconsistent with this Act ; and they shall have power to make By-laws for the government and control of the officers and servants of the said Corporation, and shall also have power to make and frame all other By-laws, Rules and Regulations for the management of the business of the said Corporation in all its particulars and details, whether hereinbefore specially enumerated or not, and the same also at any time to alter, change, modify and repeal, which said By-laws, Rules and Regulations shall be submitted for approval, rejection or alteration by the Stockholders at the next General Meeting, or at a Special Meeting to be called by the said Directors, and when and as so ratified and confirmed shall be put into writing and duly recorded in the minutes of the said Corporation, and be binding upon and observed and taken notice of by all members of the said Corporation ; and any copy of the said By-laws, or any of them purporting to be under the hand of the Clerk, Secretary or other officer of the said Company, and having the seal of the Corporation affixed to it, shall be received as *prima facie* evidence of such By-laws, in all Courts in this Province ; Provided always, that the Stockholders may, at any General or Special Meeting, appoint such salary or compensation to the President and Directors respectively as to them shall seem reasonable and proper.

Deeds of the corporation.

May appoint Agents and Officers, &c.

Management of property.

General powers.

Shall declare dividends.

And appoint meetings of Corporation.

May make By-laws.

Proof of By-laws.

Proviso as to remuneration of Directors.

When and where the first meeting shall be held.

XIV. And be it enacted, That the first General Meeting of the Shareholders of the said Corporation shall be held at the office of the said Corporation in the City of Montreal, (at which place the said Corporation shall have its principal place of business) on the second Tuesday in October, one thousand eight hundred and forty-seven; and at such time and place, and on the like day in every year thereafter, the said Shareholders shall elect seven fit and qualified persons to be Directors of the said Company in the place and stead of the seven who shall retire; and until such first election, and until they shall respectively retire as aforesaid, the Trustees of the Association aforesaid, to wit: The said David Torrance, Andrew Shaw, Theodore Hart, John Glass, Edward Way, Henry Starnes and Henry Chapman, and the survivors or survivor of them shall be and are hereby declared to be and constituted Directors of the said Corporation, and the said David Torrance shall until such day be the President of the said Corporation; and they shall have and exercise all and every the powers and shall be subject to all and every the clauses, conditions, liability and restrictions imposed on the Directors to be chosen under this Act; Provided always, that in all actions or suits, or other legal proceedings to be brought against the said Corporation, it shall be lawful and sufficient for the Plaintiff or Complainant, or any other party to cause process to be served at the office of the said Corporation in the City of Montreal, or personally upon the President, or on any one of the Directors, or on the Secretary of the said Corporation, at any other place; and provided, that at the first meeting of the Directors to be elected as aforesaid to be holden after the passing of this Act, the said Directors shall choose and elect from among themselves some one to be President, and also some one to be Vice-President of the said Corporation.

Certain persons appointed Directors.

David Torrance appointed President.

Proviso as to service of process.

Retirement of Directors.

XV. And be it enacted, That at the first General Meeting of the Shareholders, and at the Annual General Meeting in each year thereafter, the Directors thereof shall retire from office, but shall be eligible for re-election; and the Directors immediately after the election at each Annual Meeting shall choose one of their own number to be President.

Failure to hold meeting not to operate dissolution of Corporation.

XVI. And be it enacted, That the failure to hold the said first General Meeting or any other meeting, or to elect such Directors or President, shall not dissolve the said Corporation, but such failure or omission shall and may be supplied by and at any Special Meeting to be called as the Directors, in conformity with the By-laws of the said Corporation, may see fit to appoint, and until such election of new Directors those who may be in office for the time being shall be and continue in office and exercise all the rights and powers thereof until such new election be made, as hereinbefore provided.

Interpretation clause.

XVII. And be it enacted, That the word "Lands" in this Act shall include all lands, tenements, and hereditaments, and real or immoveable property whatsoever; and all words importing the singular number or the masculine gender only shall extend to more than one person, party or thing, and to females as well as males, and the word "Shareholder" shall include the heirs, executors, administrators, curators, legatees or assigns of such Shareholder, or any other party having the legal possession of any share, whether in his own name or that of any other, unless the context shall be inconsistent with such construction; and whenever power is by this Act given to do anything, power shall be intended also to do all things which may be necessary to the doing of such thing; and generally all words and clauses herein shall receive such liberal

liberal and fair construction as will best ensure the carrying into effect of this Act according to its true intent and spirit.

XVIII. And be it enacted, That it shall not be lawful for the said Corporation to commence or proceed with their operations under this Act, unless they shall have first paid up the sum of ten per cent. on the amount of their capital stock.

When the Company may commence business.

XIX. And be it enacted, That nothing in this Act contained shall in any manner derogate from or affect the rights of Her Majesty, Her Heirs or Successors, or of any person or persons, body politic or corporate, excepting so far as the same may be specially derogated from or affected by the provisions of this Act.

Rights of Her Majesty saved.

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

Public Act.

SCHEDULE A.

FORM OF PROXY.

" I, A. B., of _____ hereby appoint C. D. of _____ to be my Proxy,
 " and to vote and act for me as such at all Meetings of the Shareholders of *The*
 " *Canada Mining Company*, and in my name to do all things with regard to the busi-
 " ness of the said Company, which I may, by law, do by Proxy.

Form of Proxy.

" Witness my hand this _____ day of _____ eighteen hundred and _____
 A. B."

SCHEDULE B.

FORM OF TRANSFER.

" I, A. B., for value received, do hereby bargain, sell and transfer to C. D.
 " share (or shares) of the Stock of *The Canada Mining Company* to hold to him the said
 " C. D., his heirs, executors, curators, administrators and assigns, subject to the same
 " rules and orders, and on the same conditions that I held the same immediately
 " before the execution hereof. And I, the said C. D., do hereby agree and accept of
 " the said _____ share (or shares) subject to the same rules, orders and condi-
 " tions. Witness our hands and seals, this _____ day of _____ in the
 " year _____

Form of Transfer.

A. B.
 C. D."



ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. LXXVI.

An Act to incorporate *The Garden River Copper Mining Company.*

[28th July, 1847.]

WHEREAS the several persons hereinafter named have by their Petition represented that they have associated themselves together, with divers others, for the purpose of exploring for and working Mines of Copper and other ores, and of smelting the same on the shores of Lakes Huron and Superior, and elsewhere, by Articles of Agreement, entered into at the City of Montreal, on the twenty-second day of June, in the year of our Lord one thousand eight hundred and forty-seven, and have purchased extensive tracts of Land whereon to carry on their operations, but that they experience great difficulties in carrying out the objects for which they are associated without an Act incorporating them with the powers hereinafter mentioned, and have prayed that such Act may be passed: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and 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 Honorable George Pemberton of London, George N. Sanders of New York, and Lewis T. Drummond, John Donegani, George Desbarats, Benjamin H. Lemoine, John Simpson and Stewart Derbishire, all of Montreal, and their successors, and such and so many other persons or parties as have become, or shall become shareholders in the Capital Stock hereinafter mentioned, shall be and they are hereby constituted a Body Politic and Corporate, in fact and in name, by the name of *The Garden River Copper Mining Company*, and by that name shall and may sue and be sued, implead and be impleaded, answer and be answered unto in all Courts of Law or Equity whatsoever, and shall have uninterrupted succession with a Common Seal, which may by them be changed or varied at their pleasure.

Preamble.

Certain persons incorporated.

Corporate name and powers.

II. And be it enacted, That no shareholder in the said Corporation shall be in any manner whatsoever liable for or charged with the payment of any debt or demand due by the said Corporation, beyond the amount of his, her or their subscribed share or shares in the Capital Stock of the said Corporation.

Stockholders to be liable to the amount of their shares only.

III. And be it enacted, That the Capital Stock of the said Corporation shall be thirty-seven thousand five hundred pounds, and the same is hereby declared to be divided into fifteen thousand shares, of the value of two pounds ten shillings each.

Number of shares of Stock of Corporation.

IV.

Calls on holders of Stock.

IV. And be it enacted, That the calls to be hereafter made on the holders of the said Stock shall be paid by instalments when and in such manner as shall be prescribed by the Directors hereinafter named: Provided also, that nothing herein contained shall exonerate, diminish or relieve any party from existing liability to the said Company, whether the said liability relates to contributions due or to fall due upon Stock already issued or otherwise, but on the contrary all such liability and contributions shall and may be enforced in the same way, and the said Corporation shall have the same remedy to enforce the payment of calls and sums now due or called for, as is hereinafter prescribed with respect to future calls and liabilities.

Certain property vested in Corporation.

V. And be it enacted, That all and every the estate and property, real or personal, belonging to the Association formed under the Articles of Association aforesaid, at the time of the passing of this Act, or which may be subsequently acquired by them, and all debts or claims due to or possessed by the said Association, shall be and hereby are transferred to and vested in the Corporation hereby established, which shall in like manner be liable to and for all debts due by or claims upon the said Association; and the Trustees of the said Association, at the time of the passing of this Act, shall be Directors of the said Corporation, as if elected under this Act, until their successors shall be elected as hereinafter provided.

Corporation may hold real property to extent of £25,000.

VI. And be it enacted, That it shall be lawful for the said Corporation to have and hold such lands and immoveable or real property as may be necessary for carrying on the business of the said Corporation, provided the sum invested in real property purchased from private individuals do not at any one time exceed twenty-five thousand pounds; and it shall be lawful for the said Corporation to sell, lease, or otherwise dispose of the said property and estate as they may see fit.

May explore for the purpose of finding copper and other ores.

VII. And be it enacted, That it shall be lawful for the said Corporation to engage in and follow the occupation and business of carrying on exploration for and of finding and getting copper and other ores, metals, and minerals, and manufacturing and of disposing of the same for the benefit of the said Corporation, and to do all things necessary for the purposes aforesaid, not inconsistent with the rights of any other parties or with the conditions of any grants or other title under which the said Corporation may hold the lands in which such things are to be done.

Corporation may increase Capital Stock to £100,000. currency.

VIII. And be it enacted, That if the said sum of Thirty-seven thousand five hundred pounds be found insufficient for the purposes of this Act, then and in such case it shall be lawful for the Members of the said Corporation by a vote of not less than two-thirds in number of the Shareholders, representing not less than eight thousand shares, at any General Meeting to be expressly called for that purpose, to increase the Capital Stock of the said Corporation, either by the admission of new members as subscribers to the said undertaking or otherwise, to a sum not exceeding in all the sum of One hundred thousand pounds currency, including the said sum of Thirty-seven thousand five hundred pounds currency hereinbefore authorized to be raised, in such manner and upon such terms and conditions and under such regulations as shall be approved and agreed upon; and the capital so to be raised by the creation of new shares shall be in all respects part of the Capital Stock of the said Corporation; and every Shareholder of such new Stock shall be a member of the said Corporation, and be entitled to all and every the same powers, privileges and rights as the persons who
are

are now Shareholders, in proportion to the interest or number of shares which he may acquire, and to the amount of calls paid thereon, and shall also be liable and subject to the same obligations and stand interested in all the profits and losses of the said undertaking in proportion to the sum that he shall subscribe and pay thereto, as fully and effectually to all intents and purposes whatsoever as if such other or further sum had been originally raised as a part of the said first sum of Thirty-seven thousand five hundred pounds; any thing herein contained to the contrary notwithstanding.

IX. And be it enacted, That it shall be lawful for the said Corporation from time to time to borrow either in this Province or elsewhere, all such sum or sums of money not exceeding in all, at any one time, Twenty-five thousand pounds currency, as they may find expedient, and to make the bonds, debentures or other securities they shall grant for the sums so borrowed payable either in currency or in sterling with interest, and at such place or places within or without this Province as they may deem advisable, and such bonds, debentures or other securities may be made payable to bearer, or transferable by simple endorsement or otherwise, and may be in such form as the Directors for the time being may see fit; and the said Directors may hypothecate, mortgage or pledge the lands, revenues and other property of the said Corporation for the due payment of the said sums and the interest thereon: Provided always, that such Corporation shall not be allowed to borrow any part of the said sum of Twenty-five thousand pounds until at least one half of the said Capital Stock of the said Corporation hereinbefore authorized be paid up and available for the uses of the Corporation.

Corporation may borrow money from time to time.

Proviso.

X. And be it enacted, That the Stock of the said Corporation shall be deemed personal or moveable estate, notwithstanding the conversion of any portion of the funds constituting the same into lands; and at all meetings of the Shareholders held in pursuance of this Act, whether the same be general or special, every Shareholder shall be entitled to as many votes as he shall have Shares in the said Stock, and such vote or votes may be given in person or by proxy; and all questions proposed or submitted for the consideration of the said meetings shall be finally determined by the majority of the votes, except in the case or cases otherwise provided for; and provided also, that no person shall be entitled to vote as proxy at any meetings unless he shall be a Shareholder in the said Corporation, and produce written authority as such proxy in the form prescribed by the Schedule A.

Property vested in Directors for time being.

XI. And be it enacted, That the shares in the Stock of the said Corporation shall be assignable by delivery of the certificates, to be issued to the holders of such shares respectively, and by assignment in the form of the Schedule B, or in any other convenient form to be prescribed by any By-law of the said Corporation; and that by such assignment the party accepting such transfer shall thenceforth become in all respects a member of the said Corporation in respect of such share or shares in the place of the party so transferring the same; but no such transfer shall be valid or effectual until all calls or instalments due on the shares purporting to be transferred shall have been fully paid up and discharged; and a certified copy of such transfer extracted from the proper book of entry, and purporting to be signed by the Clerk, or other officer of the said Company duly authorized thereto, shall be sufficient *prima facie* evidence of every such transfer, in all Courts in this Province.

Shares of Stock to be assignable by delivery of certificates in form of Schedule B, &c.

Directors may establish offices in London, Liverpool and in New York, &c. for certain purposes.

May prescribe forms, &c. for the same.

Proviso.

Directors of Corporation to be elected to manage its affairs.

Three to form a *quorum*.

Proviso: Majority of Directors to be present at passing of By-laws for raising money, &c.
Proviso.

Directors may dispose of remaining Stock of Corporation.

XII. And be it enacted, That the Directors of the said Corporation shall have power and authority to establish and have a place of business or office in the Cities of London and Liverpool in England, and New York, Boston, Philadelphia and Detroit in the United States of America, and to open books of subscription in all or any of the said Cities for the Stock of the said Corporation, and to receive there subscriptions for the said Stock, transferable there, respectively, and to make all such instalments called thereon, and dividends declared thereby, payable there, respectively; and the said Directors shall also have power to name one or more Agent or Agents or Commissioners in all or any of the aforesaid Cities, for all or any of the purposes aforesaid, and to allow to such Agent or Agents or Commissioners, a reasonable remuneration for his or their services, and all other necessary expenses of the said Office and Offices; and it shall also be competent for the said Directors to make all such rules and regulations, and to prescribe all such forms as to them may seem meet for the better and more satisfactorily managing and conducting the affairs and business of the said Corporation in all or any of the Cities aforesaid, and for facilitating and rendering effectual the subscription for and transfer of and payments upon the said stock respectively, and for all other purposes connected therewith and incidental thereto; Provided always, that the said Directors may make By-laws prescribing the mode in which any shares of the stock in all or any or either of the said Cities may be made shares in Canada, or whereby any shares of the stock in Canada may be made shares in England or in the United States aforesaid.

XIII. And be it enacted, That for managing the affairs of the said Corporation, there shall be from time to time elected out of the members of the said Corporation not less than three and not more than five persons, being each a proprietor of not less than fifty shares of the said Capital Stock, to be Directors of the said Corporation, for ordering, managing, and directing the affairs of the said Corporation, and any three Directors shall form a *quorum* of the Board, and may exercise all the powers of the Directors: Provided always that unless at a meeting of the majority of the Directors no By-law, Rule, Resolution or Regulation for raising money or disposing of the real estate of the Corporation, shall be finally passed unless confirmed at the next meeting of the Directors to take place upon due notice given: Provided also, that no Director shall have more than one vote at any meeting of Directors except the President or the Chairman of the meeting for the time being who shall in case of an equal division have the casting vote although he may have given one vote before; and whenever any vacancy shall happen among the Directors by death, resignation or removal out of the Province, such vacancy shall be filled up until the next General Meeting of the Shareholders in such manner as may be prescribed by any By-law of the Corporation; and the Directors shall have full power to dispose of such part of the Stock of the said Corporation as may remain to be disposed of, or as may from time to time be added to or fall into the general mass either by forfeiture or otherwise on such terms and conditions and to such parties as they think most likely to promote the interests of the said Corporation; and they shall also have full power to make such calls for money from the several Shareholders for the time being as is hereinbefore provided for, and to sue for, recover and get in all such calls, whether already made or hereafter to be made, and to cause and declare the said shares to be forfeited to the said Corporation in case of non-payment, on such terms and in such way as they shall see fit to prescribe by any By-law; and in any action to be brought to recover any money due on any call, it shall not be necessary to set forth the special matter in the declaration, but it shall be sufficient to allege

allege

allege that the defendant is a holder of one share or more in the said stock (stating the number of shares) and is indebted to the Corporation in the sum to which the calls in arrear shall amount (stating the number and amount of such calls,) whereby an action hath accrued to the Corporation by virtue of this Act; and it shall be sufficient to maintain such action, to prove by any one witness, that the defendant at the time of making such call was a Shareholder in the number of shares alleged, and that the calls sued for were made and notice thereof given, in conformity with the By-laws of the said Corporation, and it shall not be necessary to prove the appointment of the Directors nor any other matter whatsoever; that the said Directors shall and may use and affix or cause to be used and affixed the common seal of the said Corporation to any documents which in their judgment may require the same, and any act or deed bearing such seal, and signed by the President (or by any two Directors) and countersigned by the Secretary, shall be held to be the act or deed of the Corporation; That they may appoint such and so many agents, officers and servants of the said Corporation under them as to the said Directors may seem meet, and may fix the salaries and remuneration of such officers, agents and servants; may make any payments and enter into any Contracts for the execution of the purposes of the said Corporation, and for all other matters necessary for the transaction of its affairs; may generally deal with, treat, purchase, lease, sell, mortgage, let, release and dispose of and exercise all acts of ownership over the lands, tenements, property and effects of the said Corporation; may institute and defend in the name of the said Corporation all suits at Law; may from time to time displace the officers, agents and servants of the said Corporation, except as hereafter provided; and that they shall and may have power to do all things whatsoever which may be necessary or requisite to carry out the objects of the Corporation, and to vest the present property and funds of the said Association in the Corporation hereby erected: That they shall declare dividends of the profits of the said Corporation, when and as often as the state of the funds thereof may permit; may appoint when Special Meetings of the Shareholders shall be held, and determine on the mode of giving notice thereof, and of the manner in which the Shareholders may call or require such Special Meetings to be called; That they shall have power to carry into force all and every the provisions and stipulations contained in the Articles of Agreement in the first section of this Act, referred to with respect to the appropriation and allotment whether conditional or otherwise of the shares of the said Company, and also with respect to all other matters and things in the said Articles of Agreement provided for, not inconsistent with the present Act; And they shall have power to make By-Laws for the government and control of the officers and servants of the said Corporation, and for appointing the Salary or allowance to be made to them, respectively, and shall also have power to make and frame all other By-laws, Rules and Regulations for the management of the business of the said Corporation in all its particulars and details, whether hereinbefore specially enumerated or not, and the same also at any time to alter, change, modify and repeal, which said By-laws, Rules and Regulations shall be submitted for approval, rejection or alteration by the Stockholders at the next General Meeting, or at a Special Meeting to be called by the said Directors, and when and as so ratified and confirmed shall be put into writing and duly recorded in the minutes of the said Corporation, and be binding upon and observed and taken notice of by all members of the said Corporation; and any copy of the said By-laws, or any of them purporting to be under the hand of the Clerk, Secretary or other officer of the said Company, and having the seal of the Corporation affixed to it, shall be received as *prima facie* evidence of such By-laws, in

May appoint
Agents and
Officers, &c.

Shall declare
dividends.

And appoint
meetings of
Corporation.

May make
By-laws.

all

Proviso :
Salary of Pre-
sident and Di-
rectors.

all Courts in this Province. Provided always, that the Stockholders may, at any General or Special Meeting, appoint such salary or compensation to the President and Directors, respectively, as to them shall seem reasonable and proper.

First meeting
of Shareholders
when held.

XIV. And be it enacted, That the first General Meeting of the Shareholders of the said Corporation shall be held at the office of the said Corporation in the City of Montreal, (at which place the said Corporation shall have its principal place of business) on the second Wednesday of January one thousand eight hundred and forty-eight; and at such time and place, and on the like day in every year thereafter, the said Shareholders shall elect not less than three and not more than five fit and qualified persons to be Directors of the said Company in the place and stead of those who shall retire; and until such first election, and until they shall respectively retire as aforesaid, the Trustees of the Association aforesaid, that is to say: The said Benjamin H. LeMoine, L. T. Drummond and George Desbarats, and the survivors or survivor of them shall be and are hereby declared to be and constituted Directors of the said Corporation; and they shall have and exercise all and every the powers and shall be subject to all and every the clauses, conditions, liabilities and restrictions imposed on the Directors to be chosen under this Act; Provided always, that in all actions or suits, or other legal proceedings to be brought against the said Corporation, it shall be lawful and sufficient for the Plaintiff or Complainant, or any other party to cause process to be served at the said office of the said Corporation in the City of Montreal, upon the President or on any one of the Directors, or on the Secretary of the said Corporation, at any other place; and provided that at the first meeting of the Directors to be holden after the passing of this Act, the said Directors shall choose and elect from among themselves, some one to be President, and also some one to be Vice-President of the said Corporation.

Certain persons
appointed
Directors.

Proviso: Ser-
vice of Pro-
cess.

Retirement of
Directors.

XV. And be it enacted, That at the first General Meeting of the Shareholders, and at the Annual General Meeting in each year thereafter, two of the said Directors shall retire from office, (the order of retirement of the said Directors to be decided by lot); provided always that all Directors so retiring shall be eligible for re-election; and the Directors, immediately after the election at each Annual Meeting, shall choose one of their own number to be President.

Directors may
be re-elected.

Failure to hold
meeting not to
operate disso-
lution of Cor-
poration.

XVI. And be it enacted, That the failure to hold the said first General Meeting or any other meeting, or to elect such Directors or President, shall not dissolve the said Corporation, but such failure or omission shall and may be supplied by and at any Special Meeting to be called as the Directors, in conformity with the By-laws of the said Corporation, may see fit to appoint, and until such election of new Directors those who may be in office for the time being shall be and continue in office and exercise all the rights and powers thereof until such new election be made, as hereinbefore provided.

Interpretation
clause.

XVII. And be it enacted, That the word "Lands" in this Act shall include all lands, tenements, and hereditaments, and real or immoveable property whatsoever; and all words importing the singular number or the masculine gender only shall extend to more than one person, party or thing, and to females as well as males, and the word "Shareholders" shall include the heirs, executors, administrators, curators, legatees or assigns of such Shareholder, or any other party having the legal possession of any share, whether in his own name or that of any other, unless the context shall be

inconsistent

inconsistent with such construction ; and whenever power is by this Act given to do anything, power shall be intended also to do all things which may be necessary to the doing of such thing ; and generally all words and clauses herein shall receive such liberal and fair construction as will best ensure the carrying into effect of this Act according to its true intent and spirit.

XVIII. And be it enacted, That it shall not be lawful for the said Corporation to commence or proceed with their operations under this Act, unless they shall have first paid up the sum of ten per cent. on the amount of their capital stock. Ten per cent on Capital to be paid up.

XIX. And be it enacted, That nothing in this Act contained shall in any manner derogate from or affect the rights of Her Majesty, Her Heirs and Successors, or of any person or persons, body politic or corporate, excepting so far as the same may be specially derogated from or affected by the provisions of this Act. Rights of Her Majesty saved.

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

SCHEDULE A.

FORM OF PROXY.

"I, A. B., of _____ hereby appoint C. D. of _____
 "to be my Proxy, and to vote and act for me as such at all Meetings of the Share- Form of Proxy.
 "holders of *The Garden River Copper Mining Company*, and in my name to do all
 "things with regard to the business of the said Company, which I may, by law, do by
 "Proxy."

" Witness my hand, this _____ day of _____ 18 ____
 A. B."

SCHEDULE B.

FORM OF TRANSFER.

"I, A. B., for value received, do hereby bargain and sell and transfer to C. D. Form of Transfer.
 share (or shares) of the stock of *The Garden River Copper Mining Company*, to hold to him the said C. D., his heirs, executors, curators,
 "administrators and assigns, subject to the same rules and orders, and on the same
 "conditions that I held the same immediately before the execution hereof. And I,
 "the said C.D., do hereby agree and accept of the said
 "share (or shares,) subject to the same rules, orders and conditions."

" Witness our hands and seals, this _____ day of _____
 "in the year _____ A. B.
 C. D."



ANNO DECIMO ET UNDECIMO

VICTORIÆ REGINÆ.

CAP. LXXVII.

An Act to incorporate *The British and Canadian Mining Company of Lake Superior.*

[28th July, 1847.]

WHEREAS the several persons hereinafter named have by their Petition represented that they have associated themselves together, with divers others, for the purpose of exploring for and working Mines of Copper and other ores, and of smelting the same on the shores of Lake Superior and elsewhere, by Articles of Agreement entered into at the City of Montreal on the twenty-fifth day of April, one thousand eight hundred and forty-six, and have raised by subscription the capital necessary effectually to begin their operations, but that they experience great difficulties in carrying out the objects for which they are associated without an Act incorporating them with the powers hereinafter mentioned, and have prayed that such Act may be passed: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and 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 Captain Charles Elliott, R. N., Governor of Bermuda, Captain W. Houston, of Langoed Castle, Samuel Ward, John Hanks, C. H. Warner, Charles Sumner, Esquires, Messrs. S. Jaudon & Co. of New York, Thomas A. Stayner and George Desbarats, of Montreal, Esquires, and their successors, and such and so many other persons or parties as have become, or shall become shareholders in the Capital Stock hereinafter mentioned, shall be and they are hereby constituted a Body Politic and Corporate in fact and in name, by the name of *The British and Canadian Mining Company of Lake Superior*, and by that name shall and may sue and be sued, implead and be impleaded, answer and be answered unto in all Courts of Law or Equity whatsoever, and shall have uninterrupted succession with a Common Seal, which may by them be changed or varied at their pleasure.

Preamble.

Certain persons incorporated.

Corporate name and powers.

II. And be it enacted, That no shareholder in the said Corporation shall be in any manner whatsoever liable for or charged with the payment of any debt or demand due by the said Corporation beyond the amount of his, her or their subscribed share or shares in the Capital Stock of the said Corporation.

Stockholders to be liable to the amount of their shares only.

III.

Number of
shares of Stock
of Corporation.

III. And be it enacted, That the Capital Stock of the said Company shall be and the same is hereby declared to be twelve thousand five hundred pounds, divided into five thousand shares: Provided always that the said capital may be increased to fifty thousand pounds, as hereinafter provided.

Calls on hold-
ers of Stock.

IV. And be it enacted, That the calls to be hereafter made on the holders of the said Stock shall be paid by instalments when and in such manner as shall be prescribed by the Directors hereinafter named: Provided also, that nothing herein contained shall exonerate, diminish or relieve any party from existing liability to the said Company, whether the said liability relates to contributions due or to fall due upon Stock already issued, or otherwise, but on the contrary all such liability and contributions shall and may be enforced in the same way, and the said Corporation shall have the same remedy to enforce the payment of calls already made and all other calls and sums now due or called for, as is hereinafter prescribed with respect to future calls and liabilities.

Certain pro-
perty vested in
Corporation.

V. And be it enacted, That all and every the estate and property, real or personal, belonging to the Association formed under the Articles of Association aforesaid, at the time of the passing of this Act, or which may be subsequently required by them, and all debts or claims due to or possessed by the said Association, shall be and hereby are transferred to and vested in the Corporation hereby established, which shall in like manner be liable to and for all debts due by or claims upon the said Association; and the Trustees of the said Association, at the time of the passing of this Act, shall be Directors of the said Corporation, as if elected under this Act, until their successors shall be elected as hereinafter provided.

Corporation
may hold real
property to ex-
tent of
£25,000.

VI. And be it enacted, That it shall be lawful for the said Corporation to have and hold such lands and immoveable or real property as may be necessary for carrying on the business of the said Corporation, provided the sum invested in real property purchased from private individuals or from the Crown do not at any one time exceed twenty-five thousand pounds; and it shall be lawful for the said Corporation to sell, lease, or otherwise dispose of the said property and estate as they may see fit.

May explore
for the purpose
of finding cop-
per and other
ores.

VII. And be it enacted, That it shall be lawful for the said Corporation to engage in and follow the occupation and business of carrying on exploration for and of finding and getting copper and other ores, metals and minerals, and manufacturing and of disposing of the same for the benefit of the said Corporation, and to do all things necessary for the purposes aforesaid, not inconsistent with the rights of any other parties or with the conditions of any grants or other title under which the said Corporation may hold the lands in which such things are to be done.

Corporation
may increase
Capital Stock
to £50,000.
currency.

VIII. And be it enacted, That if the said sum of twelve thousand five hundred pounds be found insufficient for the purposes of this Act, then and in such case it shall be lawful for the Members of the said Corporation by a vote of not less than two-thirds in number of the Shareholders, representing not less than two thousand five hundred shares, at any General Meeting to be expressly called for that purpose, to increase the Capital Stock of the said Corporation, either by the admission of new members as subscribers to the said undertaking or otherwise, to a sum not exceeding in all the sum of fifty thousand pounds currency, including the said sum of twelve thousand five hundred pounds

pounds currency hereinbefore authorized to be raised, in such manner and upon such terms and conditions and under such regulations as shall be approved and agreed upon; and the capital so to be raised by the creation of new shares or otherwise shall be in all respects part of the Capital Stock of the said Corporation; and every Shareholder of such new Stock shall be a member of the said Corporation, and be entitled to all and every the same powers, privileges and rights as the persons who are now Shareholders, in proportion to the interest or number of shares which he may acquire, and to the amount of calls paid thereon, and shall also be liable and subject to the same obligations and stand interested in all the profits and losses of the said undertaking in proportion to the sum that he shall subscribe and pay thereto, as fully and effectually to all intents and purposes whatsoever as if such other or further sum had been originally raised as a part of the said first sum of twelve thousand five hundred pounds; anything herein contained to the contrary notwithstanding.

IX. And be it enacted, That it shall be lawful for the said Corporation from time to time to borrow either in this Province or elsewhere, all such sum or sums of money not exceeding in all, at any one time, twenty-five thousand pounds currency, as they may find expedient, and to make the bonds, debentures or other securities they shall grant for the sums so borrowed payable either in currency or in sterling with interest, and at such place or places within or without this Province as they may deem advisable, and such bonds, debentures or other securities may be made payable to bearer, or transferable by simple endorsement or otherwise, and may be in such form as the Directors for the time being may see fit; and the said Directors may hypothecate, mortgage or pledge the lands, revenues and other property of the said Corporation for the due payment of the said sums and the interest thereon: Provided always, that such Corporation shall not be allowed to borrow any part of the said sum of twenty-five thousand pounds until at least one half of the said Capital Stock of the said Corporation hereinbefore authorized be paid up and available for the uses of the Corporation.

Corporation
may borrow
money from
time to time.

Proviso.

X. And be it enacted, That the Stock of the said Corporation shall be deemed personal or moveable estate, notwithstanding the conversion of any portion of the funds constituting the same into lands; and at all meetings of the Shareholders held in pursuance of this Act, whether the same be general or special, every Shareholder shall be entitled to as many votes as he shall have Shares in the said Stock, and such vote or votes may be given in person or by proxy; and all questions proposed or submitted for the consideration of the said meetings shall be finally determined by the majority of the votes, except in the case or cases otherwise provided for; and provided also, that no person shall be entitled to vote as proxy at any meetings unless he shall be a Shareholder in the said Corporation, and produce written authority as such proxy in the form prescribed by the Schedule A.

Property vest-
ed in Direc-
tors for time
being.

XI. And be it enacted, That the shares in the Stock of the said Corporation shall be assignable by delivery of the certificates, to be issued to the holders of such shares respectively, and by assignment in the form of the Schedule B, or in any other convenient form to be prescribed by any By-law of the said Corporation; and that by such assignment the party accepting such transfer shall thenceforth become in all respects a member of the said Corporation in respect of such share or shares in the place of the party so transferring the same; but no such transfer shall be valid or effectual until all calls or instalments due on the shares purporting to be transferred shall

Shares of
Stock to be
assignable by
delivery of
certificates in
form of Sched-
ule B, &c.

shall have been fully paid up and discharged; and a certified copy of such transfer extracted from the proper book of entry, and purporting to be signed by the Clerk, or other officer of the said Company duly authorized thereto, shall be sufficient *prima facie* evidence of every such transfer, in all Courts in this Province.

Directors may establish offices in London, Liverpool and in New York, &c. for certain purposes.

XII. And be it enacted, That the Directors of the said Corporation shall have power and authority to establish and have a place of business or office in the Cities of London and Liverpool in England, and New York, Boston, Philadelphia and Detroit in the United States of America, and to open books of subscription in all or any of the said Cities for the stock of the said Corporation, and to receive their subscriptions for the said stock, transferable there, respectively, and to make all such instalments called thereon, and dividends declared thereby, payable there, respectively. And the said Directors shall also have power to name one or more Agent or Agents or Commissioners in all or any of the aforesaid Cities, for all or any of the purposes aforesaid, and to allow to such Agent or Agents or Commissioners, a reasonable remuneration for his or their services, and all other necessary expenses of the said Office and Offices; and it shall also be competent for the said Directors to make all such rules and regulations, and to prescribe all such forms as to them may seem meet for the better and more satisfactorily managing and conducting the affairs and business of the said Corporation in all or any of the Cities aforesaid, and for facilitating and rendering effectual the subscription for and transfer of and payments upon the said stock respectively, and for all other purposes connected therewith and incidental thereto: Provided always, that the said Directors may make By-laws prescribing the mode in which any shares of the stock in all or any or either of the said Cities may be made shares in Canada, or whereby any shares of the stock in Canada may be made shares in England or in the United States aforesaid.

May prescribe forms, &c. for the same.

Provided.

Directors of Corporation to be elected to manage its affairs.

XIII. And be it enacted, That for managing the affairs of the said Corporation, there shall be from time to time elected out of the members of the said Corporation not less than three and not more than five persons, being each a proprietor of not less than one hundred shares of the said Capital Stock, to be Directors of the said Corporation, for ordering, managing and directing the affairs of the said Corporation; and any three Directors shall form a *quorum* of the Board, and may exercise all the powers of the Directors: Provided always, that unless at a meeting of the majority of the Directors no By-law, Rule, Resolution or Regulation for raising money or disposing of the real estate of the Corporation, shall be finally passed unless confirmed at the next meeting of the Directors to take place upon due notice given: Provided also, that no Director shall have more than one vote at any meeting of Directors except the President or the Chairman of the meeting for the time being who shall in case of an equal division have the casting vote although he may have given one vote before; and whenever any vacancy shall happen among the Directors by death, resignation, or removal out of the Province, such vacancy shall be filled up until the next General Meeting of the Shareholders in such manner as may be prescribed by any By-law of the Corporation; and the Directors shall have full power to dispose of such part of the Stock of the said Corporation as may remain to be disposed of, or as may from time to time be added to or fall into the general mass either by forfeiture or otherwise on such terms and conditions and to such parties as they think most likely to promote the interests of the said Corporation; and they shall also have full power to make such calls for money from the several Shareholders for the time being as is hereinbefore provided

Three to form a *quorum*.

Proviso: Majority of Directors to be present at passing of By-laws for raising money, &c. Proviso.

Directors may dispose of remaining Stock of Corporation.

provided for, and to sue for, recover and get in all such calls, whether already made or hereafter to be made, and to cause and declare the said shares to be forfeited to the said Corporation in case of non-payment, on such terms and in such way as they shall see fit to prescribe by any By-law; and in any action to be brought to recover any money due on any call, it shall not be necessary to set forth the special matter in the declaration, but it shall be sufficient to allege that the defendant is a holder of one share or more in the said stock (stating the number of shares) and is indebted to the Corporation in the sum to which the calls in arrear shall amount (stating the number and amount of such calls,) whereby an action hath accrued to the Corporation by virtue of this Act; and it shall be sufficient to maintain such action, to prove by any one witness, that the Defendant at the time of making such call was a Shareholder in the number of shares alleged, and that the calls sued for were made and notice thereof given, in conformity with the By-laws of the said Corporation, and it shall not be necessary to prove the appointment of the Directors nor any other matter whatsoever; that the said Directors shall and may use and affix or cause to be used and affixed the common seal of the said Corporation to any documents which in their judgment may require the same, and any act or deed bearing such seal, and signed by the President (or by any two Directors) and countersigned by the Secretary, shall be held to be the act or deed of the Corporation; That they may appoint such and so many agents, officers and servants of the said Corporation under them as to the said Directors may seem meet, and may fix the salaries and remuneration of such officers, agents and servants; may make, any payments and enter into any contracts for the execution of the purposes of the said Corporation, and for all other matters necessary for the transaction of its affairs; may generally deal with, treat, purchase, lease, sell, mortgage, let, release and dispose of and exercise all acts of ownership over the lands, tenements, property, and effects of the said Corporation; may institute and defend in the name of the said Corporation all suits at Law; may from time to time displace the officers, agents and servants of the said Corporation, except as hereafter provided; and that they shall and may have power to do all things whatsoever which may be necessary or requisite to carry out the objects of the Corporation, and to vest the present property and funds of the said Association in the Corporation hereby erected: That they shall declare dividends of the profits of the said Corporation, when and as often as the state of the funds thereof may permit; may appoint when Special Meetings of the Shareholders shall be held, and determine on the mode of giving notice thereof, and of the manner in which the Shareholders may call or require such Special Meetings to be called; That they shall have power to carry into force all and every the provisions and stipulations contained in the Articles of Agreement in the first section of this Act, referred to with respect to the appropriation and allotment whether conditional or otherwise of the shares of the said Company, and also with respect to all other matters and things in the said Articles of Agreement provided for, not inconsistent with the present Act; And they shall have power to make By-Laws for the government and control of the officers and servants of the said Corporation, and for appointing the Salary or allowance to be made to them, respectively, and shall also have power to make and frame all other By-laws, Rules and Regulations for the management of the business of the said Corporation in all its particulars and details, whether hereinbefore specially enumerated or not, and the same also at any time to alter, change, modify and repeal, which said By-laws, Rules and Regulations shall be submitted for approval, rejection or alteration by the Stockholders at the next General Meeting, or at a Special Meeting to be called by the said Directors, and when and as so ratified and confirmed shall be

May appoint
Agents and
Officers, &c.

Shall declare
dividends.

And appoint
meetings of
Corporation.

May make
By-laws.

put

put into writing and duly recorded in the minutes of the said Corporation, and be binding upon and observed and taken notice of by all members of the said Corporation; and any copy of the said By-laws, or any of them purporting to be under the hand of the Clerk, Secretary or other officer of the said Company, and having the seal of the Corporation affixed to it, shall be received as *primâ facie* evidence of such By-laws in all Courts in this Province; Provided always, that the Stockholders may, at any General or Special Meeting, appoint such salary or compensation to the President and Directors respectively as to them shall seem reasonable and proper.

Proviso:
Salary of Pre-
sident and Di-
rectors.

First meeting
of Sharehold-
ers when held.

XIV. And be it enacted, That the first General Meeting of the Shareholders of the said Corporation shall be held at the office of the said Corporation in the City of Montreal, (at which place the said Corporation shall have its principal place of business) on the third Tuesday of January, one thousand eight hundred and forty-eight; and at such time and place, and on the like day in every year thereafter, or such other day as may be appointed at the first General Meeting of the Shareholders, in pursuance of this Act, the said Shareholders shall elect not less than three and not more than five fit and qualified persons to be Directors of the said Company in the place and stead of those who shall retire, as prescribed in the next following section; and until such first election, and until they shall respectively retire as aforesaid, the Trustees of the Association aforesaid, that is to say: The said Thomas Allen Stayner and George Desbarats, and the survivors or survivor of them shall be and are hereby declared to be and constituted Directors of the said Corporation; and they shall have and exercise all and every the powers and shall be subject to all and every the clauses, conditions, liability and restrictions imposed on the Directors to be chosen under this Act; Provided always, that in all actions or suits, or other legal proceedings to be brought against the Corporation, it shall be lawful and sufficient for the Plaintiff or Complainant, or any other party, to cause process to be served at the said office of the said Corporation in the City of Montreal, upon the President, or on any one of the Directors, or on the Secretary of the said Corporation, at any other place; and provided that at the first meeting of the Directors to be holden after the passing of this Act, the said Directors shall choose and elect from among themselves some one to be President, and also some one to be Vice-President of the said Corporation.

Certain per-
sons appointed
Directors.

Proviso: Ser-
vice of Process.

Retirement of
Directors.

Directors may
be re-elected.

XV. And be it enacted, That at the first General Meeting of the Shareholders, and at the Annual General Meeting in each year thereafter, two of the said Directors shall retire from office, (the order of retirement of the said Directors to be decided by lot); provided always that all the Directors so retiring shall be eligible for re-election; and the Directors, immediately after the election at each Annual Meeting, shall choose one of their own number to be President.

Failure to hold
meeting not to
operate disso-
lution of Cor-
poration.

XVI. And be it enacted, That the failure to hold the said first General Meeting or any other Meeting, or to elect such Directors or President, shall not dissolve the said Corporation, but such failure or omission shall and may be supplied by and at any Special Meeting to be called as the Directors, in conformity with the By-laws of the said Corporation, may see fit to appoint, and until such election of new Directors those who may be in office for the time being shall be and continue in office and exercise all the rights and powers thereof until such new election be made, as hereinbefore provided.

XVII. And be it enacted, That the word "Lands" in this Act shall include all lands, tenements, and hereditaments, and real or immoveable property whatsoever; and all words importing the singular number or the masculine gender only shall extend to more than one person, party or thing, and to females as well as males, and the word "Shareholder" shall include the heirs, executors, administrators, curators, legatees or assigns of such Shareholder, or any other party having the legal possession of any share, whether in his own name or that of any other, unless the context shall be inconsistent with such construction; and whenever power is by this Act given to do anything, power shall be intended also to do all things which may be necessary to the doing of such thing; and generally all words and clauses herein shall receive such liberal and fair construction as will best ensure the carrying into effect of this Act according to its true intent and spirit.

Interpretation
clause.

XVIII. And be it enacted, That it shall not be lawful for the said Corporation to commence or proceed with their operations under this Act, unless they shall have first paid up the sum of ten per cent. on the amount of their capital stock.

10 per cent. on
Capital to be
paid up.

XIX. And be it enacted, That nothing in this Act contained shall in any manner derogate from or affect the rights of Her Majesty, Her Heirs or Successors, or of any person or persons, body politic or corporate, excepting so far as the same be specially derogated from or affected by the provisions of this Act.

Rights of Her
Majesty saved.

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

Public Act

SCHEDULE A.

FORM OF PROXY.

" I, A. B., of _____ hereby appoint C. D. of _____
" to be my Proxy, and to vote and act for me as such at all Meetings of the Sharehol-
" ders of *The British and Canadian Mining Company of Lake Superior*, and in my
" name to do all things with regard to the business of the said Company, which I may,
" by law, do by Proxy.
" Witness my hand, this _____ day of _____ 18
" _____ A. B."

Form of
Proxy.

SCHEDULE B.

FORM OF TRANSFER.

" I, A. B., for value received, do hereby bargain, sell and transfer to C. D.
" _____ share (or shares) of the Stock of *The British and Canadian Mining*
" _____ Company

Form of
Transfer.

“ *Company of Lake Superior*, to hold to him the said C. D., his heirs, executors, cu-
rators, administrators and assigns, subject to the same rules and orders, and on the
“ same conditions that I held the same immediately before the execution hereof. And
“ I, the said C. D., do hereby agree and accept of the said share (or shares,)
“ subject to the same rules, orders and conditions. Witness our hands and seals,
“ this day of in the year

A. B.
C. D.”

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Law Printer to the Queen’s Most Excellent Majesty.



ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. LXXVIII.

An Act to incorporate *The Echo Lake Mining Company*.

[28th July, 1847.]

WHEREAS it is of great importance to this Province that its Mines and Mineral wealth should be properly worked and brought into use, and the several persons hereinafter named, have by their Petition represented that they have associated themselves together with divers others for that purpose, and have agreed by Articles of Agreement entered into at the City of Montreal on the seventeenth day of June, one thousand eight hundred and forty-seven, and have raised by subscription the capital necessary effectually to begin their operations, but that they experience great difficulties in carrying out the objects for which they are associated without an Act incorporating them, with the powers hereinafter mentioned, and have prayed that such Act may be passed: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, * That Andrew Shaw, Theodore Hart and Francis Hincks, all of the City of Montreal, the present Trustees of the Association mentioned in the Preamble to this Act, and their successors, and such and so many other persons or parties, as have become or shall become shareholders in the Capital Stock hereinafter mentioned, shall be and they are hereby constituted a Body Politic and Corporate, by the name of *The Echo Lake Mining Company*, and by that name shall and may sue and be sued, implead and be impleaded, answer and be answered unto in all Courts of Law or Equity whatsoever, and shall have uninterrupted succession with a Common Seal, which may by them be changed or varied at their pleasure.

Preamble.

Sic, and it is hereby enacted by the authority of the same, *omitted*.

Certain persons incorporated.

Corporate name and powers.

Capital Stock of Corporation.

Stockholders to be liable to the amount of their shares only.

II. And be it enacted, That the Capital Stock of the said Corporation shall be twenty-five thousand pounds and shall be divided into twenty thousand shares, of one pound five shillings, each, which shall be paid by instalments at such time and in such manner as shall be prescribed by the Directors hereinafter mentioned.

III. And be it enacted, That no shareholder in the said Corporation shall be in any manner whatsoever liable for or charged with the payment of any debt or demand due by the said Corporation beyond the amount of his, her or their subscribed share or shares in the Capital Stock of the said Corporation.

IV.

Calls on hold-
ers of Stock
not to exceed
£1 3s 9d.
per share.

Proviso.

IV. And whereas an instalment of one shilling and three pence per share has been already called in on the said twenty thousand shares of the Stock of the said Corporation: Be it therefore enacted, That the calls to be hereafter made on the holders of the said Stock shall not exceed one pound three shillings and nine pence per share; Provided also, that nothing herein contained shall exonerate, diminish or relieve any party from existing liability to the said Company, whether the said liability relates to contributions due or to fall due upon Stock already issued, or otherwise.

Certain pro-
perty vested
in Corporation.

V. And be it enacted, That all and every the estate and property, real or personal belonging to the said Association formed under the Articles of Association aforesaid, at the time of the passing of this Act, and all debts or claims then due to or possessed by the said Association shall be transferred to and vested in the Corporation hereby established, which shall in like manner be liable to and for all debts due by or claims upon the said Association; and the Trustees of the said Association, at the time of the passing of this Act, shall be Directors of the said Corporation, as if elected under this Act, until their successors shall be elected as hereinafter provided.

Corporation
may hold real
property to ex-
tent of
£12,500.

VI. And be it enacted, That it shall be lawful for the said Corporation to have and hold such lands and immoveable or real property as may be necessary for carrying on the business of the said Corporation, provided the sum invested in real property purchased from private individuals do not at any one time exceed twelve thousand five hundred pounds; and it shall be lawful for the said Corporation to sell, lease, or otherwise dispose of the said property and estate as they may see fit.

Business of the
Corporation
defined.

VII. And be it enacted, That it shall be lawful for the said Corporation to engage in and follow the occupation and business of carrying on exploration for and of finding and getting copper and other ores, metals and minerals, and of manufacturing and disposing of the same for the benefit of the said Corporation, and to do all things necessary for the purposes aforesaid, not inconsistent with the rights of any other parties or with the conditions of any grant or other title under which the said Corporation may hold the lands in which such things are to be done.

Corporation
may increase
Capital Stock
to £100,000
currency.

VIII. And be it enacted, That if the sum of twenty-five thousand pounds be found insufficient for the purposes of this Act, then and in such case it shall be lawful for the Members of the said Corporation by a vote of not less than two-thirds in number of the Shareholders, representing not less than ten thousand shares, at any General Meeting to be expressly called for that purpose, to increase the Capital Stock of the said Corporation either by the admission of new members as subscribers to the said undertaking or otherwise, to a sum not exceeding in all the sum of one hundred thousand pounds currency, including the said sum of twenty-five thousand pounds currency hereinbefore authorized to be raised, in such manner and upon such terms and conditions and under such regulations as shall be approved and agreed upon, and the capital so to be raised by the creation of new shares, shall be in all respects part of the Capital Stock of the said Corporation; and every Shareholder of such new Stock shall be a member of the said Corporation, and be entitled to all and every the same powers, privileges and rights as the persons who are now Shareholders, in proportion to the interest or number of shares which he may acquire, and to the amount of calls paid thereon; and shall also be liable and subject to the same obligations and stand interested in all the profits and losses of the said undertaking in proportion to the sum that

Rights and
liabilities of
holders of new
Stock.

that he shall subscribe and pay thereto, as fully and effectually to all intents and purposes whatsoever as if such other or further sum had been originally raised as a part of the said first sum of twenty-five thousand pounds ; anything herein contained to the contrary notwithstanding.

IX. And be it enacted, That it shall be lawful for the said Corporation from time to time to borrow either in this Province or elsewhere all such sum or sums of money not exceeding in all, at any one time, fifteen thousand pounds currency, as they may find expedient ; and to make the bonds, debentures, or other securities they shall grant for the sums so borrowed payable either in currency or in sterling with interest, and at such place or places within or without this Province as they may deem advisable, and such bonds, debentures or other securities may be made payable to bearer, or transferable by simple endorsement or otherwise and may be in such form as the Directors for the time being may see fit ; and the said Directors may hypothecate, mortgage or pledge the lands, revenues and other property of the said Corporation for the due payment of the said sums and the interest thereon : Provided always, that the said Corporation shall not be allowed to borrow any part of the said sum of fifteen thousand pounds until at least one half of the said Capital Stock of the said Corporation hereinbefore authorized be paid up and available for the uses of the Corporation.

Corporation may borrow money from time to time.

The same not to be borrowed until one half the Capital be paid up.

X. And be it enacted, That the Stock of the said Corporation shall be deemed personal moveable estate, notwithstanding the conversion of any portion of the funds constituting the same into lands ; and at all meetings of the Shareholders held in pursuance of this Act, whether the same be general or special, every Shareholder shall be entitled to as many votes as he shall have shares in the said stock ; and such vote or votes may be given in person or by proxy ; and all questions proposed or submitted for the consideration of the said meetings shall be finally determined by the majority of the votes, except in the case or cases otherwise provided for : and provided also, that no person shall be entitled to vote as proxy at any meeting unless he shall be a Shareholder in the said Corporation, and produce written authority as such proxy in the form prescribed by the Schedule A.

Stock to be personal property.

Proviso.

XI. And be it enacted, That the shares in the Stock of the said Corporation shall be assignable by delivery of the certificates, to be issued to the holders of such shares respectively, and by assignment, in the form of the Schedule B, or in any other convenient form to be prescribed by any By-law of the said Corporation ; and that by such assignment the party accepting such transfer shall thenceforth become in all respects a member of the said Corporation in respect of such share or shares in the place of the party so transferring the same ; but no such transfer shall be valid or effectual until all calls or instalments due on the shares purporting to be transferred, and all debts or monies due to the said Corporation thereon, shall have been fully paid up and discharged ; and a certified copy of such transfer extracted from the proper book of entry, and purporting to be signed by the Clerk, or other officer of the said Company duly authorized thereto, shall be sufficient *prima facie* evidence of every such transfer, in all Courts in this Province.

Shares of Stock to be assignable by delivery of certificates in form of Schedule B, &c.

XII. And be it enacted, That the Directors of the said Corporation shall have power and authority to establish and have a place of business or office in the Cities of London and Liverpool in England, and New York, Boston, Philadelphia and Detroit in the United

Directors may establish offices in England and the United States for certain purposes.

United States of America, and to open books of subscription in all or any of the said Cities for the stock of the said Corporation, and to receive there subscriptions for the said stock, transferable there, respectively, and to make all such instalments called thereon, and dividends declared thereby, payable there, respectively. And the said Directors shall also have power to name one or more Agent or Agents or Commissioners in all or any of the aforesaid Cities, for all or any of the purposes aforesaid, and to allow to such Agent or Agents or Commissioners, a reasonable remuneration for his or their services, and all other necessary expenses of the said Office and Offices; and it shall also be competent for the said Directors to make all such rules and regulations, and to prescribe all such forms as to them may seem meet for the better and more satisfactorily managing and conducting the affairs and business of the said Corporation in all or any of the Cities aforesaid, and for facilitating and rendering effectual the subscription for and transfer of and payments upon the said stock respectively, and for all other purposes connected therewith and incidental thereto: Provided always, that the said Directors may make By-laws prescribing the mode in which any shares of the stock in all or any or either of the said Cities may be made shares in Canada, and whereby any shares of the stock in Canada may be made shares in England or in the United States aforesaid.

Proviso.

Three Directors of Corporation to be elected to manage its affairs.

Two to form a quorum.

Proviso.

Directors may make calls.

Proceedings in actions for calls.

Deeds of the corporation

XIII. And be it enacted, That for managing the affairs of the said Corporation, there shall be from time to time elected out of the members of the said Corporation three persons, being each a proprietor of not less than fifty shares of the said Capital Stock, to be Directors of the said Corporation, for ordering, managing and directing the affairs of the said Corporation; and any two Directors shall form a *quorum* of the Board, and may exercise all the powers of the Directors: Provided that if only two Directors are present at any meeting of the Board, the President shall not have a double vote, but it shall be necessary for two at least of the Directors to concur in any measure that may be proposed; and whenever any vacancy shall happen among the Directors by death, resignation, or removal out of the Province, such vacancy shall be filled up until the next General Meeting of the Shareholders, in such manner as may be prescribed by any By-law of the Corporation; and they shall also have full power to make such calls for money from the several Shareholders for the time being as is hereinbefore provided for, and to sue for, recover and get in all such calls, and to cause and declare the said shares to be forfeited to the said Corporation in case of non-payment, on such terms and in such way as they shall see fit to prescribe by any By-law; and in any action to be brought to recover any money due on any call, it shall not be necessary to set forth the special matter in the declaration, but it shall be sufficient to allege that the defendant is a holder of one share or more in the said stock (stating the number of shares) and is indebted to the Corporation in the sum to which the calls in arrear shall amount (stating the number and amount of such calls) whereby an action hath accrued to the Corporation by virtue of this Act; and it shall be sufficient to maintain such action, to prove by any one witness, that the Defendant at the time of making such call was a Shareholder in the number of shares alleged, and that the calls sued for were made and notice thereof given, in conformity with the By-laws of the said Corporation, and it shall not be necessary to prove the appointment of the Directors nor any other matter whatsoever; that the said Directors shall and may use and affix or cause to be used and affixed the common seal of the said Corporation to any documents which in their judgment may require the same, and any act or deed bearing such seal, and signed by the President (or by any two Directors) and countersigned by

by the Secretary, shall be held to be the act or deed of the Corporation; that they may appoint such and so many agents, officers and servants of the said Corporation under them as to the said Directors may seem meet, and may fix the salaries and remuneration of such officers, agents, and servants; may make any payments and enter into any contracts for the execution of the purposes of the said Corporation, and for all other matters necessary for the transaction of its affairs; may generally deal with, treat, purchase, lease, sell, mortgage, let, release and dispose of and exercise all acts of ownership over the lands, tenements, property, and effects of the said Corporation; may institute and defend in the name of the said Corporation all suits at Law; may from time to time displace the officers, agents and servants of the said Corporation, except as hereinafter provided; and that they shall and may have power to do all things whatsoever which may be necessary or requisite to carry out the objects of the Corporation, and to vest the present property and funds of the said Association in the Corporation hereby erected; that they shall declare dividends of the profits of the said Corporation, when and as often as the state of the funds thereof may permit; may appoint when Special Meetings of the Shareholders shall be held, and determine on the mode of giving notice thereof, and of the manner in which the Shareholders may call or require such Special Meetings to be called; and they shall have power to make By-laws for the government and control of the officers and servants of the said Corporation, and for appointing the salary or allowance to be made to the Directors respectively, and shall also have power to make and frame all other By-laws, Rules and Regulations for the management of the business of the said Corporation in all its particulars and details, whether hereinbefore specially enumerated or not, and the same also at any time to alter, change, modify and repeal, which said By-laws, Rules and Regulations shall be submitted for approval, rejection or alteration by the Stockholders at the next General Meeting, or at a Special Meeting to be called by the said Directors, and when so ratified and confirmed shall be put into writing and duly recorded in the minutes of the said Corporation, and be binding upon and observed and taken notice of by all members of the said Corporation; and any copy of the said By-laws, or any of them purporting to be under the hand of the Clerk, Secretary or other officer of the said Company, and having the seal of the Corporation affixed to it, shall be received as *prima facie* evidence of such By-laws, in all Courts in this Province.

May appoint Agents and Officers, &c.

Management of property.

General powers.

Shall declare dividends.

And appoint meetings of Corporation. May make By-laws.

Proof of By-laws.

XIV. And be it enacted, That the first General Meeting of the Shareholders of the said Corporation shall be held at the office of the said Corporation in the City of Montreal, (at which place the said Corporation shall have its principal place of business) on the third Wednesday of January one thousand eight hundred and forty-eight, and at such time and place, and on like day in every year thereafter, the said Shareholders shall elect three fit and qualified persons to be Directors of the said Company in the place and stead of the three who shall retire as prescribed in the next following section; and until such first election, and until they shall respectively retire as aforesaid, the Trustees of the Association aforesaid, to wit: The said Theodore Hart, Francis Hincks and Andrew Shaw, and the survivors or survivor of them shall be and are hereby declared to be and constituted Directors of the said Corporation, and the said Theodore Hart shall until such day be the President of the said Corporation; and they shall have and exercise all and every the powers and shall be subject to all and every the clauses, conditions, liability and restrictions imposed on the Directors to be chosen under this Act: Provided always, that in all actions or suits, or other legal proceedings to be brought against the said Corporation, it shall be lawful and sufficient for the Plaintiff

First meeting of Shareholders when and where to be held.

Certain persons appointed Directors.

Theodore Hart appointed President.

Provido as to service of process.

Plaintiff or Complainant, or any other party, to cause process to be served at the office of the said Corporation in the City of Montreal, or personally upon the President, or on any one of the Directors, or on the Secretary of the said Corporation, at any other place; and provided that at the first meeting of the Directors to be elected as aforesaid, holden after the passing of this Act, the said Directors shall choose and elect from among themselves, some one to be President, and also some one to be Vice-President of the said Corporation.

Retirement of Directors.

XV. And be it enacted, That at the first General Meeting of the Shareholders, and at the Annual General Meeting in each year thereafter, all the Directors shall retire from office, and their places shall be filled as provided in the next preceding section: Provided always, that all Directors retiring at any time shall be eligible for re-election, and the Directors immediately after the election at each Annual Meeting shall choose one of their own number to be President.

Proviso: Directors may be re-elected.

Failure to hold meeting not to operate dissolution of Corporation.

XVI. And be it enacted, That the failure to hold the said first General Meeting or any other meeting, or to elect such Directors or President shall not dissolve the said Corporation, but such failure or omission shall and may be supplied by and at any special Meeting to be called as the Directors, in conformity with the By-laws of the said Corporation, may see fit to appoint, and until such election of new Directors, those who may be in office for the time being shall be and continue in office and exercise all the rights and powers thereof until such new election be made, as hereinbefore provided.

When the Company may commence business.

XVII. And be it enacted, That it shall not be lawful for the said Corporation to commence or proceed with their operations under this Act, unless they shall have first paid up the sum of ten per cent. on the amount of their capital stock.

Interpretation clause.

XVIII. And be it enacted, That the word "Lands" in this Act shall include all lands, tenements, and hereditaments, and real or immoveable property whatsoever; and all words importing the singular number or the masculine gender only shall extend to more than one person, party or thing, and to females as well as males, and the word "Shareholder" shall include the heirs, executors, administrators, curators, legatees or assigns of such Shareholder, or any other party having the legal possession of any share, whether in his own name or that of any other, unless the context shall be inconsistent with such construction; and whenever power is by this Act given to do anything, power shall be intended also to do all things which may be necessary to the doing of such thing; and generally all words and clauses herein shall receive such liberal and fair construction as will best ensure the carrying into effect of this Act according to its true intent and spirit.

Rights of Her Majesty and others saved.

XIX. And be it enacted, That nothing in this Act contained shall in any manner derogate from or affect the rights of Her Majesty, Her Heirs or Successors, or of any person or persons, body politic or corporate, excepting so far as the same may be specially derogated from or affected by the provisions of this Act.

Public Act.

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

SCHEDULE

SCHEDULE A.

FORM OF PROXY.

“I, A. B., of _____ hereby appoint C. D. of _____ to be Form of Proxy.
 “my Proxy, and to vote and act for me as such at all Meetings of the Shareholders of
 “*The Echo Lake Mining Company*, and in my name to do all things with regard to
 “the business of the said Company, which I may, by law, do by Proxy.”

“Witness my hand, this

day of

18

A. B.”

SCHEDULE B.

FORM OF TRANSFER.

“I, A. B., for value received, do hereby bargain, sell and transfer to C. D. Form of Transfer.
 “_____ share (or shares) of the Stock of *The Echo Lake Mining*
 “*Company*, to hold to him the said C. D. his heirs, executors, curators, administrators
 “and assigns, subject to the same rules and orders, and on the same conditions that I
 “held the same immediately before the execution hereof. And I, the said C. D. do
 “hereby agree and accept of the said _____ share (or shares,)
 “subject to the same rules, orders and conditions.

“Witness our hands and seals, this
 “in the year

day of

A. B.
 C. D.”

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 Law Printer to the Queen's Most Excellent Majesty.



ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. LXXIX.

An Act to incorporate *The New City Gas Company of Montreal.*

[28th July, 1847.]

WHEREAS the great and increasing extent of the City of Montreal, and the great demand for a cheap and effective mode of lighting the Public Squares, Streets and Places in the said City, as well as the Shops and private Dwellings therein, render it desirable that more than one Company should be established for the purpose of furnishing Gas for the lighting of the said City; And whereas the several persons hereinafter named, have by their petition prayed that they and such others as may be hereafter associated with them in their undertaking, may be incorporated under the style and title hereinafter also mentioned, for the purpose of supplying the said City with Gas in greater quantity, of better quality, and at a cheaper rate, than the same hath heretofore been supplied; And whereas the Mayor, Aldermen and Citizens of the City of Montreal, have signified their assent to the establishment of the said Company, and to their having the powers hereinafter given them with regard to the opening of the streets and other matters connected with the establishment, locality and construction of these works; And whereas a considerable proportion of the shares of stock of the said Company hath been already subscribed for, and at a General Meeting of the holders of such stock, held on the eighth day of the month of May, in the present year, pursuant to public notice given in that behalf, the following persons were duly elected as Directors to manage the affairs of the said Company for one year from the date of such election: namely, John Mathewson, William Lunn, James Ferrier, David Kinnear, Dugald Stewart, Alexander Urquhart, Archibald McFarlane, Thomas Molson, Joseph Savage, James Scott, George D. Watson, Henry Mulholland, and Canfield Dorwin; and at a subsequent meeting of the Directors above mentioned, they did from among their own number elect the said John Mathewson to be President, and the said William Lunn to be Vice-President of the said Company; and the said Petitioners desire that the above named Directors, President and Vice-President should continue in office and be confirmed as such Directors, President and Vice-President, until others shall be elected in their stead under the provisions hereinafter made; And whereas it is expedient to grant the prayer of the said Petitioners: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada,*
and

Preamble.

Certain persons incorporated.

Corporate name and powers.

Property.

Proviso: for what purposes and to what value the company may hold real property.

Capital of the Company.

Increase allowed if necessary.

Power to borrow and pledge their property.

Present Directors and Officers con-

and for the Government of Canada, and it is hereby enacted by the authority of the same, That John Mathewson, Thomas Molson, William Lunn, James Ferrier, David Kinnear, Joseph Savage, George D. Watson, William Molson, William Parkyn, Johnston Thompson, Andrew Dow, George McDonald, Miles Williams, Carter, Robinson and Company, John Armour, James Scott, Archibald Macfarlane, Canfield Dorwin, Dugald Stewart, Alexander Simpson, Thomas Kay, David Torrance, Thomas H. Bryson, John Eadie, William Murray, Robert Campbell, Alexander Urquhart, and Henry Mulholland, or such of them, and such other persons as now are, or shall hereafter become Shareholders in the Company hereby established, shall be, and are hereby ordained and constituted a body politic and corporate, by the name of *The New City Gas Company of Montreal*, and by that name they and their successors being such Shareholders, shall and may have perpetual succession and a common seal, with full power to make, change, break or alter the same at pleasure; and shall and may by the same name, sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all Courts and places whatsoever, and shall and may have full power to purchase, take and hold personal property, and lands, tenements and other real property for the purposes of the said Company, and for the erection, construction and convenient use of the Gas Works hereinafter mentioned, and also to alienate such personal property, lands and other property, and others to purchase, take and hold in their stead, for the purposes and uses aforesaid; and that any person or persons, body or bodies politic or corporate may give, grant, sell, bargain or convey to the said Company any lands, tenements or hereditaments for the purposes aforesaid, and the same may re-purchase from the said Company: Provided always, that such lands, tenements and hereditaments to be holden by the said Company, shall be so holden for the purposes and business of the said Company, as set forth in this Act, and for constructing their necessary works for and about the same, and for no other purposes whatsoever; and that the total yearly value of the lands and real property to be so holden at any one time, shall not (over and above the value of the works thereon erected) exceed one thousand pounds currency.

II. And be it enacted, That the said Company may raise and contribute among themselves, such sum as shall not exceed the sum of twenty-five thousand pounds currency, in shares of ten pounds currency each; and the money so raised shall be appropriated to the purpose of constructing, completing and maintaining their said Gas Works, and to the purposes of this Act, and to no other object or purpose whatever: Provided always, that if the said sum of twenty-five thousand pounds currency should be found insufficient for the purposes of this Act, it shall be lawful for the said Company to increase their Capital Stock by a further sum not exceeding twenty-five thousand pounds currency, either among themselves or by the admission of new shareholders, such new stock being divided into shares of ten pounds currency each: Provided also, that in the event of difficulty arising in procuring subscribers for such increase of capital, it shall be lawful for the President and Directors, for the time then being, of the said Company, to borrow a sum or sums of money, for the purposes aforesaid, not exceeding the sum of fifteen thousand pounds currency, and to pledge and hypothecate the property and income of the said Company for the re-payment of the sum so borrowed and the interest thereon.

III. And be it enacted, That the President, Vice-President, and Directors hereinbefore named, shall continue in office until the first Monday in March, in the year of our

our Lord one thousand eight hundred and forty-nine, or until the then next General Election, if no Election be had on that day, unless they shall sooner resign, be removed, or become disqualified under the provisions of this Act.

tinued for a certain time.

IV. And be it enacted, That the first General Meeting of the subscribers to the Stock of the said Company, shall be held on the first Monday in March, in the year of our Lord one thousand eight hundred and forty-nine, and a General Meeting on the first Monday in March in each year thereafter, and at such place and hour as shall be appointed by the By-laws of the Company then in force, to choose by ballot and by a majority of votes, thirteen persons being each a proprietor of not less than ten shares in the Stock of the said Company, as Directors for managing the affairs of the said Company; which thirteen Directors shall continue in office until the next General Election of Directors.

Annual General meeting when to be held.

V. And be it enacted, That any five of the said Directors shall form a *quorum* for the transaction of business, and any majority of such *quorum*, assembled according to the provisions of this Act and the By-laws of the Company then in force, may exercise any or all of the powers hereby vested in the Directors; and the President, or in his absence the Vice-President, or in the absence of both, a Chairman chosen by the Directors present, *pro tempore*, shall preside at the meetings of the Directors; Provided always, that no person being a shareholder in any other Gas Company formed for the purpose of furnishing Gas to the said City shall be a Director of the Company hereby established.

Quorum of Directors established.

Who shall preside.

Proviso: Directors not to be Members of any other Gas Company.

VI. And be it enacted, That at the General Meetings of the Shareholders to be held annually, for the purpose of electing Directors as aforesaid, on the first Monday in the month of March in each year, and before the election of new Directors, the Directors of the then past year shall exhibit a full and unreserved statement of the affairs of the Company, of the funds, property and debts due to and by the said Company, which said statement shall be certified by the President or Vice-President, under his hand and seal: Provided always, that and in the event of there being no election of Directors on the first Monday in March in any year, in consequence of the said shareholders neglecting to attend in conformity with the requirements of this Act, or from any other cause, then and in that case the Directors of the previous year, shall continue and remain in office until an election shall take place at a future Special Meeting of the said shareholders, to be called for that purpose in the manner provided by the By-laws of the Company then in force.

Statements to be submitted at Annual Meetings.

Proviso: for failure of election, at any time.

VII. And be it enacted, That the Directors elected as aforesaid, shall at their first meeting after such election, choose out of their number a President and Vice-President, who shall hold their offices, respectively, until the then next election of Directors: and it shall be lawful for the said Directors from time to time in case of death, resignation, absence from the Province, disqualification, (and any person disqualified to be elected shall be disqualified from remaining in office,) or the removal of any persons so chosen to be President or Vice-President, or Director, or either of them, to choose in their or his stead, from among the said Directors another person or persons to be President or Vice-President, or from amongst the other shareholders another person or persons to be Director or Directors, respectively, to continue in office until the next annual election as aforesaid: Provided always, that the Directors shall always vote *per capita*,

Directors to elect a President and a Vice-President.

Vacancies how to be filled.

Proviso,

and

and not according to the number of shares they hold; and the President or person presiding at any meeting of the Directors or of the Shareholders shall have a casting vote only.

Powers of the
Directors.

By-laws.

Instalments.

Dividends.

Contracts.

Proviso as to
By-laws.

Proviso as to
Special
Meetings.

Votes at An-
nual or Spe-
cial Meet-
ings.

Number of
shares to be
held by one
party limited.

VIII. And be it enacted, That the Directors, shall and may have the power to appoint a manager, clerks and such other persons as may appear to them necessary for carrying on the business of the said Company, with such powers and duties, salaries and allowances to each as shall seem meet and advisable,—and also shall and may have the power to make and repeal or alter such By-laws to be binding upon members of the Company or their servants, as shall appear to them proper and needful, touching the well-ordering of the said Company, the management and disposition of its stock, property, estate and effects, the calling of special meetings of its Shareholders or of meetings of the Directors, and other matters connected with the proper organization of the said Company and the conduct of the affairs thereof,—and also shall and may have the power to make calls for instalments on shares, subject to the provisions hereinafter made, and to declare such yearly or half-yearly dividends out of the profits of the said undertaking as they may deem expedient, and to make contracts, or by such By-laws to empower the President, Vice-President, or any Director or Officer to make contracts, on behalf of the Company, and to affix (if need be) the common seal of the Company to such contracts,—and generally to manage the affairs of the said Company, and to do or empower others to do whatever the Company may lawfully do under this Act, unless it be otherwise herein provided: Provided always, that such By-laws shall be in no wise inconsistent with the true intent and meaning of this Act and the powers hereby granted, nor repugnant to the Laws of this Province, and shall, before they shall have force, be approved by the Shareholders at some Annual or Special Meeting, at which such Shareholders shall have full power to alter or amend the same: And provided also, that until it be otherwise ordered by the By-laws of the Company, a Special Meeting of the Shareholders may be called by the Directors, or in their default, on being thereunto requested by at least twenty of the Stockholders being proprietors together of not less than five hundred shares of the Stock of the said Company, then by such twenty (or more, as the case may be) Stockholders; the Directors or Stockholders giving at least six weeks' notice thereof in at least two of the public newspapers of the City of Montreal, and specifying in the said notice the time and place of such meeting, together with the objects thereof.

IX. And be it enacted, That Shareholders may vote by proxy duly appointed in writing or in person, and all elections shall be by ballot; and all questions to be decided at any Annual or Special Meeting of the Shareholders shall be so decided by a majority of votes; and on every occasion when the votes of the Shareholders are to be given, each Shareholder shall, if he hold one share and not exceeding two shares, have one vote; for every two shares above two and not exceeding ten, one vote—making five votes for ten shares; for every four shares above ten and not exceeding thirty, one vote—making ten votes for 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 no Stockholder shall be allowed to hold more than five hundred shares.

X. And be it enacted, That all subscriptions for shares in the capital stock of the said Company or to the undertaking for carrying out which the said Company is incorporated, shall be good and valid and binding on the shareholder whether made before or after the passing of this Act, and the several persons who have subscribed, or who may hereafter subscribe for shares in the said undertaking or Company, shall and they are hereby required to pay the sum or sums of money by them respectively subscribed, or such part or portions thereof as shall from time to time be called for by the Directors of the said Company, under and by virtue of the powers and directions of this Act, to such person or persons, and at such times and places as shall be directed or required by the Directors, and in case any person or persons shall neglect or refuse to pay the same at the time and in manner required for that purpose, it shall be lawful for the Directors to cause the same to be sued for and recovered in any Court of Law in this Province having jurisdiction in civil cases to the amount; and in any such action, whether for the subscriptions already made or hereafter to be made, it shall not be necessary to set forth the special matter in the declaration, but it shall be sufficient to allege that the defendant is the holder of one or more shares in the stock (stating the number of shares) and is indebted to the Company in the sum to which the calls in arrear may amount: and in any such action it shall be sufficient to maintain the same, that the signature of the defendant to some book or paper by which it shall appear that such defendant subscribed for a share or a certain number of shares of the stock of the said Company or undertaking, be proved by one witness whether in the employment of the Company or not, and that the number of calls in arrear have been made, and the suit may be brought in the corporate name of the Company.

Subscriptions before the passing of this Act to be valid.

Recovery of subscriptions not paid up, provided for.

Averment in any such action.

Proof in such action.

XI. And be it enacted, That no one instalment to be paid on account of the shares in the stock of the said Company shall exceed two pounds ten shillings currency on each share, and, notice thereof shall be given by advertisement in the newspapers, during at least three weeks before such instalment shall be called for: Provided always, that no instalment shall be called for except after the lapse of one calendar month from the time when the last instalment was called for; and if any person or persons shall neglect or refuse to pay his or their share of such money to be so paid in, as aforesaid, at the time and place fixed and appointed by the Directors, such person or persons so neglecting or refusing may be sued as aforesaid, or at the option of the Directors shall thereby incur a forfeiture of not more than ten, nor less than five per cent. on the amount of his or their respective share or shares: and if such person or persons shall refuse or neglect to pay their proportion of the instalments demanded, for the space of two calendar months after the time fixed for the payment thereof, then and in that case such person or persons shall forfeit his or their respective share or shares upon which former instalments shall have been paid, and such share or shares shall be sold by order of the Directors, by public auction, and the proceeds of the sale, after deducting costs, and the forfeiture above mentioned, shall be paid over to such defaulter; and the President or Manager of the Company shall have power to transfer the stock to the purchaser or purchasers thereof: Provided always, that no advantage shall be taken of the forfeiture of any share or shares unless the same shall be declared to be forfeited at some Special Meeting of the Shareholders assembled at any time after such forfeiture shall have been incurred; and every such forfeiture shall be an indemnification to and for every proprietor so forfeiting against all action or actions, suits or prosecutions whatever to be commenced or prosecuted for any breach of contract or other agreement between such proprietor and the other proprietors with regard to carrying on the said Gas Works.

Amount and periods of instalments.

Forfeiture of shares for non-payment of instalments.

Transfer of forfeited shares. Proviso: forfeiture to be declared at a General or Special meeting.

Shares how transferable

XII. And be it enacted, That the shares in the stock of the said Company shall be assignable and transferable according to such rules, and subject to such restrictions and regulations as shall from time to time be made and established by the By-laws of the Company, and shall be considered as personal property, notwithstanding the conversion of the funds into real estate, and shall go to the personal representatives of such shareholders: Provided also, that such transfer shall not be valid unless entered and registered in a book or books to be kept for that purpose in the manner provided by the said By-laws.

Proviso.

Power to break up and open the ground in streets.

XIII. And be it enacted, That it shall and may be lawful for the said Company, after two days' notice in writing to the Mayor, Aldermen, and Citizens of the City of Montreal, to break up, dig and trench so much and so many of the streets, squares and public places of the said City of Montreal as may at any time be necessary for laying down the mains and pipes to conduct the Gas from the Works of the said Company to the consumers thereof, or for taking up, renewing, altering, or repairing the same, when the said Company shall deem it expedient, doing no unnecessary damage in the premises, and taking care, as far as may be, to preserve a free and uninterrupted passage through the said streets, squares and public places while the works are in progress, and making the said openings in such parts of the said streets, squares and public places as the City Surveyor, under the direction of the Council of the said City, shall reasonably permit and point out, also placing guards or fences with lamps, and providing watchmen during the night, and taking all other necessary precautions for the prevention of accidents to passengers and others which may be occasioned by such openings; also finishing the work and replacing the said streets, squares and public places in as good condition as before the commencement of the work, without any unnecessary delay; and in case of the neglect of any of the duties herein provided as aforesaid, the said Company shall be subject to pay a fine of one pound currency for every day such neglect shall continue, after receiving a legal or written notice thereof, to be recovered by civil action in Her Majesty's Court of Queen's Bench for the District of Montreal, at the suit of any person or persons, or of the Corporation of *The Mayor, Aldermen and Citizens of the City of Montreal*, to and for the use of the said Corporation, over and above such damages as may be recovered against the said Company by any other party.

Precautions to be observed.

Penalty for neglect to observe such precautions, and how recoverable.

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

XIV. And be it enacted, That where there are buildings within the said City of Montreal, the different parts whereof shall belong to different proprietors, or shall be in possession of different tenants or lessees, the said Company shall have power to carry pipes to any part of any building so situate, passing over the property of one or more proprietors, or in possession of one or more tenants to convey the Gas to that of another, or in the possession of another, the pipes being carried up and attached to the outside of the building; and also to break up and uplift all passages which may be a common servitude to neighboring proprietors, and to dig or cut trenches therein for the purpose of laying down pipes, or taking up or repairing the same; the said Company doing as little damage as may be, in the execution of the powers granted by this Act, and making satisfaction thereafter to the owners or proprietors of buildings or other property, or to any other party, for all damages to be by them sustained in or by the execution of all or any of the said powers, subject to which provisions this Act shall be sufficient to indemnify the Company or their servants, or those by them employed, for what they or any of them shall do in pursuance of the powers granted by this Act.

XV. And be it enacted, That the main pipes that shall be laid down by the New City Gas Company of Montreal shall be at least three feet distant from the main pipes of the Montreal Gas Light Company, and at a like distance from the main water pipes belonging to the Corporation of Montreal, or when such shall be impracticable, then as nearly so as the circumstances of the case shall admit, and that the said main pipes shall have the initials of the Company cast upon each of them; and also, the ends of the service pipes and stop-cocks, which shall appear in the cellars of the houses or buildings to be supplied with Gas, shall be legibly and permanently stamped or marked with the initials of the said Company, to distinguish them from those of the Montreal Gas Light Company, under a penalty of five pounds currency for each offence or neglect thereof, which penalty shall be paid to the Montreal Gas Light Company, and be recovered by civil action in Her Majesty's Court of Queen's Bench for the District of Montreal: Provided always, that if any difference shall arise between the Montreal Gas Light Company and the New City Gas Company, or any other Company established or to be established in the City of Montreal, as to the practicability of either Company so laying its pipes that they shall be at a distance of at least three feet from those of the other Company, then such difference shall be decided by the Surveyor of the said City, who if he shall be of opinion that it is not practicable to lay the pipes at such distance as aforesaid, shall direct the mode in which the pipes of the respective Companies shall be laid at such place, and the distance at which they shall be apart, not exceeding the distance aforesaid: Provided always, that an appeal shall be from any such decision of the said Surveyor to the Mayor's Court of the said City of Montreal, at any sitting of the said Court, held after the day on which the decision of the said Surveyor shall be notified to the parties.

Mode of laying and distinguishing the pipes of the Company from those of any other Gas Company, and the distance there shall be between them.

Proviso: mode of settling disputes between the company and any other Gas Company

XVI. And be it enacted, That the said Company shall so construct and locate their Gas Works, and all apparatus and appurtenances thereunto appertaining, or therewith connected, and wheresoever situated, as in no wise to endanger the public health or safety; and for the purpose of better ensuring the due execution of the provisions of this section, the said Company shall, with regard to the construction of such part of their said Gas Works as shall lie within the City of Montreal, be subject and bound by the existing By-laws of the Council of the said City for insuring the public health, safety and convenience of the inhabitants thereof; and the said Gas Works, apparatus and appurtenances, or so much thereof as shall be within the said City, shall moreover be at all reasonable times subject to the visit and inspection of the Municipal Authorities thereof, or their officers, reasonable notice thereof being previously given to the said Company; and the said Company, and their servants or workmen, shall at all times obey all just and reasonable orders and directions they shall receive from the said Municipal Authorities in that respect, under a penalty of not more than five pounds, nor less than one pound currency for each offence, in refusing or neglecting to obey the same, to be recovered from the said Company, at the suit and for the use of The Mayor, Aldermen, and Citizens of the City of Montreal, in any Court of competent Civil Jurisdiction, except the Court constituted under and by virtue of any Act incorporating the City of Montreal.

Location of Gas works.

Company to obey health regulations.

Works to be subject to visitation.

Penalty for disobedience.

XVII And be it enacted, That in case the said Company shall open or break up any street, square, or public place in the said City, and shall neglect to keep the passage of the said street, square, or public place, as far as may be, free and uninterrupted, or to place guards or fences, with lamps, or to place watchmen, or to take every

If the Company neglect to perform certain work, the same may be done by the

City Surveyor
at their cost.

every necessary precaution for the prevention of accidents to passengers and others, or to close and replace the said streets, squares, or public places, without unnecessary delay, as hereinbefore provided, the City Surveyor, under the direction of the said Council of the City, after notice in writing to the said Company shall cause the duty so neglected to be forthwith performed, and the expense thereof shall be defrayed by the said Company, on its being demanded by the City Surveyor, at any time not less than one month after the work shall have been completed in any case, from the Cashier or Treasurer, or any Director of the said Company, or in default of such payment, the amount of such claim shall and may be recovered from the said Company, at the suit of The Mayor, Aldermen, and Citizens of the City of Montreal, by civil action in any Court of competent jurisdiction.

How such
cost shall be
recoverable.

Penalty for
using Gas, &c.
without the
consent of the
Company.

XVIII. And be it enacted, That if any person or persons shall lay or cause to be laid, any pipe or main to communicate with any pipe or main belonging to the said Company, or in any way obtain or use its Gas without the consent of the Directors, or their officer appointed to grant such consent, he, she or they shall forfeit and pay to the said Company the sum of Twenty-five pounds, and also a further sum of One Pound for each day such pipe shall so remain, which said sum, together with the costs of suit in that behalf incurred, may be recovered by civil action in any Court of competent Civil Jurisdiction.

Penalty for
injuring or
destroying the
works, &c.

XIX. And be it enacted, That if any person or persons shall wilfully or maliciously break up, pull down, or damage, injure, put out of order or destroy any main pipe, pipe, or other works or apparatus, appurtenances or dependencies thereof, or any matter or thing already made and provided, or which shall be made and provided for the purposes aforesaid, or any of the materials used and provided for the same, or ordered to be erected, laid down, or belonging to the said Company, or shall in any wise wilfully do any other injury or damage, for the purpose of obstructing, hindering or embarrassing the construction, completion, maintaining or repairing of the said works, or shall cause or procure the same to be done, or shall increase the supply of Gas, agreed for with the said Company, by increasing the number or size of the holes in the Gas burners, or otherwise wrongfully, negligently or wastefully burning the same, or by wrongfully or improperly wasting the Gas, every such person or persons shall be guilty of a misdemeanor, and on conviction thereof, the Court before whom such person shall be tried and convicted shall have power and authority to condemn such person to pay a penalty not exceeding ten pounds currency, or be confined in the Common Jail of the District for a space of time not exceeding three months, as to such Court may seem meet.

Or increasing
supply of Gas,
&c. without
permission.

Corporation of
the City of
Montreal may
assume the
whole Stock
and property of
the Company.

Conditions.

XX. And be it enacted, That should The Mayor, Aldermen and Citizens of the City of Montreal, decide, as they are hereby empowered to do, upon taking the whole of the Stock of the said Company, the Shareholders therein be, and they are hereby declared to be bound to surrender and transfer the whole of their respective shares unto the said Corporation of the City of Montreal upon the terms and conditions hereinafter set forth, that is to say: that the said Corporation shall pay such an advance upon the shares as will cover the interest on the instalments paid previously to the works of the Company having gone into operation, as well as any other loss of interest which the said Shareholders may have sustained by reason of the dividends not having been equal to the legal interest of this Province; and that they consent and

and agree that the charge to be made to consumers of Gas shall not exceed such price as will be sufficient to produce a net profit on the works of eight per centum per annum: And if the said Corporation shall so purchase the whole of the Stock of the said Company, they may in that case pay for the same out of the funds at their disposal not specially appropriated, or may raise money by loan, or by debentures in like manner as they are empowered to raise money which they are duly empowered to borrow for any other purpose: Provided always, that the said Corporation to be entitled to exercise the power hereby given them of taking the whole of the said Stock as aforesaid, shall take the same within ten years after the passing of this Act; and in the event of their taking the same, the said Corporation shall be and is hereby bound to fulfil all engagements which the said Company may have previously entered into in respect of the carrying on the business of the said Company, as well as its engagements with mechanics, workmen, servants and others, and the said Company shall in all those respects be entirely relieved, exonerated, and held harmless from all claims, damages and demands of all person or persons as aforesaid, by the Corporation of the said City of Montreal; and generally the said Corporation shall have all the rights and be subject to all the liabilities of the said Company imposed by this Act or lawfully contracted under it.

Proviso: further conditions.

XXI. And be it enacted, That nothing in this Act contained, shall extend or be construed to extend to prevent any person or persons, body politic or corporate, from constructing any works for the supply of Gas to his or 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 Company, or from incorporating any other Company for like purposes.

This Act not to affect the incorporation of any other company, &c.

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

Rights not mentioned not to be affected.

XXIII. And be it enacted, That the Gas Works hereinbefore mentioned, shall be in operation within five years from the passing of this Act, and in default thereof, the privileges and advantages granted by this Act to the said Company shall cease and be of no effect.

Works to be in operation in five years.

XXIV. 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.

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

Duration.



ANNO DECIMO ET UNDECIMO

VICTORIÆ REGINÆ.

CAP. LXXX.

An Act to amend the Act of Incorporation of *The Montreal Gas Light Company.*

[28th July, 1847.]

WHEREAS it is expedient to amend an Act of the Legislature of Lower Canada, passed in the sixth year of the reign of his late Majesty King William the Fourth, intituled, *An Act to provide for the Lighting of the City of Montreal by Gas*: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Capital Stock of the said Company may be increased to the sum of fifty thousand pounds currency, and the present proprietors or their successors are hereby authorized to raise and contribute amongst themselves or in such manner as may seem expedient for the purpose of increasing and extending their Gas works the sum of twenty-five thousand pounds, in one thousand two hundred and fifty shares of twenty pounds each; and the money so raised is hereby appropriated in the first place to pay and satisfy all fees, expenses and disbursements incurred and made in and about the obtaining and passing of this Act, and other expenses thereunto relating, and the remainder of the said money to the purpose of extending, maintaining and completing their Gas Works, and to no other use, object or purpose whatever.

Preamble.

The Capital of the Company may be increased to £50,000.

Application of increased Capital.

II. And be it enacted, That if any person or persons shall lay or cause to be laid, any pipe or main to communicate with any pipe or main belonging to the said Company, or in any way obtain or use its Gas without the consent of the Board of Directors or their Officer appointed to grant such consent, he or they shall forfeit or pay to the said Company the sum of twenty-five pounds, and also a further sum of one pound for each and every 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 jurisdiction to the amount.

Penalty on persons laying down pipes without consent of Company.

Penalty on persons increasing supply of Gas or wasting it.

III. And be it enacted, That if any person or persons shall increase the supply of Gas agreed for with the said Company, by increasing the number or size of the holes in the gas burners, or using the Gas without burners, or otherwise wrongfully, negligently or wastefully burning the same, or shall wrongfully or improperly waste the Gas, every such person or persons shall be guilty of a misdemeanor, and on conviction thereof, the Court before whom such person shall be tried and convicted, shall have power and authority to condemn such person to pay a penalty not exceeding five pounds currency, or to be confined in the common Jail of the District for a space of time not exceeding three months, as to such Court may seem meet.

Pipes must be laid down at least three feet apart from those of any other Gas Company.

Such pipes to be marked. Penalty for neglect.

How penalties may be recovered.

Other Companies bound to observe the same rules, and to mark their pipes under like penalties.

Proviso: in what manner difference between the Company and any other shall be settled.

IV. And be it enacted, That the main pipes that may at any future time be laid by the said Company shall be at least three feet apart from the main pipes of any other Gas Company which may exist at the time of the passing of this Act or may at any time hereafter be established, also the same distance of three feet apart from the water pipes belonging to the Corporation of the City of Montreal, or when that shall be impracticable, then as nearly so as the circumstances of the case will admit: and the said Montreal Gas Light Company shall have all their service pipes and stop cocks, which they shall in future lay or construct (particularly the ends of the pipes which are exposed in the cellars of the houses or buildings to be supplied by them with Gas) legibly and permanently stamped or marked *Montreal Gas Light Company*, to distinguish them from the service pipes and stop cocks of any other Gas Company, under a penalty of five pounds currency, for each and every case of neglect, and of one pound said currency for each day the said service pipes or stop cocks shall remain without being so stamped or marked as aforesaid, after notice in writing shall have been given by any other Gas Company of the default thereof; the said penalties to be paid to the Gas Company so complaining, and to be recovered by action in any Court of Law in this Province having jurisdiction to the amount; and in like manner it shall not be lawful, at any future period, for any other Gas Company to lay any of their pipes at a less distance than three feet apart from the Montreal Gas Light Company's pipes, nor at a less distance than three feet from the water pipes belonging to the Corporation of the City of Montreal; And any new Gas Company which shall at any future period lay or construct any main pipes, service pipes or stop cocks, shall have the same legibly and permanently stamped or marked with the style, name and title of the said Gas Company, particularly the end of the pipes and the stop cocks which are exposed in the cellar of any house or building, under a penalty of five pounds currency for each case of neglect, and of one pound said currency for each and every day the said main pipes, service pipes and stop cocks, shall remain without being so stamped and marked as aforesaid, after notice in writing shall have been given to them by the Montreal Gas Light Company of the default thereof. The said penalties to be paid to the said Montreal Gas Light Company, and to be recovered by Action in any Court of Law in this Province having jurisdiction to the amount; Provided always, that if any difference shall arise between the Montreal Gas Light Company and the New City Gas Company, or any other Company established or to be established in the City of Montreal, as to the practicability of either Company's so laying its pipes that they shall be at a distance of at least three feet from those of the other Company, then such difference shall be decided by the Surveyor of the said City who, if he shall be of opinion that it is not practicable to lay the pipes at such distances as aforesaid, shall direct the mode in which the pipes of the respective Companies shall be laid at such place

place and the distance at which they shall be apart, not exceeding the distance aforesaid; Provided always, that an appeal shall be from any such decisions of the said Surveyor to the Mayor's Court of the said City of Montreal at any sitting of said Court held after the day on which the decision of the said Surveyor shall be notified to the parties.

V. And be it enacted, That within three months after the passing of this Act, a General Meeting of the Stockholders of the Montreal Gas Light Company shall be held at such place as the present Directors of the said Company or a majority of them shall appoint, for the purpose of carrying this Act into effect, and to choose nine persons, being each a proprietor of ten or more shares in the said undertaking, as Directors for managing the affairs of the Company, a majority of whom may exercise all the powers of the Directors; and in the event of there not being nine Shareholders in the Company, then and in that case the number of Directors shall be limited to the number of Shareholders, the qualification of each Director nevertheless being the ownership of at least ten shares as aforesaid, held in his own name and right.

Stockholders
to meet to
choose nine
Directors.

VI. 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-eight, 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 General Meetings of the 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 year shall exhibit a full and unreserved statement of the affairs of the Company, 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 there being no meeting of Shareholders in consequence of the said Shareholders 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; 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; 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 amongst them, the said Directors, another person or persons to be President or Vice-President, or from amongst the other Shareholders another person or persons to be Director or Directors, respectively, to continue in office until the next Annual Meeting as aforesaid: Provided always, that the Directors shall always vote *per capita*, and not according to the number of shares they hold: and the President or person presiding at any meeting shall have a double or casting vote.

Period of service of Directors.

General meetings and accounts.

Proviso for case of failure to meet.

President and Vice-President to be elected by Directors.

Proviso as to votes.

VII. And be it enacted, That the Act incorporating the said Montreal Gas Light Company and mentioned in the Preamble to this Act as well as this Act, shall be and continue in force for fifty years from the passing of this Act, and no longer.

The above mentioned Act and this one to last fifty years

Legislature
may at any
time alter or
modify this
Act.

VIII. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to prevent the Legislature of this Province, at any time hereafter, from altering, modifying or repealing the powers, privileges or authorities hereinbefore granted to the said Company.

Public Act.

IX. And be it enacted, That this Act shall be a Public Act, and shall be so construed and held in all Her Majesty's Courts in this Province.

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Law Printer to the Queen's Most Excellent Majesty.



ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

C A P. L X X X I.

An Act to incorporate the Toronto, Hamilton, Niagara and Saint Catherines
Electro-Magnetic Telegraph Company.

[28th July, 1847.]

WHEREAS Clarke Gamble, Thomas Gibbs Ridout, William Bostford Jarvis, Thomas Dennie Harris, James Brown, Ezekiel F. Whittmore, Daniel McNab, Richard Juson, John L. Ranney, and other inhabitants of this Province, having associated themselves together, have constructed an Electro-Magnetic Telegraph, extending from the City of Toronto in the same District through the City of Hamilton in the District of Gore and the Village of St. Catherines in the District of Niagara to the Village of Queenston in the same District on the Niagara River, and have petitioned to be incorporated for the purposes of this Act; and it is expedient to grant the prayer of their Petition: Be it therefore enacted by the Queen's Most Excellent Majesty, by and * the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and 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 said Clarke Gamble, Thomas Gibbs Ridout, William Bostford Jarvis, Thomas Dennie Harris, James Brown, Ezekiel F. Whittmore, Daniel McNab, Richard Juson and John L. Ranney, together with all and such other persons as shall become Stockholders of the Company hereinafter mentioned, shall be and are hereby ordained, constituted and declared to be a body corporate and politic in fact, and by the name of *The Toronto, Hamilton and Niagara Electro-Magnetic Telegraph Company*, and by that name they and their successors shall and may have continued succession, and by that name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto in all Courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and that they and their successors may and shall have a common seal, and may change and alter the same at their will and pleasure, and also that they and their successors shall be in law capable of purchasing, having and holding to them and their successors any estate, real and personal or mixed, to and for the use of the said Company, and of letting, conveying or otherwise departing therewith for the benefit and on account of the said Company from time to time as they shall deem necessary or expedient; Provided always, that the real estate to be held by the said Company shall be only such as may be necessary for the purpose of building, using and preserving the said Electro-Magnetic Telegraph, and for objects immediately connected therewith.

Preamble.

* Sic. with omitted.

Certain persons incorporated.

Corporate name and powers.

Proviso as to real estate.

Transfer of rights and liabilities of the present association.

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

Power given to maintain present works.

To alter and renew them.

And cut down trees that interfere.

Provided the public be not incommoded.

And subject to the control of the Commissioners of Public Works.

III. And be it enacted, That the said Company shall have full power and authority to maintain and keep up the said Electro-Magnetic Telegraph already erected and built by them in such manner and in such places as the same has been and now is constructed ; also to take down, remove, replace, renew and re-erect the same in the same or any other part of the public roads and highways of the several districts, cities, towns and villages through which the same is carried, and to cut down and remove all trees which may obstruct or interfere with the erection or efficient working of the same : Provided always, that the full and perfect use and enjoyment by the public of the roads and highways over which the same may pass be in no ways impeded or infringed by the works of the said Company, and that no further or other posts or erections shall be put or placed in and upon such roads or highways except under the direction of the Commissioners of Public Works or their Officers.

Penalties for malicious injuries to telegraph.

IV. And be it enacted, That if any person or persons shall wilfully or maliciously break, throw down, damage or destroy any wire, post, erection, machine, device or work now erected belonging to the said Company or to be erected or made by virtue of this Act, to the prejudice of the said Company, or do any other wilful act, hurt or mischief to disturb, hinder or prevent the carrying into execution, supporting or maintaining of any of the works connected with the said Electro-Magnetic Telegraph, every such person or persons so offending shall forfeit and pay to the said Company treble the value of the damage proved by the oath of two or more credible witnesses to have been done, such damages, together with costs of suit on that behalf incurred, to be recovered on information by summary proceeding before two or more Justices of the Peace for the District in which the offence shall have been committed, or the offender shall be, or in any Court of Law in this Province having jurisdiction competent to the same, or in case of default of payment such offender or offenders shall and may be committed to the Common Jail for any time not exceeding six months, at the discretion of the Court before which such offender shall be committed.

How recovered.

Shares in company to be 400 of £10 each.

Capital Stock not to exceed £6000.

Shares transferable, and personal property.

V. And be it enacted, That a share in the Capital Stock of the said Company shall be Ten Pounds, and the number of shares shall not exceed four hundred, and the whole amount of stock, estate and property, which the said Company shall be authorized to hold, shall never exceed in value six thousand pounds ; and that such share shall be transferable in the books of the said Company, and shall be deemed personal property, and as such shall and may be disposed of, and shall, like other personal property, be subject to execution and sale for the satisfaction of debts.

Affairs of company to be managed by nine Directors. President and Vice-President.

Time and place of election.

Thirty days' notice.

VI. And be it enacted, That the stock property, affairs and concerns of the said Company shall be managed and conducted by nine Directors, one of whom shall be chosen President and another Vice-President, who shall hold their offices for one year ; and such Directors shall be Stockholders, and shall be inhabitants of this Province, and be elected on the first Monday in the month of October in every year, at such place in the City of Toronto, and at such hour as a majority of the Directors for the time being shall appoint, and public notice thereof shall be given by the said Directors in three or more newspapers printed within the Province, of such time and place, not less than thirty

thirty days previous to the time of holding such election, and the said election shall be held and made by such of the Stockholders of the said Company as shall attend for that purpose in their own proper person or by proxy, and all elections for Directors shall be by ballot, and the nine persons who shall have the greatest number of votes at any election shall be Directors; and if it shall happen at any election that two or more persons have an equal number of votes in such manner that a greater number than nine shall by plurality of votes appear to be chosen as Directors, then the Shareholders hereinbefore authorized to hold such election, shall proceed by ballot a second time, and by plurality of votes determine which of the said parties so having an equal number of votes shall be the Director or Directors, so as to complete the whole number of nine: and the said Directors so soon as may be after the said election shall proceed in like manner to elect one of their number to be President, and another to be Vice-President; and the said President or Vice-President with three others of the said Directors shall form a *Quorum* for the transaction of all business connected with the said Company; and if any vacancy or vacancies shall at any time happen among the Directors, or in the office of President or Vice-President by death, resignation or removal from the Province, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen by another or others to be nominated by a majority of the Directors; Provided always, that no person shall be eligible to be a Director who shall not be a Stockholder to the amount of at least three shares.

Election by
ballot.

President or
Vice-Presi-
dent and three
other Directors
form a *quorum*.
Manner of
filling vacan-
cies.

Proviso.

VII. And be it enacted, That Shareholders may vote by Proxy to be held by Stockholders, or in person, and all Elections shall be by Ballot, and that each Stockholder shall be entitled to one vote for each and every share he or she shall have held in his or her own name, at least one month prior to the time of voting.

One vote for
each share
and Proxies.

VIII. And be it enacted, That in case it shall at any time happen that an election of Directors shall not be made on any day when pursuant to this Act it ought to have been made, the said Corporation shall not for that cause be deemed to be dissolved, but that it shall and may be lawful on any other day to hold and make an election of Directors in such manner as shall have been regulated by the By-laws and Ordinances of the said Corporation.

Remedy if
election of Di-
rectors be not
made at time
appointed.

IX. And be it enacted, That it shall and may be lawful for the Directors of the said Company, or a major part of them, from time to time to fix and regulate the charges or dues to be received by the said Company for the transmission and delivery of communications by the said Electro-Magnetic Telegraph, and by their clerks and other officers and servants to ask for, demand, receive, recover and take the same; and that the said Electro-Magnetic Telegraph and the said charges or dues for the transmission of such communications, and all materials which shall from time to time be got or had for constructing, building, maintaining or repairing the same, shall be and are hereby vested in the said Company and their successors for ever.

Directors to
fix charges.

Telegraph,
charges and
property vest-
ed in company.

X. And be it enacted, That it shall be the duty of the Directors to declare or withhold half-yearly dividends of so much of the profits of the said Company as to them or a majority of them shall appear advisable; and at the General-Meeting of the Stockholders of the said Company, on the first Monday of the month of October in each year, they shall render an exact and particular statement of the affairs, debts, credits, profits and losses of the said Company, such statement to appear on the books and to be open to the inspection of any Stockholder at his or her reasonable request.

Dividends to
be declared or
withheld.
Account to be
rendered.

XI.

Directors to
make rules
and regula-
tions.

XI. And be it enacted, That the Directors for the time being, or a major part of them, shall have power to make and subscribe such rules and regulations as to them shall appear needful and proper touching the duty and conduct of the officers, clerks and servants employed by the said Company, and shall also have power to appoint as many officers, clerks and servants for carrying on the said business and with such salaries and allowances as to them shall seem meet, and that such rules and regulations shall bind the members of the Corporation, their officers, and all parties concerned, provided they be not repugnant to the laws of this Province or to this Act.

Present Pre-
sident and
Directors con-
tinue in office
until October,
1817.

XII. And be it enacted, That the present Directors elected by the original Stockholders to manage the affairs of the said Company until an Act of Incorporation should be obtained, that is to say: Clarke Gamble, Thomas Gibbs Ridout, William Botsford Jarvis, Thomas Dennie Harris, James Brown, Ezekiel F. Whittmore, Daniel McNab, Richard Juson and John L. Ranney, be and are hereby constituted Directors for managing the affairs of the said Company until new Directors shall be elected under and by virtue of the provisions of this Act in October next; and that they shall have, possess and exercise all the powers which are given by this Act to the Directors to be hereafter chosen under its provisions.

Public Act.

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

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Law Printer to the Queen's Most Excellent Majesty.



ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. LXXXII.

An Act to incorporate the British North American Electric Telegraph Association.

[28th July, 1847.]

WHEREAS the political and commercial connexion between the United Kingdom of Great Britain and Ireland and this Province and the Provinces of New Brunswick and Nova Scotia, renders the sure and speedy conveyance of intelligence between them of great general importance, and the transmission of such intelligence would be greatly facilitated by the establishment of a line of Electric Telegraphs between the City of Quebec and the City of Halifax in Nova Scotia, or other point in British North America on the Atlantic Ocean; and whereas the several persons hereinafter mentioned are desirous to make and maintain an Electric Telegraph from the said City of Quebec to the line dividing this Province from the Province of New Brunswick, at such points as may be found most convenient for communicating with other lines to be established through the Provinces of New Brunswick and Nova Scotia in the said City of Halifax: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and 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 George O'Kill Stuart, Esquire, now Mayor of the said City of Quebec, the Honorable René Edouard Caron, Peter Langlois, junior, John Jones, Christian Wurtele, James Tibbets, Henry John Noad, Alexander Gillespie, and Edward Boxer, Esquires, all of the said City of Quebec, together with such person or persons as shall, under the provisions of this Act, become subscribers to and proprietors of any share or shares in the Electric Telegraph hereby authorized to be made, and their several and respective heirs, executors, administrators, curators and assigns, being proprietors of any share or shares in the Electric Telegraph hereby authorized to be made, are and shall be, and be united into a Company for carrying on, making, constructing, completing and maintaining the said intended Electric Telegraph and other works and property hereinafter mentioned, according to the rules, orders and directions hereinafter expressed, and shall for that purpose be one body politic and corporate, by the name of *The British North American Electric Telegraph Association*, which body shall hereinafter be understood to be intended by the words "the said Company," whenever they occur in this Act, and by that name shall have perpetual succession, and shall have a common seal, and other the usual powers and rights of bodies corporate not inconsistent with this Act, and by that name shall and may sue and be sued, and also shall and may have power and authority

Preamble:

A Joint Stock Company formed for the purpose of constructing a Telegraph from Quebec to the Province Line.

Corporate name, and powers.

to take and receive gifts, grants, donations and to purchase lands, tenements and hereditaments for them and their successors and assigns, for the use of the said Electric Telegraph; saving nevertheless, to the Seignior or Seigniors within whose *censive* the lands, tenements and hereditaments so purchased may be situate, his and their several respective *droits d'indemnité*, and all other Seigniorial rights whatever: and also to sell any of the said lands, tenements and hereditaments purchased for the purposes aforesaid, and any person or persons, bodies politic or corporate, or communities, may give, grant, bargain, sell or convey to the said Company any lands, tenements or hereditaments for the purposes aforesaid, and the said Company shall be and are hereby authorized and empowered from and after the passing of this Act, by themselves and their deputies, agents, officers, workmen and servants to make and complete an Electric Telegraph to be called *The British North American Electric Telegraph*, from the said City of Quebec to the line dividing the two Provinces of Canada and New Brunswick, at such point or place as may by the said Company be found most advisable (keeping in view the object of establishing a continuation thereof under Legislative authority in the Provinces of New Brunswick and Nova Scotia, to the Atlantic Ocean,) and to construct station houses and observatories at either termination, and at such other places on the line of the said Telegraph as they may deem expedient.

Purposes for which the Company is constituted.

Power of the Company to set out and survey lands necessary for their works, &c.

To get and lay materials, &c.

Repairing and altering works.

Compensation to be made for damages done.

II. And be it enacted, That for the purposes aforesaid, the said Company, their deputies servants, agents and workmen are hereby authorized and empowered to enter into and upon the lands, grounds and premises, leave and license therefor being first had and obtained, of the Queen's Most Excellent Majesty, or of any person or persons, bodies politic, corporate or collegiate, or communities whatsoever, and survey and take levels of the same or any part thereof, and to set out and ascertain such parts thereof as they shall think necessary and proper for making the said intended Telegraph, and all such other works, matters and conveniences as they shall think proper and necessary for making, effecting, preserving, improving, completing, maintaining and using the said intended Telegraph and other works, and also to bore, dig, cut, trench, get, remove, take, carry away, and lay earth, clay, stone, soil, rubbish, trees, roots of trees, beds of gravel or sand, or any other matters or things which may be dug or got in making the said intended Telegraph or other works, on or out of the lands adjoining or lying convenient thereto, and which may be proper, requisite or necessary for making or repairing the said intended Telegraph or works incident or relative thereto, or which may hinder, prevent or obstruct the making, using or completing, extending or maintaining the same respectively, according to the intent and purpose of this Act, and to build, erect, and set up, in or upon the lands to be acquired for that purpose under this Act, such and so many station-houses and observatories, watch-houses and other works, ways, roads and conveniences, as and where the said Company shall think requisite and convenient for the purposes of the said Telegraph; and also from time to time to alter, repair, divert, enlarge, and extend the same, and to construct, erect, and keep in repair any bridges, arches, and other works upon or across any rivers or brooks for the making, using, maintaining and repairing the said intended Telegraph; and to construct, erect, make and do all other matters and things which they shall think convenient and necessary for the making, effecting, extending, preserving, improving, completing, and easy using of the said intended Telegraph and other works, in pursuance of and according to the true intent and meaning of this Act, they, the said Company, doing as little damage as may be, in the execution of the several powers to them hereby granted, and making satisfaction in manner hereinafter mentioned to the owners or proprietors of or the persons

persons interested in the lands, tenements, or hereditaments, water, water-courses, brooks or rivers respectively, which shall be taken, used, removed or prejudiced, or for all damages to be by them sustained in or by the execution of all or any of the powers of this Act: and that whensoever and wheresoever the said Telegraph do or shall pass through any wood, the trees and underwood shall be cut down for the space of fifty feet on each side of the said Telegraph by the proprietors of the lands upon which such trees and underwood may be, and in default thereof that the said Company may cause the said trees and underwood to be cut at the cost of such proprietors of the lands; and this Act shall be sufficient to indemnify the said Company, and their servants, agents and workmen, and all other persons whatsoever for what they or any of them shall do by virtue of the powers hereby granted, subject nevertheless to such provisions and restrictions as are hereinafter mentioned.

Cutting down
Timber on
each side of
the line.

III. And be it enacted, That for the purposes of this Act, the said Company shall and may, by some sworn Land Surveyor for Lower Canada, cause to be taken and made surveys of the Lands through which the said intended Telegraph is to be carried, together with a map or plan of the line of such Telegraph, and of the course and direction thereof, and of the lands through which the same is to pass, and also a book of reference for the said Telegraph, in which shall be set forth a description of the said several lands, and the names of the owners, occupiers and proprietors thereof, and in which shall be contained everything necessary for the right understanding of such map or plan; which said map or plan and book of reference shall, on the completion of the said Telegraph, be made, or cause to be made, and certified by the Commissioner of Crown Lands, who shall deposit copies thereof in the office of the Prothonotary of the Court of Queen's Bench for the District of Quebec, and shall also deliver one copy thereof to the said Company: and all persons shall have liberty to resort to such copies so to be deposited as aforesaid, and make extracts or copies thereof as occasion shall require, paying to the Prothonotary at the rate of six pence current money of this Province, for every hundred words; and the said copies of the said map or plan and book of reference so certified, or a true copy or copies thereof, certified by the Prothonotary of the Court of Queen's Bench for the said District, shall severally be, and are hereby declared to be good evidence in the Courts of Law and elsewhere.

Company may
by a sworn
Surveyor and
Engineer take
surveys, &c.

Plan and book
of reference
to be made and
deposited.

Effect of cer-
tified copies of
such Plan and
Book.

IV. Provided always, and be it enacted, That the said Company shall have full power and authority to set up posts for supporting the wires of the said Telegraph in and upon any public road, street or highway, and to make the necessary excavations in the same for placing such posts or poles; and such posts, and all wires and other apparatus therewith connected, shall be, and be deemed to be to all intents and purposes, the property of the said Company, as shall also all such posts or poles or apparatus as shall be set up by the said Company for the purposes aforesaid, although the lands on which the same are set up be not the property of the said Company.

Power to the
Company to
set up posts or
poles on high-
ways for sup-
porting the
wires of the
said Tele-
graph.

V. And be it enacted, That after any lands or grounds shall be set out and ascertained, and the line of the said Telegraph designated in manner aforesaid, for making and completing the said Telegraph and other works, and other the purposes and conveniencies hereinbefore mentioned, it shall and may be lawful for all bodies politic, corporate or collegiate, corporations aggregate or sole, communities, guardians, curators, executors, administrators, and all other trustees or persons whatsoever, not
only

After any
lands have
been taken,
all bodies cor-
porate, &c.
may sell their
property
therein to the
Company.

only for and on behalf of those whom they represent, whether infants, issue unborn, lunatics, idiots, *femes-covert*, or other person or persons who are or shall be seized, possessed of, or interested in any lands or grounds which shall be so set out and ascertained as aforesaid, or any part thereof, or upon or across which the said Company shall have occasion to set up any posts or poles, or other apparatus, or to acquire the right of way or other servitude or right, to contract for, sell and convey unto the said Company, their successors or assigns, all or any part of such lands or grounds which shall from time to time be set out and ascertained as aforesaid, or the right or servitude so required by the said Company; and that all contracts, agreements, sales, conveyances and assurances so to be made, shall be valid and effectual in law to all intents and purposes whatsoever, any law, statute, usage, or custom to the contrary thereof in any wise notwithstanding; and all bodies politic, corporate or collegiate, or communities, and all persons whatsoever so contracting or conveying as aforesaid, are hereby indemnified for what he, she or they, or any of them, shall respectively do, by virtue of, or in pursuance of this Act; and that all such contracts, agreements, sales, conveyances and assurances, or notarial copies thereof, shall, at the expense of the said Company and their successors, be deposited in the office of the Prothonotary as aforesaid, and true copies thereof shall be allowed to be good evidence in all Courts whatsoever.

When no power is vested in any body corporate to sell, a fixed annual rent to be established.

Security for such annual rent, &c.

VI. Provided always, and be it enacted, That any body politic, community, corporation, or other person or persons whosoever who cannot in common course of law sell or alienate any lands or grounds so set out and ascertained, shall agree upon a fixed annual rent as an equivalent, and not upon a principal sum, to be paid for the lands or grounds so set out and ascertained as necessary for making the said Telegraph and other purposes and conveniences relative thereto and connected therewith; and in case the amount of rent shall not be fixed by voluntary agreement or compromise, or by arbitration between the parties, it shall be fixed by a jury, convened and qualified in the manner hereinafter prescribed, and all proceedings and litigations in Court shall in that case be regulated as is hereinafter prescribed; and for the payment of the said annual rent and every other annual rent agreed upon or ascertained for the purchase of any lands or grounds, the said Telegraph, and the tolls or emoluments to be levied and collected thereon or arising therefrom shall be and are hereby made liable and chargeable in preference to all other claims or demands thereon whatsoever.

The Company to apply to the owners of the lands through which the said Telegraph is to be carried, touching the compensation to be paid for the same, &c.

VII. And be it enacted, That it shall be lawful for the said Company to apply to Her Majesty, and all the several owners of the estates, lands and grounds through which such Telegraph is intended to be carried, and to agree with such owners respectively touching the compensation to be paid to them by the said Company for the purchase thereof, or for the right or servitude required by the said Company in or upon the same, and for their respective damages; and in case of disagreement between the said Company and the said owners, or any of them, then all questions which shall arise between the said Company and the several proprietors of, and persons interested in any estates, lands or grounds that shall or may be taken, affected or prejudiced by the execution of any of the powers hereby granted, or any indemnification for damages which may or shall be at any time or times sustained by any bodies politic or corporate, or communities, or any other person or persons respectively, being owners of or interested in any estate, lands or grounds, for or by reason of the making, repairing or maintaining the said Telegraph or other works incidental or relative thereto, or connected

connected therewith, shall and may be settled by agreement of the parties or by arbitration, or if either of the parties shall not be inclined to make an agreement or to appoint arbitrators, or by reason of absence shall be prevented from treating, or through disability by non-age, coverture or other impediment, cannot treat or make such agreement, or enter into such arbitration, or shall not produce a clear title to the premises which they claim an interest in, then and in every such case the said Company may make application to the Court of Queen's Bench for the District of Quebec, stating the grounds of such application, and such Court is hereby empowered and required from time to time upon such application, to issue a warrant directed to the Sheriff of the said District for the time being, commanding such Sheriff to impanel, summon and return a Jury qualified according to the laws of Lower Canada, to be returned for trials of issues joined in civil cases in the said Court of Queen's Bench, to appear before the said Court at such time and place as in such warrant shall be appointed, and all parties concerned may have their lawful challenge against any of the said Jurymen, but shall not challenge the array; and the said Court is hereby empowered to summon and call before them all and every such person or persons as it shall be thought necessary to examine as witnesses touching the matters in question: and the said Court may in its discretion, authorize and order the said Jury, or any six or more of them, to view the place or places or matter in controversy, which Jury, upon their oaths (all which oaths, as well as the oaths to be taken by any person or persons who shall be called upon to give evidence, the said Court is hereby empowered to administer) shall enquire of, assess and ascertain the distinct sum or sums of money, or annual rent to be paid for the purchase of such lands or grounds, or the indemnification to be made for the right or servitude, or for the damage that may or shall be sustained as aforesaid; and the said Court shall give judgment for such sum, rent or indemnification so to be assessed by such Jurors, and such said verdict, and the judgment thereon pronounced, shall be binding and conclusive to all intents and purposes against all bodies politic, corporate or collegiate, or communities, and all persons whatsoever.

Compensation to be awarded by a Jury if the parties cannot agree.

VIII. And be it enacted, That in all cases where a verdict shall be given for more money as an indemnification or satisfaction for any lands, grounds, hereditaments or property, or for any right or servitude in or upon the same, or for any damage done to any lands, grounds, hereditaments or property, or for annual rent of any lands, grounds, hereditaments or property of any person or persons whomsoever, than had previously been offered by or on behalf of the said Company, then all the expenses of summoning such Jury and taking such inquest, shall be settled by the Court, and defrayed by the said Company; but if any verdict shall be given for the same, or a less sum than had been previously offered by and on behalf of the said Company, or in case no damage shall be given by the verdict, when the dispute is for damages only, then and in every such case, the costs and expenses shall be settled in like manner by the Court, and be borne and paid by the party or parties with whom the said Company shall have had such controversy; which said costs and expenses having been so settled, shall and may be so deducted out of the money so assessed and adjudged, when the same shall exceed such costs and expenses, as so much advanced to and for the use of such person or persons, and the payment or tender of the remainder of such money shall be deemed and taken, to all intents and purposes, to be a payment or tender of the whole sums so assessed or adjudged as aforesaid.

How expenses where a verdict is given for more money than had been previously offered by the Company, are to be settled.

And if the verdict be for the sum offered or less.

Persons not satisfied with the compensation offered by the Company, may complain and request a Jury, first entering into a bond to bear expenses.

IX. Provided further, and be it enacted, That all and every person or persons making complaint and requesting such Jury, shall, before the issue of the warrant or warrants for the summoning of such Jury as aforesaid, enter into a Bond before one of the Judges of the Court of Queen's Bench for the District of Quebec, with one sufficient surety, to the Treasurer of the said Company, or their successors for the time being, in the penalty of two hundred pounds currency, to prosecute his, her, or their complaint, and to bear and pay the costs and expenses of summoning such Jury, and taking such inquest, in case a verdict shall be given for no more, or for a less sum or rent than had been offered by and on behalf of the said Company, or their successors, before summoning and returning the said Jury or Juries, as an indemnification or satisfaction for any lands, grounds or hereditaments, or for any annual rent, or for any damages as aforesaid.

On payment or legal tender of the money or annual rent, agreed upon or awarded, lands may be taken possession of by the Company, &c.

X. And be it enacted, That upon payment or legal tender of such sum or sums of money or annual rent as shall be contracted or agreed for between the parties, or determined by arbitrators, or assessed by such Juries in manner respectively as aforesaid, to the proprietors thereof, or other person or persons entitled to receive the same, or to the principal officer or officers of any body politic, corporate, or collegiate, or community, at any time after the same shall have been so agreed upon, determined or assessed, such lands, grounds or hereditaments, or property respectively, may be entered upon and taken possession of by the said Company, and applied to the purpose of making and maintaining the said Telegraph and other works and conveniences thereunto appertaining, or such right or servitude required by the said Company.

All agreements, sales, verdicts, &c. to be registered.

Effect of payment and registration.

XI. And be it enacted, That all agreements, sales and conveyances, and all determinations by arbitration as aforesaid, or notarial copies thereof, when the same may be passed before Notaries, and also the said verdicts and judgments thereupon, shall be transmitted to and registered in the Registry Office for the County in which the lands, tenements or hereditaments shall be situated, and that the same shall be therein registered at full length, and all persons shall have liberty to inspect the same, paying for each inspection the sum of six pence currency, and to have and obtain copies thereof, paying for every copy thereof, not exceeding one hundred words, the sum of six pence currency, and so in proportion for any number of words, and immediately on such payments of purchase money or rent as aforesaid, and entry or registration of such agreements, sales, conveyances, determinations by arbitration, verdicts, judgments, and other proceedings of the said Court and Juries, all the estate, right, title, interest, use, trust, property, claim and demand in law and equity, of the person or persons for whose use such money or rent shall be paid, in, to and out of the lands, grounds, tenements, hereditaments and premises, shall vest in the said Company and their successors, and they shall be respectively deemed in law to be in actual possession and seizin of the same, to all intents and purposes whatsoever, as fully and effectually as if every person having an estate therein had been able to convey, and had actually conveyed the same to them by the most effectual legal conveyance, and such payment shall bar all right, title, interest, claim and demand of the person or persons to whose use the same shall be made, bodies politic, corporate or collegiate, ecclesiastical or civil communities, women subject to marital authority, minors, interdicted persons, or absentees, who may have or claim to have any right, title, interest, claim or demand therein, and of every other person or persons whomsoever, even for dower not yet open (*douaire non encore ouvert*;) any law to the contrary notwithstanding.

XII. And be it enacted, That applications to the said Court for indemnity for any damage or injury sustained by reason of the power and authority given by this Act, shall be made within six calendar months next after the time of such supposed damage sustained, or in case there shall be a continuation of damage, then within six calendar months next after the doing or committing such damage shall cease, and not afterwards; and the defendant or defendants shall and may plead the general issue and give this Act and the special matter in evidence at any trial to be had thereupon, and may aver that the same was done in pursuance and by authority of this Act.

All applications for indemnity for damage done under this Act to be made within a certain time.

XIII. And be it enacted, That if any person shall by any means or in any manner or way whatever, obstruct or interrupt the free use of the said Telegraph or the other works incidental or relative thereto or connected therewith, such person shall, for every such offence, incur a forfeiture or penalty of not less than Five Pounds, nor exceeding Ten Pounds currency, one half of which penalty and forfeiture, to be recovered before one or more Justices of the Peace for the District, shall go to the prosecutor or informer, and the other half shall belong to Her Majesty, Her Heirs and Successors, and shall be paid into the hands of the Receiver General, and be applied for the public uses of this Province, and the support of the Government thereof.

Penalty on persons obstructing free use of the Telegraph.

XIV. And be it enacted, That if any person or persons shall wilfully and maliciously, and to the prejudice of the said Telegraph authorized to be made by this Act, break, throw down, damage or destroy the same, or any part thereof, or any of the station-houses, watch-houses, observatories, posts, poles, wires, or other apparatus, works or devices incidental and relative thereto, or connected therewith, or do any other wilful hurt or mischief, or shall wilfully and maliciously obstruct or interrupt the free use of the said Telegraph, or any of the appurtenances thereof, or obstruct, hinder, or prevent the carrying on, completing, supporting and maintaining, using or working of the said intended Telegraph, such person or persons shall be adjudged guilty of felony, and the Court by and before whom such person or persons shall be tried and convicted shall have power and authority to cause such person or persons to be punished in like manner as felons are directed to be punished by the laws in force in this Province, or in mitigation thereof to award such sentence as the law directs in cases of simple larceny, as to such Court shall seem fitting.

Penalty on persons breaking down or damaging the Telegraph, or any works of the Company.

XV. And to the end that the said Company may be enabled to carry on so useful an undertaking, Be it enacted, That it shall and may be lawful for the said Company and their successors, to raise and contribute among themselves, in such proportions as to them shall seem meet and convenient, a competent sum of money for the making and completing the said Telegraph and all such other works, matters and conveniences as may be found necessary for making, effecting, preserving, improving, completing, maintaining and using the said Telegraph and other works: Provided always, that the sums so raised shall not exceed the sum of six thousand five hundred pounds currency in the whole, except as is hereinafter mentioned, and that the same be divided into such number of shares as is hereinafter directed, at the price of ten pounds currency per share; and the money so to be raised is hereby directed and appointed to be laid out and applied in the first place for and towards the payment, discharge and satisfaction of all fees and disbursements for obtaining and passing this Act, and for making the surveys, plans and estimates incident thereunto, and all other expenses relating thereunto, and all the rest, residue and remainder of such money for and towards making,

The Company to contribute among themselves the necessary sums.

Proviso: Amount of Capital limited; and purposes to which alone it shall be applied.

making, completing and maintaining the said Telegraph, and other the purposes of this Act, and to no other use, intent or purpose whatever.

The sum to be raised by the Company to be divided into shares.

Amount of each share, and rights and obligations of Shareholders.

XVI. And be it enacted, That the said sum of six thousand five hundred pounds currency, or such part thereof as shall be raised by the several persons hereinbefore named, and by such other person or persons who shall or may at any time become a subscriber or subscribers to the said Telegraph, shall be divided and distinguished into six hundred and fifty shares, at a price not exceeding ten pounds currency aforesaid per share, and that the shares be deemed personal estate, and shall be transferred as such, and that the said six hundred and fifty shares shall be and are hereby vested in the said several subscribers, and their several respective heirs, executors, curators, administrators and assigns, to their and every of their proper use and behoof, proportionally to the sum they and each of them shall severally subscribe and pay thereunto, and all and every the bodies politic, corporate or collegiate, or communities, and all and every person or persons, their several and respective successors, executors, curators, administrators and assigns, who shall severally subscribe and pay the sum of ten pounds, or such sum or sums of money as shall be demanded in lieu thereof, towards carrying on and completing the said intended Telegraph, shall be entitled to and receive, after the said Telegraph shall be completed, the entire and net distribution of the profits and advantages that shall and may arise and accrue by virtue of the sum and sums of money to be raised, recovered and received by the authority of this Act, in proportion to the number of shares so held; and every body politic, corporate or collegiate, or community, person or persons having such property of one six hundred and fiftieth part or share in the said undertaking, and so in proportion as aforesaid, shall bear and pay an adequate and proportional sum of money towards carrying on the said undertaking, in manner by this Act directed and appointed.

If this sum should not be sufficient, the Company may raise a further sum for completing their undertaking.

Rights and obligations of holders of new Stock.

XVII. And be it enacted, That in case the said sum of six thousand five hundred pounds hereinbefore authorized to be raised, shall be found insufficient for the purposes of this Act, then and in such case it shall be lawful for the said Company to raise and contribute amongst themselves, in manner and form aforesaid, and in such shares and proportions as to them shall seem meet, or the admission of new subscribers, a further or other sum of money for completing and perfecting the said intended Telegraph and other works or conveniences incidental or relative thereto, not exceeding the sum of twenty thousand pounds currency aforesaid, and every subscriber towards raising such further or other sum of money, shall be a proprietor in the said undertaking, and have a like vote by himself or herself, or his or her proxy, in respect of every share in the said additional sum to be raised, and shall also be liable to such obligations, and stand interested in all the profits and powers of the said undertaking, in proportion to the sum he, she or they shall or may subscribe thereto, as generally and extensively as if such other or further sum had been originally raised, and a part of the said first sum of six thousand five hundred pounds; anything herein contained to the contrary notwithstanding.

Votes of proprietors according to the number of their shares. Proviso.

XVIII. And be it enacted, That the number of votes to which each proprietor of shares in the said undertaking shall be entitled on every occasion when, in conformity to the provisions of this Act, the votes of the members of the said Company are to be given, shall be in proportion equal to the number of shares held by him: Provided always, that no one proprietor as aforesaid, shall have more than forty votes; and all proprietors

proprietors of shares resident within the Province or elsewhere may vote by proxy, if he, she or they shall see fit ; Provided always, that such proxy shall be a stockholder, and provided that such proxy do produce from his constituent or his constituents an appointment in writing in the words or to the effect following :

“ I, _____ of _____ one of the proprietors of
 “ *The British North American Electric Telegraph Association*, do hereby nominate, Proxies.
 “ constitute and appoint _____ to be my proxy, in my Form of Proxy.
 “ name, and in my absence to vote or give my assent or dissent to any business,
 “ matter or thing relating to the said undertaking that shall be mentioned or proposed
 “ at any meeting of the proprietors of the said undertaking, or any of them, in such
 “ manner as the said _____ shall think proper, according
 “ to his opinion and judgment, for the benefit of the said undertaking, or anything ap-
 “ pertaining thereto : In witness whereof I have hereunto set my hand and seal, the
 “ _____ day of _____ in the year _____
 “ In the presence of _____ (L. S.)

“ (*Signature of Witnesses.*) ”

And such vote or votes by proxy shall be as valid as if such principal or principals had voted in person ; and whatever question, election of proper officers, or matters or things shall be proposed, discussed or considered in any public meeting of proprietors to be held by virtue of this Act, shall be determined by the majority of votes and proxies then present and so given as aforesaid. Decisions to be by majority.

XIX. Provided always, and be it enacted, That no proprietor who shall not be a natural born subject of Her Majesty, or a subject of Her Majesty naturalized by Act of the British Parliament, or by Act of the Parliament of this Province, shall be elected President or Treasurer. No proprietors, unless a natural born subject, or naturalized, to be President or Treasurer.

XX. And be it enacted, That no Stockholder in the said Company shall be in any manner whatsoever liable for or charged with the payment of any debt or demand due by the said Company, beyond the extent of his, her, or their share in the capital of the said Company not paid up. No Shareholder to be liable for the debts of the Company.

XXI. And be it enacted, That the first General Meeting of the Proprietors for putting this Act in execution may be held at the Court House in the City of Quebec, at any time after the expiration of one month from the passing of this Act : Provided, that public notice thereof be given during one week in some newspaper published in the English language, and in some newspaper published in the French language, at Quebec ; and at such said first general meeting the proprietors assembled, together with such proxies as shall be present, shall choose nine persons, being each a proprietor of not less than ten shares in the said undertaking, to be Directors of the said Company, in such manner as is hereinafter directed, and as shall from time to time be ordered by the proprietors, and at such General Meeting the proprietors shall also proceed to pass such rules, regulations and by-laws as shall seem to them fit, provided they are not inconsistent with this Act. The first general meeting of the proprietors to be held at the Court House in the City of Quebec. Proviso for notice. The proprietors to elect a Board of ten Directors.

XXII. Provided always, and be it enacted, That until Directors shall be chosen under and in pursuance of the power hereinbefore contained, the following persons shall be the Directors of the said Company, namely, George Okill Stuart, René Edouard First Board of Directors named and appointed.

Edouard Caron, Peter Langlois, junior, John Jones, Christian Wurtele, James Tibbets, Henry John Noad, Alexander Gillespie and Edward Boxer, and as such shall have all the powers and authority given to Directors by this Act.

Board of Directors to be elected yearly.

Special meeting of Shareholders.

Proviso.

Five Directors to be a *Quorum* for business.

Directors to attend to instructions of proprietors.

No person holding an office under the Company to be a Director.

XXIII. And be it enacted, That on the second Thursday in January in each year, an annual general meeting of the said proprietors shall be held to choose Directors in the room of those whose office may at any time become vacant, and generally to transact the business of the said Company, ten days' notice of the time and place of such meeting being previously given in one of the newspapers published in the City of Quebec; but if at any time it shall appear to any fifteen or more of such proprietors holding together two hundred shares at least, that for more effectually putting this Act in execution, a special meeting of proprietors is necessary to be held, it shall be lawful for such fifteen or more of them, to cause fifteen days' notice at least, to be given thereof in two of the newspapers of the said City or in such manner as the proprietors and their successors shall at any general meeting direct or appoint, specifying in such notice the time and place, and the reason and intention of such special meetings respectively; and the proprietors are hereby authorized to meet, pursuant to such notices, and proceed to the execution of the powers by this Act given them, with respect to the matters so specified only; and all such acts of the proprietors, or the majority of them, at such special meeting assembled, such majority not having either as principals or proxies less than two hundred shares, shall be as valid to all intents and purposes, as if the same were done at general meetings: Provided always, that it shall and may be lawful for the said proprietors at such special meetings, in like manner as at general meetings in case of the death, absence, resignation or removal of any person named a Director of the said Company in manner aforesaid, to choose and appoint another or others in the room or stead of him or those who may die or be absent, resign or be removed, as aforesaid; any thing in this Act to the contrary notwithstanding.

XXIV. And be it enacted, That any meeting of the said Directors at which not less than five Directors shall be present, shall be competent to do and perform all and any of the powers hereby vested in the said Directors of the said Company: Provided always, that no one of the said Directors, though he may be a proprietor of many shares, shall have more than one vote at the Board of Directors, except the Chairman, who shall be chosen by and out of the said Board of Directors, and who in case of a division of equal numbers, shall have the casting vote, although he may have given one vote before: And provided also, that such Board of Directors shall from time to time be subject to the examination and control of the said general and other meetings of the said proprietors as aforesaid; and shall pay due obedience to all such orders and directions in and about the premises as they shall from time to time receive from the said proprietors at such general and other meetings; such orders and directions not being contrary to any express directions or provisions in this Act contained.

XXV. Provided always, and be it enacted, That no person holding any office, place or employment, or being concerned or interested in any contract or contracts under the said Company, shall be capable of being chosen a member of the Board of Directors for managing the affairs of the said Company.

XXVI. And be it enacted, That every such general meeting shall have power to appoint not exceeding three Auditors to audit all accounts of money laid out and disbursed on account of the said undertaking by the Treasurer, Receiver and Receivers, and other officer and officers to be by their said Board of Directors appointed, or by any other person or persons whomsoever employed by or concerned for or under them, in and about the said undertaking, and to that purpose shall have power to adjourn themselves over from time to time, and from place to place, as shall be thought convenient by them; and the said Directors assembled by the authority of this Act, shall have power, from time to time, to make all such call or calls of money from the proprietors of the said undertaking, to defray the expense of or to carry on the same, as they from time to time shall find wanting and necessary for these purposes: Provided however, that no call do exceed the sum of two pounds ten shillings, current money of this Province for every share of ten pounds; and provided also, that no calls be made but at the distance of two calendar months from each other; and such Directors shall have full power and authority to direct and manage all and every the affairs of the said company, as well in contracting for and purchasing lands, rights and materials for the use of the said undertaking, as in employing, ordering and directing the work and workmen, and in placing and removing under-officers, clerks, servants and agents, and in making all contracts and bargains touching the said undertaking, so that no such purchase, bargain or other matter be done or transacted without the concurrence of a majority of such Directors; and the owner or owners of one or more shares in the said undertaking shall pay his, her or their shares and proportion of the monies to be called for as aforesaid, to such person or persons and at such time and place as the said Directors shall from time to time appoint and direct, of which three weeks' notice at least shall be given in two newspapers published at Quebec, one in the English and the other in the French language, or in such other manner as the said proprietors or their successors shall at any General Meeting direct or appoint, and if any person or persons shall neglect or refuse to pay his, her or their rateable or proportionable part or share of the said monies to be called for as aforesaid, at the time and place appointed by such General Meeting or Board of Directors, he, she or they neglecting or refusing to pay his, her or their rateable calls as aforesaid for the space of two calendar months after the time appointed for the payment thereof as aforesaid, then he, she or they shall forfeit his, her and their respective share and shares in the said undertaking, and all the profit and benefit thereof; all which forfeitures shall go to the rest of the proprietors of the said undertaking, their successors and assigns, in trust for and for the benefit of the said proprietors, in proportion to their respective interests.

XXVII. And be it enacted, That the said proprietors and their successors shall always have power and authority at any General Meeting assembled as aforesaid, to remove any person or persons chosen upon such Board of Directors as aforesaid, and to elect others to be of the Board of Directors, in the room of those who shall die, resign or be removed, and to remove any other officer or officers under them, and to revoke, alter, amend or change any of the rules and directions hereinbefore prescribed with regard to their proceedings amongst themselves (the method of calling general meetings, and their time and place of assembling and manner of voting, and of appointing Directors, only excepted), and shall have power to make such new rules, by-laws and orders for the good government of the said company and their servants, agents and workmen, for the good and orderly making, maintaining and using the said Telegraph, and all other works connected therewith or belonging thereto, and for the well governing of all persons

General meeting may appoint Auditors to audit accounts.

Directors to make calls.

Proviso: amount of any call.

Proviso as to interval between calls.

Other powers of the Directors.

Payment of calls, and mode of enforcing payment thereof.

Forfeiture for non-payment.

The Company may remove any person chosen upon such Board of Directors and choose others.

Rules and By-laws.

Fines under By laws limited, and how recoverable.

Effect of By-laws, &c.

persons whomsoever using or requiring the use of the said Telegraph or other works, or the services of the officers or persons in the employ of the said company, in the transmission of intelligence by the said Telegraph, or in any other way in which the said Telegraph or works can be employed; and to impose and inflict such reasonable fines or forfeitures upon the persons guilty of a breach of such new rules, by-laws or orders, as to such General Meeting shall seem meet, not exceeding the sum of twenty-five pounds current money of this Province for each offence; such fines and forfeitures to be levied and recovered by such ways and means as are hereinafter mentioned; which said rules, by-laws and orders, being put into writing under the common seal of the said company, shall be published at least twice in two of the newspapers published at Quebec as aforesaid, and affixed in the office of the said company, and in all and every the places where tolls are to be gathered, and in like manner as often as any change or alteration shall be made to the same, and the said rules, by-laws and orders so made and published as aforesaid, shall be binding upon and observed by all parties, and shall be sufficient in any court of law or equity, to justify all persons who shall act under the same.

The proprietors may transfer their shares. And mode of effecting such transfer.

XXVIII. And be it enacted, That it shall and may be lawful to and for the several proprietors of the said Telegraph or undertaking, to sell or dispose of his, her or their share or shares therein, subject to the rules and conditions herein mentioned, and every purchaser shall produce a duplicate of the deed of bargain and sale and conveyance made unto him or her, and one part of such deed duly executed by seller and purchaser shall be delivered to the said Directors, or their clerk for the time being, to be fyled and kept for the use of the said company, and an entry thereof shall be made in a book or books to be kept by the said clerk for that purpose, for which no charge shall be made, and the said clerk is hereby required to make such entry accordingly; and until such duplicate of such deed shall be so delivered to the said Directors or their clerk, and fyled and entered as above directed, such purchaser or purchasers shall have no part or share of the profits of the said undertaking, nor any interest for the said share or shares paid unto him, her or them, nor any vote as a proprietor or proprietors.

Form of Transfer of the shares, appointed.

The Form.

XXIX. And be it enacted, That the sale of the said shares shall be in the form following, varying the names and descriptions of the contracting parties, as the case may require:

“ I, A. B. in consideration of the sum of _____ paid to me
 “ by C. D. of _____ do hereby bargain, sell and transfer to
 “ the said C. D. _____ share (or shares) of the Stock of *The British*
 “ *North American Telegraph Association*, to hold to him the said C. D. his heirs, ex-
 “ cutors, curators, administrators and assigns, subject to the same rules and orders, and
 “ on the same conditions that I held the same immediately before the execution hereof,
 “ and I, the said C. D. do hereby agree to accept of the said
 “ (share or shares), subject to the same rules, orders and conditions. Witness our
 “ hands and seals, this _____ day of _____ in the
 “ year _____

“ In presence of _____ (S. S.)

“ (*Signatures of two Witnesses.*) _____ (L. S.)”

XXX. And be it enacted, That it shall and may be lawful to and for the said Board of Directors, and they are hereby authorized, from time to time, to nominate and appoint a Treasurer or Treasurers, and a Clerk or Clerks to the said Company, taking such security for the due execution of their respective offices as the said Board of Directors shall think proper; and such Clerk shall, in a proper book or books, enter and keep a true and perfect account of the names and places of abode of the several proprietors of the said Telegraph or undertaking, and the several persons who shall from time to time become owners and proprietors of, or entitled to any share or shares therein, and of all other acts, proceedings and transactions of the said Company and of the Board of Directors for the time being, by virtue of and under the authority of this Act.

Directors may appoint a Treasurer and Clerk.

Duty of the Clerk.

XXXI. And be it enacted, That it shall and may be lawful to and for the said Company, and their successors and assigns, from time to time, and at all times hereafter, to ask, demand, take and recover, to and for their own proper use and behoof, for all communications transmitted through the line of Telegraph such rates and dues as shall be from time to time fixed and appointed by the Directors which shall be paid to such person or persons, and at such place or places near to the place where such service may have been performed, in such manner and under such regulations as the said Company, or their successors, shall direct and appoint; and in case of denial, or neglect of payment of any such rate or dues, or any part thereof, on demand, to the person or persons appointed to receive the same as aforesaid, the said Company may sue for and recover the same in any Court having competent jurisdiction; and the said Company shall have full power, from time to time, at any general meeting, to lower or reduce all or any of the said rates and dues, and again to raise the same, not exceeding the sums above mentioned, as often as it shall be deemed necessary for the interests of the said undertaking.

The Company may establish certain rates for the transmission of intelligence, &c.

Recovery of such rates.

Rates may be altered.

XXXII. And in order to ascertain the amount of clear profits of the said undertaking, Be it enacted, That the said Company, or the Directors for managing the affairs of the said Company, shall, and they are hereby required to cause a true, exact, and particular account kept and annually made up and balanced on the first day of January in each year, of the money collected and received by the said Company, or by the Directors and Treasurer of the said Company, or otherwise for the use of the said Company by virtue of this Act, and of the charges and expenses attending the erecting, making, supporting, maintaining and carrying on the said Telegraph works, and all other receipts and expenditure of the said Company, or the said Directors; and at the meetings of proprietors of the said undertaking to be from time to time holden as aforesaid, or at some adjournment thereof, a dividend shall be made out of the clear profits of the said undertaking, unless such meeting shall declare otherwise, and such dividend shall be at and after the rate of so much per share upon the several shares held by the members thereof in the joint stock of the said Company, as such meetings or meetings shall think fit to appoint or determine: Provided always, that no dividend shall be made, whereby the capital of the said Company shall be in any degree reduced or impaired, nor shall any dividend be paid in respect of any share, after a day appointed for payment of any call for money in respect thereof, until such call shall have been paid.

Account of receipts to be annually made up, and balanced at certain periods.

Dividends may be made.

Proviso.

XXXIII. And be it enacted, That the said Company, their successors and assigns, shall and are hereby required and directed to take a sufficient security, by one or

Treasurer, Receiver, and Collector, to give security.
more

more bond or bonds, in a sufficient penalty or penalties, from their Treasurer, Receiver and Collector for the time being, of the money to be raised by virtue of this Act, for the faithful execution by such Treasurer, Receiver and Collector, of his and their office and offices respectively.

The Company may compel persons subscribing to pay amount of their shares.

XXXIV. And whereas several persons have subscribed, or may hereafter subscribe, to advance money towards carrying the purposes of this Act into execution, Be it therefore enacted, That the several person or persons who have subscribed, or who shall hereafter subscribe to advance any money, for and towards making and maintaining the said Telegraph and other works connected therewith, shall, and they are hereby required to pay the sum and sums of money by them respectively subscribed, or such parts or portions thereof as shall, from time to time, be called for the said Company, under and by virtue of the powers and directions of this Act, to such person or persons, and at such times and places as shall be directed by the said Company or by the Directors, in manner before mentioned; and in case any person or persons shall neglect or refuse to pay the same at the time and in the manner required for that purpose, it shall be lawful for the said Company to sue for and recover the same in any Court having competent jurisdiction.

Proceedings in actions for calls.

Averment.

Proof.

XXXV. And be it enacted, That in any action to be brought by the said Company against any proprietor or proprietors, or owner or owners of any share or shares in the said undertaking, to recover any sum or sums of money due and payable to the said Company for or by reason of any call or calls made by virtue of this Act, it shall be sufficient for the said Company to declare and allege that the defendant or defendants, being a proprietor or proprietors of such or so many shares in the said undertaking, is or are indebted to the said Company in such sum or sums of money, as the call or calls in arrear shall amount to, for such and so many call or calls of such or so many sum or sums of money, upon such or so many shares belonging to the said defendant or defendants, (as the case may happen to be,) whereby an action hath accrued to the said Company by virtue of this Act, without setting forth the special matter; and on the trial of such action it shall only be necessary to prove that the defendant or defendants at the time of making such call or calls was or were a proprietor or proprietors of some share or shares in the said undertaking, and that such call or calls was or were in fact made, and that such notice thereof was given as is directed by this Act, without proving the appointment of the Directors who made such call or calls, or any matter whatsoever; and the said Company shall thereupon be entitled to recover what shall appear due, unless it shall appear that any such call exceeded fifty shillings at any one time upon any one share of ten pounds, or was not made after the interval of two calendar months from the last preceding call, or was made without notice given in any newspapers as aforesaid.

Punishment of persons obstructing officers of the Company, &c.

XXXVI. And be it enacted, That if any person shall wilfully obstruct or impede any officer or agent of the said Company in the execution of his duty with regard to the said Telegraph, or to the using thereof, or of any apparatus or works thereto appertaining, or upon or in any of the stations or other works or premises connected therewith; or if any person shall wilfully trespass upon the said Telegraph or any of the stations or other works or premises connected with the said Telegraph, and shall refuse to quit the same upon request to him made by any officer or agent of the said Company, every such person so offending, and all others aiding and assisting therein, shall

Appeal allowed.

XXXIX. And be it enacted, That if any person or persons shall think himself, herself or themselves aggrieved by anything done by any Justice of the Peace in pursuance of this Act, every such person or persons may, within four calendar months after the doing thereof, appeal to the Justices of the Court of Queen's Bench for the District wherein the offence shall have been committed, at the Session next after such conviction for holding Criminal Pleas.

Limitation of actions, and protection of parties acting under this Act.

XL. And be it enacted, That if any action or suit shall be brought or commenced against any person or persons for anything done or to be done in pursuance of this Act, or in the execution of the powers and authorities, or the orders and directions hereinbefore given or granted, every such action or suit shall be brought or commenced within six calendar months next after the fact committed; or in case there shall be a continuation of damage, then within six calendar months next after the doing or committing such damage shall cease, and not afterwards; and the Defendant or Defendants in such action or suit shall and may plead the general issue, and give this Act and the special matter in evidence at any trial to be held thereupon, and that the same was done in pursuance and by the authority of this Act, and if it shall appear to have been so done, or if any action or suit shall be so brought after the time so limited for bringing the same, or if the Plaintiff or Plaintiffs shall be non-suit, or discontinue his, her, or their action or suit after the Defendant or Defendants shall have appeared, or if judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have full costs, and shall have such remedy for the same as any Defendant or Defendants hath or have for costs of suit in other cases.

Costs allowed.

The Company may enter into arrangements with other Companies for a continuous line of Telegraph to Halifax.

XLI. And in order to ensure the establishment of a continuous line of Telegraph in communication between Halifax and Quebec, Be it enacted, That the said Company shall be authorized to enter into arrangement and co-operate with any Company or Companies which may be formed in this Province, or in the Province of Nova Scotia, or of New Brunswick, to undertake the construction of a line or lines of Electric Telegraphs in their respective Provinces, and that the Company hereby incorporated shall have full power, if they shall deem it advisable, to treat with such Company or Companies, and enter into such arrangements as may be necessary to unite the several interests in one general Association.

Telegraph to be completed within a certain time.

XLII. And be it enacted, That the said Company, to entitle themselves to the benefits and advantages to them granted by this Act, shall, and they are hereby required to make and complete the said Telegraph in the manner aforesaid, within three years from the passing of this Act; and if the same shall not be so made and completed within the said period, so as to be used by the public as aforesaid, then this Act and every matter and thing therein contained shall cease and be utterly null and void.

Public Act.

XLIII. And be it enacted, That this Act shall be deemed and taken as a Public Act, and as such shall be judicially taken notice of by all Judges, Justices of the Peace and others, without being specially pleaded, and a Copy printed by the Queen's Printer shall be evidence and full proof thereof in all Courts of Justice.

Copy to be evidence



ANNO DECIMO ET UNDECIMO

VICTORIÆ REGINÆ.

CAP. LXXXIII.

An Act to incorporate *The Montreal Telegraph Company.*

[28th July, 1847.]

WHEREAS Andrew Shaw, George Elder, Junior, John Glass, Henry Chapman, John Young, and other inhabitants of this Province, having associated themselves together, have constructed an Electro-Magnetic Telegraph extending from the City of Toronto to Quebec, through Port Hope, Cobourg, Belleville, Kingston, Brockville, Prescott, Cornwall, Montreal, Berthier and Three-Rivers, and have petitioned to be incorporated for the purposes of this Act; and it is expedient to grant the prayer of their Petition: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the said Andrew Shaw, George Elder, Junior, John Glass, Henry Chapman and John Young, together with all and such persons as shall become Stockholders of the Company hereinafter mentioned, shall be, and are hereby constituted a body corporate and politic by the name of *The Montreal Telegraph Company*, and by that name they and their successors shall and may have continued succession, and may contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered unto, in all Courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may and shall have a common seal, and may change and alter the same at their will and pleasure, and also that they and their successors shall be in law capable of purchasing, having and holding to them and their successors any estate, real and personal or mixed, to and for the use of the said Company, and of letting, conveying or otherwise departing therewith for the benefit and on account of the said Company from time to time as they shall deem necessary or expedient; Provided always, that the real estate to be held by the said Company shall be only such as may be necessary for the purpose of building, using and preserving the said Electro-Magnetic Telegraph, and for objects immediately connected therewith.

Preamble.

Certain persons incorporated.

Corporate name and powers.

May have a Common Seal.

Motto: *Fulminis actor alis.*

Proviso as to real property.

II. And be it enacted, That the Stock, Property, Rights and Claims of the said Association, shall, from and after the passing of this Act, be vested in the said Corporation,

Property and liabilities transferred.

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

Power given to maintain present works. To alter and renew them.

To cut down trees that interfere.

To cross over bridges and rivers.

Provided the Public be not incommoded or navigation hindered.

And subject to the control of the Commissioners of Public Works.

Penalties for malicious mischief to telegraph or works.

How recovered: Act 4 & 5 V. c. 27, cited.

Shares to be 1500 or more of £10 currency each.

Capital Stock £15000 or more.

Shares transferable as personal property.

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

IV. And be it enacted, That if any person or persons shall wilfully or maliciously break, throw down or destroy any wire, post, erection, machine, device or work now erected, belonging to the said Company, or to be erected or made by virtue of this Act, to the prejudice of the said Company, or do any other wilful act, hurt or mischief to disturb, hinder or prevent the carrying into execution, supporting or maintaining of any of the works connected with the said Electro-Magnetic Telegraph, every such person or persons so offending shall forfeit and pay to the said Company treble the value of the damage proved by the oath of two or more credible witnesses to have been done, such damages together with costs of suit on that behalf incurred, to be recovered on information by summary proceedings before two or more Justices of the Peace for the district in which the offence shall have been committed, or the offender shall be in the same manner and in the same form and with the same rights and provisions with regard to appeal or otherwise as contained in the Act of this Province, passed in Session held in the fourth and fifth years of Her Majesty's Reign, intituled, *An Act for consolidating and amending the Statutes in this Province relative to offences against the person*, or in any Court of Law in this Province having jurisdiction competent to the same, and in case of default of payment such offender or offenders shall and may be committed to the common Jail of the District, for any time not exceeding six months, at the discretion of the Court before which such offender shall be committed.

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

VI. And be it enacted, That the stock, property, affairs and concerns of the said Company shall be managed and conducted by Five Directors, one of whom shall be chosen President, who shall hold their offices for one year only, unless re-elected, and such Directors shall be Stockholders, and be elected on the Second Friday of January in every year, at such place in the City of Montreal, and at such hour as a majority of the Directors for the time being shall appoint, and public notice shall be given by the said Directors in two or more newspapers printed in Montreal, and in such other newspapers of the Province as the Directors may think fit, of such time and place not less than ten days previous to the time of holding such Election, and the said Election shall be held and made by such of the Stockholders of the said Company as shall attend for that purpose in their own proper person or by proxy, and all Elections for Directors shall be by ballot, and the five persons who shall have the greatest number of votes at any Election shall be Directors; and if it shall happen at any election that two or more persons have an equal number of votes in such manner that a greater number than five shall by plurality of votes appear to be chosen as Directors, then the Shareholders hereinbefore authorized to hold such Election shall proceed by ballot a second time, and by plurality of votes determine which of the said parties so having an equal number of votes shall be the Director or Directors, so as to complete the whole number of five; and the said Directors so soon as may be after the said election shall proceed in like manner to elect one of their number to be President; and the said President with two others of the said Directors shall form a Quorum for the transaction of business connected with the said Company; and if any vacancy or vacancies shall at any time happen among the Directors or in the office of President, by death, resignation or removal from the Province, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen by a Stockholder or Stockholders to be nominated by a majority of the Directors: Provided always, that no person shall be eligible to be a Director who shall not be a Stockholder to the amount of at least fifteen Shares.

Affairs of the Company to be managed by five Directors. President. Time and place of election.

Ten days' notice.

Election by ballot.

Case of equality of votes.

President to be elected.

President and two other Directors to form a quorum.

Manner of filling vacancies.

Proviso: qualification of Directors.

VII. And be it enacted, That each Stockholder shall be entitled to one vote for each and every share, not exceeding fifty, he or she shall have held in his or her own name, at least thirty days prior to the time of voting.

One vote for each share not exceeding 50.

VIII. And be it enacted, That in case it shall at any time happen that an election of Directors shall not be made on any day when, pursuant to this Act, it ought to have been made, the said Corporation shall not for that cause be deemed to be dissolved, but that it shall and may be lawful on any other day to hold and make an election of Directors in such manner as shall have been regulated by the By-laws and Ordinances of the said Corporation.

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

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

Noncontraction of debts chargeable otherwise than on the general Stock.

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

Directors to fix charges for communications.

Telegraph
charges and
property vested
in Company.

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

Company may
have stations
at places
through which
the line shall
pass, and must
do so, on cer-
tain conditions
being complied
by the inhabi-
tants.

Proviso:
Company to be
guaranteed a
certain return.

XI. And be it enacted, That it shall and may be lawful for the said Company, and they are required, to establish and keep up stations in any of the said Cities, Towns, or Villages through which the said line shall pass, for the purpose of communicating with other stations, upon request to be made by the inhabitants of the said City, Town or Village to that effect, to be agreed upon at a public meeting to be held for that purpose, or if the said City, Town or Village be incorporated, then upon the request of the Corporation of the said City, Town or Village. Provided always, that the said Company shall not in any case be considered liable to be called upon to establish such Station or keep the same up, unless they shall first be guaranteed a return of at least ten per cent. on the expense to which they may be put for establishing and keeping up such Station, and the sufficiency of the said guarantee shall in case of disagreement be determined on by the Judge of the District Court of the District in which the said City, Town or Village is situate in Upper Canada, and by a Circuit Judge in Lower Canada.

Dividend to be
declared or
withheld.

Account to be
rendered.

XII. And be it enacted, That it shall be the duty of the Directors to declare or withhold yearly dividends of so much of the profits of the said Company as to them or a majority of them shall appear advisable; and at the General Meeting of the Stockholders of the said Company on the second Friday in the month of January in each year, they shall render an exact and particular statement of the affairs, debts, credits, profits and losses of the said Company; such statement to appear on the books, and to be open to the inspection of any Stockholder at his or her reasonable request.

Directors to
make rules
and regula-
tions.

XIII. And be it enacted, That the Directors for the time being, or a major part of them, shall have power to make and subscribe such Rules and Regulations as to them shall appear needful and proper touching the duty and conduct of the officers, clerks and servants employed by the said Company, and shall also have power to appoint as many officers, clerks and servants for carrying on the said business, and with such salaries and allowances as to them shall seem meet, and that such Rules and Regulations shall bind the members of the Corporation, their officers and all parties concerned, provided they be not repugnant to the Laws of this Province, or to this Act.

Case of the
dissolution of
the Company
provided for.

XIV. And be it enacted, That the Company may be dissolved by a majority of four-fifths of the Shareholders in number and value, at a General Meeting called for such purpose, and of which public notice shall be given by advertisement in not less than two Newspapers in Montreal, and in such other Newspapers in the Province as the Directors shall think fit, at least sixty days before such Meeting is held; and in the event of the Company being dissolved, the existing Directors shall be empowered to realize.

realize all properties in the name of the Company, and the proceeds, deducting salaries, and all expenses, shall be divided amongst the Shareholders in proportion to their several interests.

XV. And be it enacted, That the present Directors elected by the original Stockholders to manage the affairs of the said Company, until an Act of Incorporation should be obtained, that is to say: Andrew Shaw, President, John Glass, George Elder, Junior, Henry Chapman and John Young, shall be and are hereby constituted Directors for managing the affairs of the said Company until new Directors shall be elected under and by virtue of the provisions of this Act in January next; and that they shall have, possess and exercise all the powers which are given by this Act to the Directors to be hereafter chosen under its provisions.

The present President and Directors continued in Office until January 1848.

Their powers.

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

Public Act.

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



ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. LXXXIV.

An Act to incorporate certain persons under the name of *The Burlington Bay Dock and Ship-Building Company*.

[28th July, 1847.]

WHEREAS it is desirable for the benefit of the country, and especially of the Shipping interest of Lake Ontario, that suitable facilities be afforded at Burlington Bay (at the head of Lake Ontario) for the building, repairs, and shelter of vessels: And whereas the persons hereinafter mentioned, have, by petition, prayed to be incorporated for the purposes hereinafter mentioned: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That Sir Allan Napier Macnab, John Young, Archibald Kerr, Richard Juson, Daniel Macnab, Colin C. Ferrie, William P. Maclaren, Daniel C. Gunn, George S. Tiffany, and Jasper T. Gilkison, and all and every person or persons, body and bodies politic and corporate shall, under the authority of this Act, be associated with them, and their several and respective successors, executors, administrators and assigns, shall be a body politic and corporate, by the name of *The Burlington Bay Dock and Ship-Building Company*, and by that name shall and may have perpetual succession and a common seal, with power to break and alter the same, and by that name shall and may sue and be sued, implead and be impleaded, in all Courts of Law or Equity in this Province.

Preamble.

Certain persons incorporated.

Corporate name and powers.

II. And be it enacted, That the said Company be, and they are hereby authorized and empowered, at their own costs and charges, to construct a harbor, wharf or wharves, with a wet-dock, dry-dock and railway, regulated for the refitting and repairing all shipping, at Burlington Bay aforesaid; which said wharf or wharves, harbor, wet-dock, dry-dock and railway, shall be accessible to, and safe and commodious for, the reception of such description and burthen of sail or steam vessels as now navigate Lake Ontario; and also to erect and build all such necessary and needful moles, piers, breakwaters, wharves, storehouses, or other erections or constructions whatever as shall be useful or proper for the purposes aforesaid; and the protection of the harbor, wharf or wharves, docks or railways, and for the accommodation and convenience of vessels entering, lying, loading and unloading, repairing, refitting or lying up in the same,

Company may construct a harbor, wharf, &c.

Other works.
May build
vessels, con-
struct ma-
chinery, &c.

same, and to alter, amend, repair and enlarge the said harbor, wharf or wharves, docks or railways as aforesaid, as may from time to time be found necessary and expedient; and also to make, construct, erect and build all and all manner of vessels, steamboats, barges and other craft, and the rigging and appurtenances thereto belonging, and to make, build and manufacture all manner of steam engines, machinery and castings, and to carry on the business of ship builders and engineers, and of an iron-foundry respectively, and all their several branches, and to enter into contracts and agreements with any person or persons for, or in respect of, any matter or things relating to the same.

Company may
acquire real
property for
purposes of
the harbor,
and works.

III. And be it enacted, That the said Company shall be, and they are hereby authorized and empowered to acquire and purchase, or to take and enter into, after paying or tendering the value thereof, to be ascertained in manner hereinafter mentioned, and to have and hold to them and their successors, any estate real or mixed, at, or adjacent to, Burlington Bay aforesaid, to and for the use of the said Company, and to let, convey or otherwise depart with, for the benefit and account of the said Company, the said real or mixed estate, or such part thereof as may not be required for the purposes of the said Company, from time to time, as they shall deem necessary and expedient; Provided always, that all such real estate or property to be at any time held by the said Company, shall not exceed, in its yearly value, the sum of five thousand pounds.

Proviso:
amount limit-
ed.

Directors may
compound, &c.
with owners of
lands neces-
sary for pur-
poses aforesaid
or for damage
sustained.

IV. And be it enacted, That the Directors of the said Company be and they are hereby authorized and empowered to contract, compound, compromise and agree with the owners or occupiers of any lands or private easements, rights or privileges upon which they may determine to dredge, cut and construct the said harbor, wharf or wharves, wet-dock, dry-dock or railway, and to build and construct all such houses, shops and other erections and constructions as they shall deem requisite for carrying on the said business of ship-builders and engineers, and of an iron-foundry, with all necessary and convenient roads, streets and approaches thereto, to be made and constructed, either by purchase of so much of the said land or private easements and privileges as they shall require for the purposes of the said Company, or for the damages which they shall and may be entitled to receive of the said Company in consequence of the said intended harbor, roads, streets and approaches thereto, and other the erections or constructions aforesaid, being cut, made, constructed and erected on their respective lands; and in case of any disagreement between the said Directors and owners or occupiers aforesaid, it shall and may be lawful from time to time, so often as the Directors shall think fit, for each owner or occupier so disagreeing with the said Directors, either upon the value of the lands, tenements or private privileges proposed to be purchased, or upon the amount of damages to be paid to them as aforesaid, to nominate and appoint one or more indifferent person or persons, and for the said Directors to nominate an equal number of indifferent persons, who, together with one other to be elected by ballot by the persons so named, shall be arbitrators to award, determine, adjudge, and order the respective sums which the said Company shall pay to the respective persons entitled to receive the same, the award of the majority of whom shall be final; and the said arbitrators shall, and they are hereby required to attend at some convenient place in the vicinity of the said intended railway, to be appointed by the said Directors, after eight days' notice given them for that purpose by the said Directors, then and there to arbitrate, award, adjudge and determine such matters and things as shall be submitted for their determination by the

Case of disa-
greement pro-
vided for dif-
ferences, to be
settled by ar-
bitration.

the parties interested ; and that each arbitrator shall be sworn before some one of Her Majesty's Justices of the Peace in and for the District of Gore, any of whom may be required to attend the said meeting for that purpose, well and truly to assess the damages between the parties to the best of his judgment: Provided always, that any award made under this Act shall be subject to be set aside on application to the Court of Queen's Bench in the same manner and on the same grounds as in ordinary cases of submission by parties, in which case a reference may be again made to arbitration as hereinbefore provided.

Arbitrators to be sworn.

Proviso.

V. And be it enacted, That it shall and may be lawful for the President and Directors of the said Company, from time to time to regulate, fix and establish, the rates of wharfage, tolls, dues and duties, payable by persons navigating or owning rafts, vessels, boats or other crafts, on Lake Ontario, and which may from time to time partake of the benefits and advantages of the said harbor, wharves, wet-dock, dry-dock or railway, or of the store-houses or other protections and erections for the safe keeping, repairing and refitting of all vessels, boats, crafts and rafts, of any description, and of goods, wares and merchandize, shipped or unloaded within the limits of the said lands, private easements and privileges to be acquired by the said Company in manner hereinbefore mentioned ; and to alter the said tolls, dues, duties and demands as they may deem proper and expedient, and also for regulating the discharging of ballast, as well in the said harbor as in the Bay immediately adjacent thereto ; a copy of which tolls, rates and dues, shall be affixed up in not less than three public places adjacent to the said harbor and docks and railways, respectively.

Rates of Wharfage, Tolls, &c. may be established by the Company.

How to be notified to the Public.

VI. And be it enacted, That the said harbor, moles, piers, wharves, wet-dock dry-dock and railway, and all houses, shops and other the erections and constructions which the said Company shall from time to time deem proper and expedient to build and erect for the purpose of conducting and carrying on the said business of ship-builders and engineers, and of an iron-foundry, in their said several branches, together with all materials which shall be, from time to time, got or provided for constructing, building, maintaining or repairing the same, and for carrying on, managing and conducting the said business and concerns of the said Company in any of the respects hereinbefore mentioned, and the said tolls on goods, wares and merchandize, shall be and the same are hereby vested in the said Company and their successors.

Harbor, &c., vested in Company.

VII. And be it enacted, That if any person or persons shall neglect or refuse to pay the tolls or dues to be collected under this Act, it shall and may be lawful for the said Company, or their officer, clerk or servant, duly appointed, to seize or detain the goods, vessels or boats, on which the same shall be due and payable, until such tolls shall be paid ; and if the same shall remain unpaid for the space of thirty days next after such seizure, the said Company, or their officer, clerk or servant, may sell or dispose of the said goods, vessels or boats on which the same shall be due and payable, or of such part thereof as may be necessary to pay the said tolls or dues, by public auction, giving ten days' notice thereof, and return the overplus, if any, to the owner thereof.

Mode of enforcing payment of Tolls.

VIII. And be it enacted, That the stock, property, affairs and concerns of the said Company, shall be managed and conducted by seven Directors, one of whom shall be chosen President, who shall hold their offices for one year ; which said Directors shall be Stockholders to the amount of at least four shares, and be elected on the first

Business of Company to be managed by seven Directors : their qualification

Monday

and mode of
electing them,
&c.

Monday in May, in each year, at the City of Hamilton, at such time of the day as the majority of the Directors for the time being shall appoint; and public notice thereof shall be given in any newspaper that may be published in the City of Hamilton, at least thirty days previous to the time of holding such election; and the said election shall be held and made by such of the Stockholders of the said Company as shall attend for that purpose in their own proper persons or by proxy; and all elections for such Directors shall be by ballot, and the seven persons who shall have the greatest number of votes at any election shall be Directors; and if it shall happen at any such election that two or more persons have an equal number of votes, in such a manner that a greater number of persons than seven shall, by a majority of votes, appear to be chosen Directors, then the said Stockholders hereinbefore authorized to hold such election, shall proceed to elect by ballot until it is determined which of the said persons so having an equal number of votes shall be Directors, so as to complete the whole number of seven; and the said Directors so chosen, so soon as may be after the said election, shall proceed in like manner to elect by ballot one of their number to be President; and if any vacancy shall at any time happen among the Directors, by death, resignation or removal from the Province, such vacancy shall be filled, for the remainder of the year in which it may happen, by a person to be nominated by a majority of the Directors.

Number of
votes propor-
tioned to num-
ber of Shares.

IX. And be it enacted, That each Stockholder shall be entitled to the number of votes proportioned to the number of shares which he shall have held in his own name, at least one month prior to the time of voting, according to the following rates, that is to say: one vote for each share not exceeding four; five votes for every five shares; six votes for eight shares; seven votes for ten shares; and one vote for every five shares over ten.

Meeting for
election of Di-
rectors.

Proviso.

X. And be it enacted, That on the fourth Monday after the passing of this Act, a meeting of the Stockholders shall be held at Hamilton, who, in the same manner as hereinbefore provided, shall proceed to elect seven persons to be Directors, who shall continue in such office until the first Monday in May next after their election, and who, during such continuance, shall discharge the duties of Directors in the same manner as if they had been elected at the annual election: Provided always, that if shares to the amount of one thousand pounds of the Capital Stock of the said Company shall not be taken, then the said meeting shall not be held until the said amount of stock shall have been taken up, and at least thirty days' notice thereof be given in any newspaper published in the Gore District.

Corporation
not to be dis-
solved by fail-
ure to elect on
the day ap-
pointed,

XI. And be it enacted, That in case it should at any time happen that an election of Directors should not be made on any day when pursuant to this Act it ought to have been made, the said Corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any day to make and hold an election of Directors, in such manner as shall have been regulated by the By-laws and Ordinances of the said Corporation.

Directors to
have power to
make By-laws,
and to appoint
officers, &c.

XII. And be it enacted, That the Directors for the time being, or a major part of them shall have power to make and subscribe such rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said Corporation, and touching the duty of the officers,

officers, clerks and servants, and all such other matters as appertain to the business of the said Corporation, and shall also have power to appoint as many officers, clerks and servants for carrying on the said business, with such salaries and allowances as to them shall seem fit.

XIII. And be it enacted, That the whole capital or stock of the Company, inclusive of any real estate which the Company may have or hold by virtue of this Act, shall not exceed in value fifty thousand pounds, to be held in four thousand shares of twelve pounds ten shillings each; and that the shares of the said Capital Stock may, after the first instalment thereon shall have been paid, be transferred by the respective persons subscribing or holding the same, to other persons, and such transfer shall be entered or registered in a book to be kept for that purpose by the Company.

Amount of
Capital Stock
limited.

XIV. And be it enacted, That so soon as Directors have been appointed as aforesaid, it shall and may be lawful for them to call upon the Stockholders of the said Company, by giving thirty days' notice thereof in any paper published in the city of Hamilton, for an instalment of five per cent. upon each share which they or any of them respectively may subscribe; and that the residue of the sum or shares of the Stockholders shall be payable by instalments, in such time and in such proportions as a majority of the Stockholders, at a meeting to be expressly convened for that purpose, shall agree upon, so as no such instalments shall exceed five per cent., nor become payable in less than thirty days after public notice in the paper as aforesaid; Provided always, that the said Directors shall not commence the construction of the said harbor, wharves, docks or railway until ten per cent. upon the Capital Stock of the said Company shall be paid in.

Notice for
payment of
first instalment
to be given.

Remainder of
sums sub-
scribed for,
how to be pay-
able.

Proviso: ten
per cent. to be
paid up before
commencing
business.

XV. And be it enacted, That if any Stockholders as aforesaid, shall neglect or refuse to pay at any time required, any such instalment as shall be lawfully required by the Directors as due upon any shares, such Stockholders so refusing or neglecting, shall forfeit such shares as aforesaid, with any amount which shall have previously been paid thereon; and that the said shares may be sold by the said Directors, and the sum arising therefrom, together with the amount previously paid in, shall be accounted for and applied in like manner as other monies of the said Company; Provided always, that the purchaser shall pay the said Company the amount of the instalment required, over and above the purchase money of the shares so purchased by him, immediately after the sale, and before he shall be entitled to the certificate of the transfer of such shares so purchased as aforesaid; Provided always, that thirty days' notice of the sale of such forfeited shares shall be given in any newspaper published in the City of Hamilton, and that the instalments due may be received in redemption of any such forfeited shares at any time before the day appointed for the sale thereof.

Shareholder to
forfeit Shares
on neglecting
to pay instal-
ments.

Proviso:
Notice of for-
feiture.

XVI. And be it enacted, That it shall and may be lawful for the President and Directors of the said Company, from time to time, and for any term not exceeding three years, to borrow such sum or sums of money, in addition to the said capital or stock, as they shall deem expedient for the purposes of the said Company, from any person or persons or Company willing to lend the same; provided that such loan or loans shall not at any one time exceed one half the amount of the paid up capital or stock of the said Company; Provided always, that nothing in this Act contained shall be held to authorize or warrant the said Company to act as bankers, or to issue or keep

Company may
borrow money.

Proviso.

keep in circulation, notes in the nature of bank notes, or to make such notes valid in law, if issued by or in the name of the said Company.

Rights of the
Crown and
others saved.

XVII. And be it enacted, That it shall be the duty of the Directors to make annual dividends of so much of the profits of the said Company, as to them or a majority of them shall seem advisable; and that once in each year an exact and particular statement shall be rendered of the state of their affairs, debts, credits, profits and losses; such statements to appear on the books and to be open to the perusal of any Stockholder at his reasonable request.

Public Act.

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.

Directors to
make annual
dividends of
profits.

XIX. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and as such shall be judicially noticed by all Judges, Justices of the Peace and other persons without being specially pleaded.

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



ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. LXXXV.

An Act to incorporate *The Toronto Dry-Dock Company.*

[23th July, 1847]

WHEREAS it is desirable for the benefit of the country, and especially of the Shipping interest of Lake Ontario, that suitable facilities be afforded at Toronto for the building, repairing, and fitting of vessels: And whereas the persons hereinafter mentioned, have by petition, prayed to be incorporated for the purposes hereinafter mentioned: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to re-unite the 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 Wakefield, Thomas Rigney and Company, John Harrington, D. Paterson, E. Hooper, Thomas Craig, George Michie, William Gorrie, John McLean, John Riddell, Thomas D. Harris, Messrs. Ross, Mitchell and Company, Thomas Bell, W. B. Jarvis, Samuel Workman, James Charles, Henry E. Nicolls, Samuel G. Ridout, John Ellis, William V. Bacon, Robert J. Turner, Francis Lewis, John S. Powell, A. Badenach, Messrs. Jacques and Hay, D. Macdonell, and John Cameron, and all and every other person or persons, body and bodies politic or corporate who shall, under the authority of this Act, be associated with them and their several and respective successors, executors, administrators and assigns, shall be a body politic and corporate, by the name of *The Toronto Dry-Dock Company*, and by that name shall and may have perpetual succession and a common seal, with power to break and alter the same, and by that name shall and may sue and be sued, implead and be impleaded, in all Courts of Law or Equity in this Province.

Preamble.

Certain persons incorporated.

Corporate name and powers.

II. And be it enacted, That the said Company be, and they are hereby authorized and empowered, at their own costs and charges, to construct a Wharf or Wharves, with a Dry-Dock, Wet-Dock or Marine Railway, or Floating-Dock, calculated for the constructing, refitting and repairing all shipping, at Toronto aforesaid; which said Wharf or Wharves, and Dry-Dock or Marine Railway, or other works aforesaid, shall be accessible to, and safe and commodious for, the reception of such description and burthen of sail or steam vessels as now navigate Lake Ontario; and also to erect and build all such necessary and needful moles, piers, breakwaters, wharves, store-houses or other erections or constructions whatever, as shall be useful or proper for the purposes

Company may construct a Dock, &c.

Other works:

May build
vessels, con-
struct ma-
chinery, &c.

purposes aforesaid; and for the protection of the said Dry-Dock or Railway, or other works, and for the accommodation and convenience of vessels entering, lying, loading and unloading, repairing, refitting or lying up in the same, and to alter, amend, repair and enlarge the said Wharf or Wharves, Dry-Dock or Railway and other works as aforesaid, as may from time to time be found necessary and expedient; and also to make, construct, erect and build all and all manner of vessels, steamboats, barges and other craft, and the rigging and appurtenances thereto belonging, and to make, build and manufacture all manner of steam-engines, machinery and castings, and to carry on the business of ship-builders and engineers, and of an iron-foundry respectively, in all their several branches, and to enter into contracts and agreements with any person or persons for, or in respect of, any matter or things relating to the same.

Company may
acquire real
property for
purposes of the
Dock and
works.

Proviso.

III. And be it enacted, That the said Company shall be, and they are hereby authorized and empowered to acquire and purchase, and to have and to hold to them and their successors, any estate real or mixed, at, or adjacent to, the said City of Toronto, to and for the use of the said Company, and to let, convey or otherwise depart with, for the benefit and account of the said Company, the said real or mixed estate, or such part thereof as may not be required for the purposes of the said Company, from time to time, as they shall deem necessary and expedient; Provided always, that all such real estate or property to be at any time held by the said Company, shall not exceed in its yearly value the sum of five thousand pounds.

Directors may
compound, &c.
with owners of
lands necessa-
ry for purpo-
ses aforesaid,
or for damages
sustained.

IV. And be it enacted, That the Directors of the said Company be and they are hereby authorized and empowered to contract, compound, compromise and agree with the owners or occupiers of any lands or private easements, rights or privileges upon which they may determine to dredge, cut and construct the said Dry-Dock or Railway and other works aforesaid, and to build and construct all such houses, shops and other erections and constructions as they shall deem requisite for carrying on the said business of ship-builders and engineers and an iron-foundry, with all necessary and convenient roads, streets and approaches thereto, to be made and constructed, by purchase of so much of the said land or private easements and privileges as they shall require for the purposes of the said Company, or for the damages which such owners or occupiers shall and may be entitled to receive of the said Company in consequence of the said intended Dry-Dock or Railway and other works, roads, streets and approaches thereto, and other the erections or constructions aforesaid, being cut, made, constructed and erected on their respective lands.

Rates of
Wharfage,
Tolls, &c. to
be established
by the Compa-
ny.

V. And be it enacted, That it shall and may be lawful for the President and Directors of the said Company, from time to time, to regulate, fix and establish the rates of wharfage, tolls, dues and duties payable by persons navigating or owning rafts, vessels, boats or other crafts on Lake Ontario, and which may from time to time partake of the benefits and advantages of the said Dry-Dock or Railway or other works, or of the store-houses or other protections and erections for the building, safe keeping, repairing and refitting of all vessels, boats, crafts and rafts, of any description, and of goods, wares and merchandize, shipped or unloaded within the limits of the said lands, private easements and privileges to be acquired by the said Company in manner hereinbefore mentioned; and to alter the said tolls, dues, duties and demands as they may deem proper and expedient; a copy of which tolls, rates and dues shall be affixed in not less than three public places adjacent to the said Dry-Dock, Railway and other works respectively.

How to be no-
tified to the
Public.

VI. And be it enacted, That the said Wharf or Wharves, Dry-Dock, or Railway, Moles, Piers, Wharves, and other works, and all houses, shops and other the erections and constructions which the said Company shall from time to time deem proper and expedient to build and erect for the purpose of conducting and carrying on the said business of ship-builders and engineers and of an iron-foundry, in their said several branches, together with all materials which shall be, from time to time, got or provided for constructing, building, maintaining or repairing the same, and for carrying on, managing and conducting the said business and concerns of the said Company in any of the respects hereinbefore mentioned, and the said tolls on goods, wares and merchandize, shall be and the same are hereby vested in the said Company and their successors.

Dock, &c.,
vested in the
Company.

VII. And be it enacted, That if any person or persons shall neglect or refuse to pay the tolls or dues to be collected under this Act, it shall and may be lawful for the said Company or their officer, clerk or servant, duly appointed, to seize or detain the goods, vessels or boats, on which the same shall be due and payable, until such tolls shall be paid; and if the same shall remain unpaid for the space of thirty days next after such seizure, the said Company, or their officer, clerk or servant, may sell or dispose of the said goods, vessels or boats on which the same shall be due or payable, or of such part thereof as may be necessary to pay the said tolls or dues, by public auction, giving ten days' notice thereof, and return the overplus, if any, to the owner thereof.

Mode of en-
forcing pay-
ment of Toll:

VIII. And be it enacted, That the stock, property, affairs and concerns of the said Company, shall be managed and conducted by seven Directors, one of whom shall be chosen President, who shall hold their offices for one year; which said Directors shall each be Stockholders to the amount of at least four shares, and be elected on the first Monday in May, in each year, at the City of Toronto, at such time of the day as the majority of the Directors for the time being shall appoint; and public notice thereof shall be given in any newspaper that may be published in the City of Toronto, at least thirty days previous to the time of holding the said election; and the said election shall be held and made by such of the Stockholders of the said Company as shall attend for that purpose in their own proper persons or by proxy; and all elections for such Directors shall be by ballot, and the seven persons who shall have the greatest number of votes at any election shall be Directors; and if it shall happen at any such election that two or more persons have an equal number of votes, in such a manner that a greater number of persons than seven shall, by a majority of votes, appear to be chosen Directors, then the said Stockholders hereinbefore authorized to hold such election, shall proceed to elect by ballot until it is determined which of the said persons so having an equal number of votes shall be Directors, so as to complete the whole number of seven; and the said Directors so chosen, so soon as may be after the said election, shall proceed in like manner to elect by ballot one of their number to be President; and if any vacancy shall at any time happen among the Directors, by death, resignation or removal from the Province, such vacancy shall be filled, for the remainder of the year in which it may happen, by a person to be nominated by a majority of the Directors.

Business of
Company to
be managed
by seven Di-
rectors: their
qualification
and mode of
electing them,
&c.

IX. And be it enacted, That each Stockholder shall be entitled to the number of votes proportioned to the number of shares which he shall have held in his own name, at least one month prior to the time of voting, according to the following rates, that is

Number of
votes propor-
tioned to num-
ber of Shares,
to

to say : one vote for each share not exceeding four ; five votes for six shares ; six votes for eight shares ; seven votes for ten shares ; and one vote for every five shares over ten.

Meeting for election of Directors.

X. And be it enacted, That on the fourth Monday after the passing of this Act, a meeting of the Stockholders shall be held at Toronto, who, in the same manner as hereinbefore provided, shall proceed to elect seven persons to be Directors, who shall continue in such office until the first Monday in May next after their election, and who, during such continuance, shall discharge the duties of Directors in the same manner as if they had been elected at the annual election : Provided always, that if shares to the amount of one thousand pounds of the Capital Stock of the said Company shall not be taken, then the said meeting shall not be held until the said amount of stock shall have been taken up, and at least thirty days' notice thereof be given in any newspaper in the Home District.

Proviso.

Amount of Capital Stock limited.

XI. And be it enacted, That the whole capital or stock of the Company, inclusive of any real estate which the Company may have or hold by virtue of this Act, shall not exceed in value Ten thousand pounds, to be held in Two thousand shares of Five pounds each ; and that the shares of the said Capital Stock may, after the first instalment thereon shall have been paid, be transferred by the respective persons subscribing or holding the same, to other persons, and such transfer shall be entered or registered in a book to be kept for that purpose by the Company.

Notice for payment of Instalments to be given.

XII. And be it enacted, That so soon as Directors have been appointed as aforesaid, it shall and may be lawful for them to call upon the Stockholders of the said Company, by giving thirty days' notice thereof in any newspaper published in the city of Toronto, for an instalment of five per cent. upon each share which they or any of them respectively may subscribe ; and that the residue of the sum or shares of the Stockholders shall be payable by instalments, in such time and in such proportions as a majority of the Stockholders, at a meeting to be expressly convened for that purpose, shall agree upon, so as no such instalments shall exceed five per cent, nor become payable in less than thirty days after public notice in such newspaper as aforesaid.

Remainder of sums subscribed how payable.

Shareholders to forfeit Shares on neglecting to pay instalments.

XIII. And be it enacted, That if any Stockholder as aforesaid, shall neglect or refuse to pay at any time required, any such instalment as shall be lawfully required by the Directors as due upon any shares, such Stockholders so refusing or neglecting, shall forfeit such shares as aforesaid, with any amount which shall have previously been paid thereon ; and that the said shares may be sold by the said Directors, and the sum arising therefrom, together with the amount previously paid in, shall be accounted for and applied in like manner as other monies of the said Company ; Provided always, that the purchaser shall pay the said Company the amount of the instalment required, over and above the purchase money of the shares so purchased by him, immediately after the sale, and before he shall be entitled to the certificate of the transfer of such shares so purchased as aforesaid ; Provided always, that thirty days' notice of the sale of such forfeited shares shall be given in any newspaper published in the City of Toronto, and that the instalments due may be received in redemption of any such forfeited shares at any time before the day appointed for the sale thereof.

Proviso : notice of forfeitures.

Proviso.

XIV. And be it enacted, That it shall and may be lawful for the President and Directors of the said Company, from time to time, and for any term not exceeding three years, to borrow such sum or sums of money, in addition to the said capital or stock, as they shall deem expedient for the purposes of the said Company, from any person or persons or Company willing to lend the same; provided that such loan or loans shall not at any one time exceed one half the amount of the paid up capital or stock of the said Company: Provided always, that nothing in this Act contained shall be held to authorize or warrant the said Company to act as bankers, or to issue or keep in circulation, notes in the nature of bank notes, or to make such notes valid in law, if issued by or in the name of the said Company.

Company may borrow money

Proviso.

XV. And be it enacted, That it shall be the duty of the Directors to make annual dividends of so much of the profits of the said Company as to them or a majority of them shall seem advisable; and that once in each year an exact and particular statement shall be rendered of the state of their affairs, debts, credits, profits and losses; such statements to appear on the books and to be open to the refusal* of any Stockholder at his reasonable request.

Directors to make annual dividends of profits.

*Sic—for perusal.

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

Public Act.

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Law Printer to the Queen's Most Excellent Majesty.



ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. LXXXVI.

An Act to revive and extend the Act incorporating the Humber Harbour and Road Company.

[28th July, 1847.]

WHEREAS by the seventeenth section of an Act passed in the eighth year of Her Majesty's Reign, and intituled, *An Act to incorporate certain persons under the name and style of the President, Directors and Company of the Humber Harbour and Road*, it is provided that the said Company shall forfeit and lose all benefit of the said Charter, and the privileges and powers thereby conferred, unless the said Harbour shall be begun within two years and completed within four years from the passing of the said Act, and the Roads shall be in a progressive state of extension and improvement; and whereas sundry persons have petitioned the Legislature of this Province to extend the period for completing the said Harbour and Road, and it is just that the prayer of their petition should be granted: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the said Act in part recited in the Preamble to this Act shall be and is hereby revived, continued and confirmed, with the exception of the seventeenth section thereof, and notwithstanding any failure on the part of the Company thereby constituted and incorporated to commence the said Harbour and Road, or either of them, within the said period of two years, or to complete the same within the period of four years, the said Act shall be and remain in as full force and effect, and the Corporation thereby constituted shall continue, and the rights and privileges of the said Corporation shall be the same, as if the said seventeenth section of the said Act had not formed part thereof; and the said seventeenth section is hereby repealed.

Preamble.
Act, 8 Vict.
c. 95. s. 17,
cited.

The said 17th
section repeal-
ed, and the
Act continued
in force.

II. And be it enacted, That if the said Company shall not and do not within five years from the passing of this Act construct, finish and put in operation the said Harbour and Road, or one of them, the rights and privileges of the said Company under the said recited Act and under this Act, and also the said Acts respectively, shall cease and be utterly null and void; anything in either of the said Acts contained to the contrary thereof in anywise notwithstanding.

Harbour or
Road to be
completed
within five
years.

III.

Persons travelling on the said Road not to pay Toll for merely crossing any other Road.

Proviso.

Company may alter the line of the Road within certain limits.

III. And be it enacted, That any person or persons using or travelling on the said Road either on foot or on horseback, or in any carriage, wagon or vehicle of what kind or nature soever, and all vehicles loaded or unloaded, horses and cattle using or passing on or over the said Road, shall be and is and are hereby exempted from paying any rate or tolls to any other incorporated or other Company or to any person or persons whatsoever, for crossing or passing over or upon, from one side of the Road to the other, any line of Rail-road, Macadamized, Planked or other Road that is now or may hereafter be constructed, and which does or may intersect the line contemplated in the said above in part recited Act: Provided always, that such exemption shall not extend or be construed to extend further than to allow the use of a continuous line of Road without paying other tolls for the use thereof than are, shall or may be imposed under and by virtue of the provisions of the said above in part recited Act.

IV. And be it enacted, That it shall and may be lawful for the said Company to adopt any other line of Road to intersect with the Weston Turnpike or Plank Road Company's Road they may deem expedient under the provisions and restrictions of the before recited Act.

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ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. LXXXVII.

An Act to amend the Act incorporating *The Cobourg and Rice Lake Plank Road and Ferry Company.*

[28th July, 1847.]

WHEREAS the provisions of an Act passed in the ninth year of the Reign of Her present Majesty Queen Victoria, and intituled, *An Act to revive and amend the Act of Upper Canada incorporating the Cobourg Rail-road Company, and for other purposes therein mentioned*, are insufficient to enable the Cobourg and Rice Lake Plank Road and Ferry Company, as incorporated by that Act to carry into effective operation the objects of the said Company; And whereas it is necessary in order to afford the means required to complete the construction of the Plank Road and Ferry that a more speedy and certain remedy for the collection of money subscribed towards the undertaking, be given to the Company than at present exists by law, and that calls made or to be made by the Directors upon the Stockholders for the instalments upon the Stock subscribed, should be enforced by action in the Courts of Common Law in this Province; And whereas from the large number of shares required to be held by the Directors, difficulty is to be apprehended in obtaining persons qualified to act in the Directorship, and it is expedient to reduce the number of shares which are so required to be held: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-write the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, so much of the twenty-second section of the said Act as relates to the amount of Stock to be held by the Directors shall be, and the same is hereby repealed.

Preamble.
Act 9 Vic. c.
80, cited.

Part of Sect.
22 of the said
Act repealed.

II. And be it enacted, That the Directors to be elected to manage the affairs of the said Company shall be severally Stockholders to the amount of eight shares at least.

Each Director
to be a Stock-
holder to the
amount of
eight shares.

III. And be it enacted, That for and notwithstanding anything contained in the twenty-seventh and twenty-eighth sections of the said Act, it shall not be considered essential or necessary that the full sum of six thousand pounds stock should have been or shall be all taken up and subscribed, but that the said Company (having two-thirds of the Capital Stock of six thousand pounds subscribed at the time of the passing this Act,)

Company to
have the like
privileges and
powers as if
the whole of
the Capital
Stock had been
subscribed and

the first instalment paid in before the work was commenced.

Act,) shall have the like privileges, advantages and powers as if the whole Capital Stock of the said Company had been taken up and subscribed and the first instalment had been paid up before the construction of the Plank Road was commenced.

Shares not to be transferred until all calls due thereon are paid.

IV. And be it enacted, That for and notwithstanding anything contained in the twenty-seventh clause of the said Act, no Stockholder shall be entitled to transfer any share or shares after a call shall have been made in respect thereof until he shall have paid such call, nor until he shall have paid all calls for the time being due on every share held by him.

Subscriptions to be paid when called for.

V. And be it enacted, That the several persons who have subscribed any money towards the undertaking, or their personal representatives respectively, shall pay the sums respectively so subscribed or such portions thereof as shall be, or shall have been from time to time called for by the Directors; and with respect to the provisions in this Act or in the said Act contained for enforcing the payment of calls or instalments the word "Stockholder" shall extend to and include any person who may have subscribed the original prospectus of the Company or agreement to take Stock therein, and shall also extend to and include the legal personal representatives of such Stockholder or person as aforesaid.

Meaning of the word "Stockholder."

Interest to be paid on calls remaining unpaid.

VI. And be it enacted, That if any Stockholder do not pay the amount of any call or instalment to which he is liable before or on the day appointed for payment, then such Stockholder shall be liable to pay interest for the same at the rate allowed by law from the day appointed for the payment thereof to the time of the actual payment; Provided always, that interest shall not be charged upon calls or instalments due before the passing of this Act for the time during which such calls shall have been unpaid, but that it shall be lawful to charge interest on such calls or instalments for the time they shall remain unpaid after the passing of this Act.

Proviso as to calls made before the passing of this Act.

Calls may be enforced by action.

Action not to prevent forfeiture.

VII. And be it enacted, That if default shall have been made or shall hereafter be made by any Stockholder in the payment of any call at the time appointed by the Directors for the payment thereof, then it shall be lawful for the Company to sue such Stockholder for the amount of such call in any Court of Law in this Province (having competent jurisdiction in regard to the amount to be recovered) and to recover the same with lawful interest: and if the Company shall elect to sue any Stockholder under the authority of this Act, such suit shall not in any way interfere with the forfeiture of the share or shares of such Stockholder as provided by the twenty-ninth clause of the said Act.

What averment shall be requisite in actions for calls.

VIII. And be it enacted, That in any action or suit to be brought by the Company against any Stockholder to recover any money due for any call, it shall not be necessary to set forth the special matter, but it shall be sufficient for the Company to aver that the Defendant is the holder of one share or more (stating the number of shares) in the Capital Stock of the Company, and that he is indebted to the Company in the sum of money to which the calls in arrear shall amount, in respect of one call or more upon one share or more (stating the number and amount of each such call) whereby an action hath accrued to the Company by virtue of this Act.

IX. And be it enacted, That on the trial or hearing of such action or suit it shall be sufficient for the Company to prove that the defendant at the time of making such call was a holder of one share or more, in the undertaking, (and when there has been no transfer of the shares, then the proof of subscription to the original agreement to take stock shall be sufficient evidence of holding stock to the amount subscribed,) and that such call was in fact made, and notice thereof given, as is required by the said Act, and it shall not be necessary for the Company to prove the appointment of the Directors who made such call, or any other matter whatever, and thereupon the Company shall be entitled to recover what shall be due upon such call with interest thereon, unless it shall appear either that any such call exceeds the prescribed amount, or that due notice of such call was not given, or that a meeting of the Stockholders was not expressly convened for the purpose of deciding on the time of payment, and the amount of such call, (in cases where such meeting is required by the above cited Act,) or that a majority of the Stockholders did not agree upon the time of payment, and the amount of such call (when such is required by the above cited Act.)

What matters must be proved in action for calls.

X. And be it enacted, That before apportioning the profits to be divided among the Stockholders, the Directors may if they think fit, set aside thereon such sum as they may think proper to meet contingencies, or for enlarging, repairing or improving the works connected with the undertaking, or any part thereof, and may divide the balance only among the Shareholders.

Directors may set aside part of the profits for contingencies.

XI. And be it enacted, That if several persons be jointly entitled to a share, the person whose name stands first in the Register of Shareholders as one of the holders of such Share, shall, for the purpose of voting at any Meeting, be deemed the sole proprietor thereof: and on all occasions the vote of such named Shareholder, either in person or by proxy, shall be allowed as the vote in respect of such share, without proof of the concurrence of the other holders thereof.

Votes of Joint Stockholders how to be given.

XII. And be it enacted, That in any action or suit, brought by or against the Company, upon any contract or for any matter or thing whatsoever, any Stockholder shall be competent as a witness, and his testimony shall not be deemed inadmissible on the ground of interest.

In actions by or against the Company, Stockholders to be competent witnesses.

XIII. And be it enacted, That the following words and expressions used in this Act and in the above cited Act, shall have the several meanings hereby assigned to them, unless there be something in the subject or the context repugnant to such construction, that is to say: words importing the singular number only shall include the plural number: and words importing the plural number only shall include the singular number; words importing the masculine gender only shall include females as well as males; the word "Calls" shall mean the instalments called in by the Directors of the Company.

Interpretation clause.

Number.

Gender.

Calls.



ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. LXXXVIII.

An Act to incorporate certain persons as *The Guelph and Dundas Road Company*.
[28th July, 1847.]

WHEREAS certain inhabitants of the District of Wellington and Gore have petitioned for the passing of an Act incorporating a Joint Stock Company for the purpose of constructing a Plank, macadamized or gravelled Road, from the Town of Guelph in the said District of Wellington, to the macadamized Road from Dundas to Waterloo; and whereas it is expedient to incorporate a Joint Stock Company for the purpose aforesaid, with the powers and under the provisions hereinafter mentioned: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council, and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That James B. Morden, Walter Colcleugh, John Weir, William Miller (of West Flamborough), William McKindlay (of the same place), George Sylvester Tiffany, William Notman, James Bell Ewart, Richard Juson, William Leslie, James Wright, Benjamin Thurtell, James Hodgert, George John Grange, William Clarke, Thomas Sandilands, Alexander Dingwall Fordyce, and Adam Johnston Fergusson, with all such other persons as shall become Stockholders in such Joint Stock or Capital as is hereinafter mentioned, shall be and are hereby ordained, constituted and declared to be a body corporate and politic by and under the name and style of *The Guelph and Dundas Road Company*, and by that name they and their successors shall and may have continued succession, and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and be answered unto, in all Courts and places whatsoever, in all manner of actions, suits, complaints, matters and concerns whatsoever; and they and their successors may and shall have a common seal, and may change and alter the same at their will and pleasure, and also that they and their successors by the same name of *The Guelph and Dundas Road Company* shall be by law capable of purchasing, having and holding to them and their successors any estate, real or personal or mixed, to and for the use of the said Company, and of letting, conveying and otherwise departing therewith for the benefit and on account of the said Company from time to time as they shall deem necessary and convenient: Provided always nevertheless, that the real estate to be held by the said Company shall be only such as shall be required to be held by them for

Preamble.

Certain persons incorporated.

Corporate name and powers.

Proviso as to Real Estate.

for the purpose of making, using and preserving the road hereby authorized to be constructed, and for objects immediately connected therewith.

Company empowered to make a Road within certain limits.

II. And be it enacted, That the said Company and their agents or servants shall have full power under this Act to lay out, construct, make and finish a plank, macadamized or gravelled, or a partly planked, partly macadamized and partly gravelled Road, at their own costs and charges, on and over that part of the country in the said Districts of Wellington and Gore, lying between the said Town of Guelph and the said macadamized Road from Dundas to Waterloo, and following as near as conveniently may be the direction of the present travelled road commonly called the Brock Road, and using the same or such parts thereof as to them may appear suited to the purpose of the said Company.

May use the Brock Road.

Company may agree with owners of land, for the purchase, damages, &c.

III. And be it enacted, That the said Company are hereby empowered to contract, compound, compromise and agree with the owners and occupiers of any lands upon which they may determine to construct the said Road hereby authorized to be constructed, either by purchase of so much of the said land and privileges as they shall require for the purposes of the said Company, or for the damages which he, she or they shall and may be entitled to receive of the said Company, in consequence of the said intended road being made and constructed in and upon his, her or their respective lands, or in case of any disagreement between the said Company and the owner or owners, occupier or occupiers as aforesaid, it shall and may be lawful from time to time for each owner and occupier so disagreeing with the said Company either upon the value of the lands and tenements or private privileges proposed to be purchased, or upon the amount of damages to be paid to them as aforesaid, to nominate and appoint one or more indifferent person or persons, and for the said Company to nominate an equal number of indifferent persons, who, together with one other person to be elected by ballot by the persons so named, shall be arbitrators to award, determine and adjudge and order the respective sums of money which the said Company shall pay to the respective persons entitled to receive the same.

Arbitration in case of difference.

Arbitrator to be named by Judge if the party neglects to appoint one.

Third Arbitrator.

IV. And be it enacted, That if after eight days' notice in writing given to the party so disagreeing as to the value aforesaid, such party shall not nominate or appoint an arbitrator or arbitrators as aforesaid on his part, then and in such case the Judge of the District Court of the District in which the land is situate shall and may nominate and appoint one or more arbitrator or arbitrators to act on their behalf with the same powers and authority as if appointed by the party or parties so refusing or neglecting to appoint an arbitrator or arbitrators in his or their behalf, and to meet and ballot for the additional arbitrator or umpire.

Proceedings of Arbitrators.

Award to be final.

V. And be it enacted, That the arbitrators so appointed shall fix a convenient day for hearing the respective parties, and shall give eight days' notice at least of the day and place, and having heard the parties or otherwise examined into the merits of the matters so brought before them, the said arbitrators or a majority of them shall make their award or arbitration thereupon in writing, which award or arbitrament shall be final as to the value so in dispute as aforesaid.

Company may take possession on payment or

VI. And be it enacted, That if the party so disagreeing refuse to accept the value of land or damage so ascertained by the arbitrators as aforesaid, till the end of the next

next ensuing Term in Her Majesty's Court of Queen's Bench, in that part of the Province formerly Upper Canada, next after making the award and tender of the value thereby ascertained, then, and in such case, the Directors for the time being shall be at liberty and shall have full power to occupy the piece of land so valued by the said arbitrators, in the same manner as other portions of the said road.

refusal of award.

VII. And be it enacted, That in any action of ejectment or other action, real, personal or mixed, for or on account of such occupation by the said Company, their servants or agents, or other person or persons using the said road, the said award shall and may be pleaded in bar of such action, at any time after the said Term of the said Court of Queen's Bench, notwithstanding any defect in form or substance in the said award: Provided always, that it shall and may be lawful to and for the party or parties interested in the land mentioned in the award or their agent by counsel at any time before the last day of the said Term next ensuing after the same hath been made, and the amount of the value awarded tendered, to move the said Court of Queen's Bench to set aside such award for corruption or any other matter or thing for which awards are now subject to be impugned by law; Provided also, that if the first award be so set aside by the Court of Queen's Bench, the matter in difference may again be submitted to other arbitrators, and so on till a satisfactory award be made between the parties.

Award may be pleaded in bar to an ejectment.

Award may be set aside by Q. B.

New award.

VIII. And be it enacted, That the said Company shall have full power and authority to explore the country lying between the said town of Guelph and the said macadamized Road from Dundas to Waterloo, and to designate and establish, and it shall be lawful for the said Company to take, appropriate, have and hold to and for the use of them and their successors the requisite lands upon the line and within the boundaries of the said road hereby authorized to be constructed; and for the purpose aforesaid, the said Company and their agents, servants and workmen are hereby authorized and empowered to enter into and upon the lands and grounds of and belonging to the Queen's Majesty, Her Heirs, or Successors or any person or persons body or bodies corporate or politic.

Company may enter upon lands for the purpose of survey.

IX. And be it enacted, That it shall and may be lawful for the President and Directors of the said Company from time to time to fix, regulate and receive the tolls and charges to be received from all persons passing and re-passing over the said road hereby authorized to be constructed, or any part or parts thereof, as the same shall from time to time be constructed.

Company may fix Tolls.

X. And be it enacted, That whenever the tolls collected on any part or parts of the road hereby authorized to be constructed before the entire completion thereof shall exceed in amount a sum sufficient to defray the expenses of maintaining and repairing the said part or parts of the said road, and to afford an amount of income to the said Company of six per centum on the capital actually expended on the construction thereof, then and in such case the overplus revenue of the said tolls shall be applied to the further construction and completion of the said road hereby authorized as aforesaid, until the whole work shall be completed.

Overplus revenue from any part of the road, how to be applied, until the whole road is completed.

XI. And be it enacted, That the road and materials which shall be from time to time got or provided for constructing, building, maintaining or repairing the same, and the

Road, &c. vested in the Company.

the said tolls as hereinbefore mentioned, shall be, and the same are hereby vested in the said Company and their successors for ever.

Company may
erect Toll
Gates.

XII. And be it enacted, That the President and Directors of the said Company shall have full power to erect such number of gates in or across the said road, and fix such tolls as they may deem fit and expedient to be incurred at each, (which rates or tolls may be altered from time to time as circumstances may require,) and to erect, and maintain such toll-houses, toll-gates and other erections as to them may seem necessary and convenient for the due performance of their business; provided that no such toll shall be levied until at least three miles of the said road shall have been completed.

Proviso.

Punishment of
persons des-
troying Gates
or other works
of the Com-
pany.

XIII. And be it enacted, That if any person or persons shall cut, break down or destroy in any way, any of the gates or toll-houses to be erected by virtue of this Act, every such person so offending and being lawfully convicted thereof, shall be deemed guilty of a misdemeanor, and that the same shall be triable at the Court of Quarter Sessions, and be punishable by fine and imprisonment or either, in the discretion of the Court; and if any person or persons shall remove any earth, stone or timber on the said road to the damage of the same, or shall forcibly pass or attempt to pass by force any of the gates without having first paid the legal toll at such gate, such person or persons shall pay all damage by them committed, and shall forfeit and pay a fine not exceeding five pounds nor less than five shillings currency, to be recoverable on the oath of any one credible witness, before any one Justice of the Peace for the District in which such act shall have been committed.

Removing ma-
terials or for-
cibly passing
gates.

Penalty on
parties evading
Tolls.

XIV. And be it enacted, That if any person or persons shall after proceeding on the said road with any carriage or animals liable to pay toll, turn out of the said road into any other road, and shall enter the said road beyond any of the said gate or gates without paying toll, whereby such payment shall be evaded, such person or persons shall for every such offence forfeit and pay a sum not exceeding ten shillings to be recovered before any one Justice of the Peace for the District in which such gate or gates may be situated.

Penalty on
persons assist-
ing others to
evade Tolls.

XV. And be it enacted, That if any person or persons occupying or possessing any inclosed lands near any toll-house or toll-gates which shall be erected in pursuance of this Act, shall knowingly permit or suffer any person or persons to pass through such lands or any gate, passage or way thereon, with any carriage, horse, mare or gelding or other animal liable to the payment of toll whereby such payment shall be avoided, every person or persons so offending, and also the person riding or driving such animal or animals, or carriage whereon such payment is avoided, being thereof convicted, shall for every such offence, severally to be recovered before any one Justice of the Peace for the District in which such gate or gates may be situated, forfeit and pay a sum not exceeding ten shillings currency.

Persons con-
victed may be
committed to
Jail if the
penalty be not
paid.

XVI. And be it enacted, That if any person summarily convicted under this Act shall not pay the fine or penalty together with the costs if awarded (which costs the convicting Justice or Justices are hereby authorized to award if he or they shall think fit) either immediately after such conviction, or within such time as the Justice or Justices shall appoint, it shall be lawful for such Justice or Justices to commit the offender to the Common Jail, there to be imprisoned for any term not exceeding two calendar

calendar months, the commitment to be determinable in every case on payment of the amount and costs, or such penalty and costs may also be levied and collected by distress and sale of the offender's goods and chattels under the authority of any warrant or warrants to be issued by such Justice or Justices, who are hereby authorized and empowered to grant the same; and that all such monies arising from any fines, penalties or forfeiture under this Act, recoverable whether summarily or imposed by any Court, shall be expended on the said road, or towards discharging the debt thereof, and that the evidence of any Stockholder of the said Company shall be admitted in proof of the offence, notwithstanding the application of such monies.

Application of fines, &c.

Stockholders may be witnesses.

XVII. And be it enacted, That all persons, horses or carriages going to or attending or returning from any funeral, or any person with horse or carriage going to or returning from Divine Service on the Lord's Day shall pass the gates free of toll.

Exemptions from Toll.

XVIII. And be it enacted, That the said Company or their agents or servants at any time after the passing of this Act, under and by virtue of its provisions, shall and may contract, erect and build a road as aforesaid, and also that the said road contemplated by this Act, shall not in any degree interfere with or encroach upon any fee simple, right or private easement or privilege of any individual now holding and enjoying the same or entitled thereto, without permission first had and obtained by consent of the owner thereof, or by virtue of the express provisions of this Act.

Company not to interfere with private rights without making compensation.

XIX. And be it enacted, That the property, affairs and concerns of the said Company shall be managed and conducted by seven Directors, (one of whom shall be chosen President,) who shall hold their offices for one year, which said Directors shall be Stockholders to the amount of at least ten shares, and the first election of such Directors shall take place at the Town of Guelph on the first Monday in January, eighteen hundred and forty-eight, at the hour of twelve at noon, and thereafter the said annual election of Directors shall take place at the town of Guelph on such day and at such hour as a majority of the Directors for the time being shall appoint, and public notice thereof shall be given in any one newspaper that may be published in the said District of Wellington, and in any one newspaper that may be published in the said District of Gore, at least one calendar month previous to holding the said election; and the said election shall be held and made by such of the Stockholders of the said Company as shall attend for that purpose in their own proper persons or by proxy, and elections for such Directors shall be by ballot, and the seven persons who shall have the greatest number of votes at any election shall be Directors; and if it shall happen at any such election that two or more have an equal number of votes in such a manner that a greater number of persons than seven shall by a plurality of votes appear to be chosen Directors, the said Stockholders hereinbefore authorized to hold such election, shall proceed to elect by ballot, until it is determined which of the said persons so having an equal number of votes shall be Director or Directors, so as to complete the whole number of seven; and the said Directors so chosen, shall, as soon as may be after the said election proceed in like manner to elect by ballot one of their number to be President: and if any vacancy or vacancies shall at any time happen among the Directors by death, resignation, or removal from the Province, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by a person or persons to be nominated by a majority of the Directors.

Affairs of the Company to be managed by seven Directors: one to be President.
First Election

Public notice.

Ballot.

Equality of votes.

Elections of President.
Vacancies between elections.

Number of votes to which shareholders shall be entitled.

XX. And be it enacted, That each Stockholder shall be entitled to a number of votes in proportion to the number of shares which he or she shall have in his or her own name and shall have had at least one month previous to the time of voting, according to the following rules, that is to say : one vote for each share not exceeding four ; five votes for six shares ; six votes for eight ; seven votes for ten shares, and one vote for every five shares above ten.

First meeting of Directors.

XXI. And be it enacted, That on the said first Monday in January eighteen hundred and forty-eight, a meeting of the Stockholders shall be held in the Town of Guelph as hereinbefore mentioned, who shall proceed to elect seven persons to be Directors, who shall elect by ballot one of their number to be President ; and shall continue in office until the first Monday in January next after the day of election, and who during such continuance shall discharge the duties of Directors of the said Company as aforesaid.

Failure to elect provided against.

XXII. And be it enacted, That in case it should at any time happen that an election of Directors should not be made on any day when pursuant to this Act it ought to have been made, the said Corporation shall not for that cause be deemed to be dissolved but it shall and may be lawful on any day to hold and make an election of Directors in such manner as shall be regulated by the By-laws and Ordinances of the said Corporation ; or if such election be the first, then on any day of which notice shall be given as hereinbefore required for such first election.

Directors to make By-laws, appoint officers, &c.

XXIII. And be it enacted, That the Directors for the time being or a majority of them shall have power to make and subscribe such By-laws and Regulations as to them shall appear needful and proper touching the management and disposition of the stock, property, estate and effects of the said Company, and touching the duties of the officers, clerks and servants thereof, and all such other matters or things as appertain to the business of the Corporation, and also shall have power to appoint as many officers, clerks and servants for the carrying on the said business, and with such salaries and allowances as to them shall seem fit.

Amount of the capital of the Company limited.

Transfer of shares.

proviso: Company not to act as bankers.

XXIV. And be it enacted, That the whole Capital Stock which the said Company may have or hold by virtue of this Act shall be Ten thousand pounds currency, with power to increase the same to double that amount if found necessary for constructing the said road ; and that the shares of the Capital Stock shall be composed of shares of the value of five pounds currency each, and such shares shall be personal property, and may, after the first instalment thereon shall have been paid, be transferable by the respective persons subscribing and holding the same to any other person or persons, and such transfer shall be entered and registered in a book or books to be kept for that purpose by the said Company : Provided always, that nothing herein contained shall extend to authorize the said Company to carry on the business of Banking.

How instalments of capital stock may be called in.

XXV. And be it enacted, That so soon as Directors have been appointed as aforesaid, it shall and may be lawful for them to call upon the Stockholders of the said Company, by giving thirty days' notice thereof in any one newspaper that may be published in the said District of Wellington and in any one newspaper that may be published in the said District of Gore, for an instalment of twenty per cent. upon each share which they or any of them may respectively have subscribed for, and that the residue

residue of the sums or shares of the Stockholders shall be payable by instalments in such time and in such proportions as a majority of the Stockholders (at a meeting expressly convened for that purpose) or at a meeting held for the choice of Directors as aforesaid shall agree upon; provided, however, that no such instalment subsequent to the first as aforesaid shall exceed five per cent., nor become payable in less than thirty days after public notice in the newspaper or newspapers as aforesaid.

XXVI. And be it enacted, That of the persons as aforesaid nominated and balloted for in manner aforesaid, those seven shall be deemed elected who shall have the greater number of votes according to the shares held by the voters respectively as hereinbefore prescribed, at each and every such election of Directors, and that at every such election in every year as aforesaid, after the ballot shall have been kept open for three hours, the seven persons having the majority of votes in manner aforesaid shall, so soon after as convenient on the same day, be declared the Directors chosen for the ensuing year, by two or more scrutineers who shall have been previously nominated by the Stockholders for the purpose of nomination and report of such ballot: Provided nevertheless, that the Stockholders present at the place of ballot shall in the nomination of scrutineers vote *per capita*, and not by shares.

Proceeding at elections of Directors regulated.

Proviso.

XXVII. And be it enacted, That if any Stockholder or Stockholders as aforesaid shall refuse or neglect to pay at the time required any instalment or instalments which shall be lawfully required by the Directors as due upon any share or shares, such Stockholder or Stockholders so refusing or neglecting shall forfeit such share or shares as aforesaid with any amount which shall have been previously paid thereon, and the said share or shares may be sold by the said Directors, and the sum arising therefrom, together with the amount previously paid thereon, shall be accounted for and applied in like manner as other monies of the said Company: Provided always, that the purchaser or purchasers shall pay the said Company the amount of the instalment required, over and above the purchase money of the share or shares so purchased by him, her or them, as aforesaid, immediately after the sale, and before he, she or they shall be entitled to the certificate of the transfer of such share or shares purchased as aforesaid: Provided always, that twenty days' notice of the sale of such forfeited share or shares shall be given in any one newspaper that may be published in the said District of Wellington, and in any one newspaper that may be published in the said District of Gore, and that the instalments due may be received in redemption of any such forfeited share at any time before the time appointed for the sale thereof, or the said Company may sue for and recover any such instalment or instalments in any Court having jurisdiction in matters of debt or contract according to the amount.

Stockholders may be compelled to pay instalments.

Forfeiture of shares if instalments be not paid.

Proviso.

Proviso.

XXVIII. And be it enacted, That the said President and Directors, if they think proper, may commute tolls with any person or persons, by taking from him, her or them, a certain sum either monthly or annually in lieu of such tolls, and that the said President and Directors shall affix in a conspicuous place at all such toll-gates a Table of the Rate of Tolls to be exacted and taken, to be plainly and legibly printed.

Company may commute with any party for the Tolls.

XXIX. And be it enacted, That it shall be the duty of the Directors to make annual dividends of so much of the profits of the said Company as to them or a majority of them shall seem advisable, and that once in each year an exact and particular statement shall be rendered of the state of their affairs, debts, credits, profits and losses; such statements

Directors to declare dividends, and render accounts.

statements to appear in the Books, and to be open to the perusal of any Stockholder at his or their reasonable request.

Sinking fund to purchase the road for the public, provided out of surplus profit of the Company.

XXX. And be it enacted, That whenever the said tolls shall in the annual receipts exceed in amount a sum sufficient to defray the expenses of maintaining and repairing the said road, and incidental expenses of the said Company, and to afford an annual income to the said Company of eight per cent. profit on the capital actually expended in the construction of the said road, the said eight per cent. to be calculated from the time or times at which the part or parts of the said road on which such expenditure took place, shall have been constructed, then, and in such case, the increasing surplus revenue of the said tolls shall be charged against the said Company as so much received by them in the nature of a sinking fund by means whereof to purchase from the said Company the entire estate, use and property of the said road, to and for the use of the public, in such manner and form as the Legislature of this Province may by legislative enactment hereafter provide.

The Legislature may purchase the Road on repaying the capital and 15 per cent. extra.

Eight per cent. per annum ensured to the Company, in that case.

XXXI. And be it enacted, That the Legislature of this Province may at any time whatever purchase the entire estate, property and use of the said road from the said Company, paying to the said Company the capital so as aforesaid actually expended together with fifteen per cent. advance thereupon to the credit of which payment all revenue exceeding eight per cent. upon the *bonâ fide* expenditure, and over and above the expense of maintaining and repairing the said road and incidental expenses of the said Company shall be charged and taken; and it is also hereby provided and declared, that if any deficiencies of the said eight per cent. annual profit should occur at any time, such deficiencies shall also be chargeable against the increasing revenue of the subsequent years, so that the Company may fairly and actually receive eight per cent. profit on their own *bonâ fide* expenditure for the whole time they shall enjoy the estate, rights and privileges acquired under this Act; anything herein contained to the contrary notwithstanding.

District Councils of Wellington and Gore may take stock in the undertaking, &c.

The said Councils or other parties may improve part of the road and take stock for the amount expended.

How they shall vote in such case.

XXXII. And be it enacted, That it may and shall be lawful for the District Councils of the Districts of Wellington and Gore, or for either of them, to take shares in the Capital Stock of the said Company to any amount, and to borrow money on the credit of the said District or Districts, to pay for such stock or to construct any portion or portions of the said road, taking their pay therefor in shares of the Capital Stock of the said Company; and that in case any person or persons, District Council or Councils, body or bodies corporate or politic, shall be desirous of improving or constructing, or shall have improved or constructed any portion of the said line of road hereby authorized to be constructed, or shall have furnished materials or given labor therefor, and shall be desirous that the same shall be paid for in shares of the Capital Stock of the said Company, then it shall be lawful for the Directors of the said Company to cause to be transferred to such person or persons, District Council or Councils, body or bodies corporate or politic, respectively, in the Books of the said Company, as many shares of the Capital Stock as will cover the amount of their respective demands; and that any such District Council or Councils, body or bodies corporate or politic, holding stock in the said Company, may vote at any meeting of the Stockholders thereof in proportion to their number of shares, by such of their officers or other persons as they may appoint under their corporate seal for the purpose.

XXXIII. And be it enacted, That it shall be the duty of the said Corporation, and of the persons intrusted with the chief direction of its affairs, to lay annually before the three Branches of the Legislature of this Province in the course of the first fifteen days after the opening of the Session, a general statement upon the oath of the President of the said Company, sworn before any Justice of the Peace who is hereby authorized to administer the same, of the affairs of the said Company, showing as well the amount of its liabilities as the assets or means of meeting the same; and such President being charged before any competent Court with wilful and corrupt false swearing in the matter of such statement shall be tried, and if found guilty be punished in like manner as if he had been charged and convicted of the crime of wilful and corrupt perjury.

Company to lay statements on oath before the Legislature.

False attestation to be perjury.

XXXIV. And be it enacted, That notwithstanding the privileges that may be conferred by this Act the Legislature may at any time hereafter in their discretion make such additions to this Act or such alterations of any of its provisions as they may think proper for affording just protection to the public or to any person or persons, body corporate or politic, in respect to their estate, property or right or any interest therein, or any advantage, privilege or convenience connected therewith, or in respect to any way or right of way, public or private, that may be affected by any of the powers given to the said Corporation.

Legislature may amend this Act so as to protect rights, &c.

XXXV. And be it enacted, That if any action or suit shall be brought against any person or persons for any matter or thing done in pursuance of this Act, such action or suit shall be brought within six calendar months next after the fact committed and not afterwards, and the defendant or defendants in such action or suit may plead the general issue only, and give this Act and the special matter in evidence on the trial.

Limitation of actions for thing done under this Act.

XXXVI. And be it enacted, That the words and the expressions hereinafter mentioned, which in their ordinary signification may have a more confined or different meaning, shall in this Act, except when the nature of the provisions or the context of the Act shall exclude such construction, be interpreted as follows, that is to say: the word "Oath" shall include affirmation, when by law such affirmation is required or allowed to be taken in place of an oath; and every word importing the singular number shall extend and be applied to several persons and things as well as one person or thing, and bodies corporate or politic as well as individuals; and every word importing the plural number shall extend and be applied to one person or thing as well as several persons or things; and every word importing the masculine gender only, shall extend and be applied to a female as well as a male.

Interpretation clause.

XXXVII. And be it enacted, That this Act shall be taken to be a Public Act, and as such shall be judicially noticed by all Judges, Justices of the Peace and other persons, without being specially pleaded.

Public Act.

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ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. LXXXIX.

An Act to incorporate certain persons under the name of *The Port Credit and Hurontario Plank Road Company*.

[28th July, 1847.]

WHEREAS certain inhabitants of the Townships of Toronto, Chinguacousey and Caledon have petitioned for the passing of an Act, incorporating a Joint Stock Company for the purpose of constructing a Plank, or in part Plank, and in part macadamized or gravelled Road, between the points or places hereinafter mentioned; And whereas it is expedient to incorporate a Joint Stock Company, for the purpose aforesaid, with the powers and under the provisions hereinafter mentioned: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That George Wright, William Crew, James Browne, William Lawson, Robert Cotton and Jacob Cooke, with all such other persons as shall become Stockholders in such Joint Stock or Capital, as is hereinafter mentioned, shall be and are hereby ordained, constituted and declared to be a body corporate and politic in fact, by and under the name and style of *The Port Credit and Hurontario Plank Road Company*, and by that name they and their successors shall and may have continued succession, and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all Courts and places whatsoever; and they and their successors may and shall have a Common Seal, and may change and alter the same at their will and pleasure; and also that they and their successors by the same name of the *Port Credit and Hurontario Plank Road Company*, shall be by law capable of purchasing, having and holding to them and their successors, any estate, real or personal, or mixed, to and for the use of the said Company, and of letting, conveying, and otherwise departing therewith for the benefit and on account of the said Company from time to time as they shall deem necessary and convenient: Provided always nevertheless, that the real estate to be held by the said Company, shall be only such as shall be required to be held by them for the purpose of making the said Plank, or in part macadamized or gravelled Road, and for objects immediately connected therewith.

Preamble.

Certain persons incorporated.

Corporate name and powers.

Proviso.

II.

Company may make their road within certain limits, and in certain ways.

II. And be it enacted, That the said Company and their agents or servants shall have full power under this Act, to lay out, construct, make and finish a Plank, or in their discretion in part plank, and in part macadamized or gravelled Road at their own costs and charges, on and over that part of the country in the Townships of Toronto, Chinguacousey and Caledon, in the Home District, that is to say: from a point near Port Credit on the Lake shore road, where the same is intersected by Hurontario street, in the said Township of Toronto, northerly to the public road known as Dundas Street, and from thence along upon and over the Hurontario Street to Brampton in the Township of Chinguacousey, and along the said street, to and through Caledon, in the discretion of the said Company.

Company may agree with owners of lands necessary for the road, as to compensation, &c.

III. And be it enacted, That the said Company are hereby empowered to contract, compound, compromise and agree with the owners or occupiers of any lands upon which they may determine to construct the said Plank or macadamized Road, either by purchase of so much of the said land and privileges as they shall require for the purposes of the said Company, or for the damages which he, she or they shall and may be entitled to receive of the said Company in consequence of the said intended road being made and constructed in and upon his, her, or their respective lands; and in case of any disagreement between the said Company, either upon the value of the lands and tenements, or private privileges proposed to be purchased, or upon the amount of damages to be paid to them as aforesaid, to nominate and appoint one or more indifferent person or persons, and for the said Company to nominate an equal number of indifferent person or persons who, together with one other person to be elected by ballot by the persons so named, shall be Arbitrators to award, determine and adjudge, and order the respective sums of money which the said Company shall pay to the respective persons entitled to receive the same.

Arbitration in case of disagreement.

Provision in case party disagreeing shall not appoint an Arbitrator.

IV. And be it enacted, That if after eight days' notice in writing, given to the party so disagreeing as to the value aforesaid, such party shall not nominate or appoint an Arbitrator or Arbitrators as aforesaid on his part, or if such owner or occupier shall be a minor, then, and in any such case the Judge of the District Court of the District in which the land is situate, shall and may nominate and appoint one or more Arbitrator or Arbitrators on their behalf, with the same powers and authority as if appointed by the party or parties so refusing or neglecting to appoint an Arbitrator or Arbitrators in his or their behalf, and to meet and ballot for the additional Arbitrator or Umpire.

Arbitrators to fix a day for hearing of parties.

V. And be it enacted, That the Arbitrator so appointed shall fix a convenient day for hearing the respective parties, and shall give eight days' notice at least of the day and place, which notice shall be in writing, and served on each party respectively, and having heard the parties, or otherwise examined into the merits of the matters so brought before them, the said Arbitrators, or a majority of them, shall make their award or arbitrament thereon in writing, which award or arbitrament shall be final as to the value so in dispute as aforesaid.

Provision in case disagreeing party refuse to accept value ascer-

VI. And be it enacted, That if the party so disagreeing refuse to accept the value of land or damage so ascertained by the Arbitrators as aforesaid, till the end of the second term in Her Majesty's Court of Queen's Bench, in that part of the Province formerly Upper Canada, next after making the award and tender of the value hereby ascertained, then

then and in such case the Directors for the time being shall be at liberty and shall have full power to occupy the piece of land so valued by the Arbitrators, in the same manner as other portions of the said road.

tained by Arbitrators.

VII. And be it enacted, That in any action of ejectment, or other action, real, personal, or mixed, for or on account of such occupation by the said Company, their servants or agents, or other person or persons using the said Road, the said award shall and may be pleaded in bar of such action at any time after the said two terms in the said Court of Queen's Bench, notwithstanding any defect in form and substance in the said award: Provided always, that it shall and may be lawful to or for the party or parties interested in the land mentioned in the said award, or their Agent by Counsel, at any time within the two terms aforesaid, after the same hath been made and the amount of the value awarded tendered, to move the said Court of Queen's Bench to set aside such award for corruption, or any other matter or thing for which awards are now subject to be impugned by law: Provided also, that if the first award be so set aside by the Court of Queen's Bench, the matter in difference may again be submitted to other Arbitrators, and so on till a satisfactory award be made between the parties.

In actions brought on account of occupation of lands by Company, award may be pleaded in bar.

Proviso.

IX. And be it enacted, That the said Company shall have full power and authority to explore the country lying between Port Credit, on Lake Ontario, and the rear part of the Townships of Chinguacousey and Caledon, and to establish the said intended line of road; and it shall be lawful for the said Company to take, appropriate, have and hold, to and for the use of them and their Successors, the requisite lands upon the line and within the boundaries of the said Plank or in part Plank and in part macadamized or gravelled Road, hereby authorized to be constructed, and for the purpose aforesaid the said Company and their agents, servants and workmen are hereby authorized and empowered to enter into and upon the lands and grounds of or belonging to the Queen's Majesty, Her Heirs or Successors, or to any other person or persons, bodies politic or corporate, and to survey and take levels of the same or any part thereof, and to set out and ascertain such parts thereof as they shall deem necessary and proper for making, effecting, preserving, completing and using the said intended Road; and also to make, build, erect and set up, in and upon the said route of the Road aforesaid, or upon the land adjoining or near the same, all such works, ways, roads and conveniences as the said Company shall think convenient and necessary for the purposes of the said Road; and also from time to time, to alter, repair, amend, widen or enlarge the same or any other of the conveniences above mentioned, as well for carrying or conveying goods, commodities, timber and other things to and from the said Road, as for the carrying and conveying all manner of materials necessary for making, erecting, furnishing, altering, repairing, amending, widening or enlarging the works of or belonging to the said Road; and also to place, lay, work and manufacture the said materials on the ground near to the place or places where the said works or any of them are or shall be intended to be made, erected, repaired or done, and to build and construct the several works and erections belonging thereto, and also to make, maintain, repair or alter any fences or passages through the said Road, or which shall communicate therewith, and to construct, erect and keep in repair any piers, arches, or other works in and upon any creeks or brooks for making, using and maintaining the said Road; and also to construct, make and do all other matters and things which they shall think necessary and convenient for the making, effecting, preserving and improving, completing and using the said Road, in pursuance and within the true intent and meaning of this Act; they,

Company to explore certain part of the country for the purpose of constructing the said road.

Certain other powers granted them for like purposes.

the

the said Company, doing as little damage as may be in the execution of the several powers to them hereby granted, and making satisfaction in manner herein mentioned, for all damages to be sustained by the owners or occupiers of such lands, tenements or hereditaments.

President and Directors may fix Tolls and charges.

X. And be it enacted, That it shall and may be lawful for the President and Directors of the said Company from time to time to fix, regulate and receive the Tolls and charges to be received from all persons passing and re-passing over the said Road hereby authorized to be constructed, erected, built, made and used.

Road and materials and Tolls vested in Company.

XI. And be it enacted, That the said Road and all materials which shall be from time to time got or provided for constructing, building, maintaining or repairing the same, and the said Tolls as hereinbefore mentioned, shall be, and the same are hereby vested in the said Company and their successors for ever.

Company may erect Toll-Gates.

XII. And be it enacted, That the President and Directors of the said Company shall have full power to erect such number of Toll-gates in or across the said Road, and fix such Tolls as they may deem fit and expedient (which rates or tolls may be altered from time to time as circumstances may require) and to erect and maintain such Toll-houses, Toll-gates and other erections, which to them may seem necessary and convenient for the due performance of their business.

Penalty on persons destroying Toll-gates, forcibly passing, &c.

XIII. And be it enacted, That if any person or persons shall cut, break down or destroy in any way any of the Gates or Toll-houses to be erected by virtue of this Act, every such person so offending and being lawfully convicted, shall be deemed guilty of a misdemeanor, and be punished by fine and imprisonment; and if any person or persons shall remove any earth, stone or timber on the said road to the damage of the same, or shall forcibly pass or attempt to pass by force any of the Toll-gates, without having first paid the legal Toll at such gate, such person or persons shall pay all damage by them committed, and shall forfeit and pay a fine not exceeding five pounds, nor less than five shillings currency, to be recovered before any Justice of the Peace for the District in which such act shall have been committed.

Fines, &c. how to be levied.

XIV. And be it enacted, That the fines and forfeitures authorized to be imposed by this Act, shall and may be levied and collected by distress and sale of the offender's goods and chattels, under the authority of any Warrant or Warrants for that purpose to be issued by any one of Her Majesty's Justices of the Peace for the said Districts, who are hereby authorized and empowered to grant the same, and in case there shall be no such goods and chattels to satisfy such Warrant or Warrants, such offender or offenders may be committed to the Common Jail of the District in which such offence shall have been committed, for any period not exceeding twenty days.

President, &c. may commute Tolls.

XV. And be it enacted, That the said President and Directors, if they think proper, may commute the Tolls with any person or persons by taking of him, her or them a certain sum, either monthly or annually, in lieu of such Tolls, and that the said President and Directors shall affix in a conspicuous place at all such Toll-gates a Table of the Rate of Tolls to be exacted and taken, to be plainly and legibly printed.

XVI. And be it enacted, That if any person or persons shall after proceeding on the said road with any carriages or animals liable to pay Toll, turn out of the said Road into any other Road, and shall enter the said Road beyond any of the said Gate or Gates without paying Toll, whereby such payment shall be evaded, such person or persons shall for every such offence forfeit and pay the sum of Ten Shillings, which said sum shall be expended on the said Road or towards the discharging of any debts or other incumbrances thereon; and any one Justice of the Peace for the District in which such part of the said Road is situate, shall on conviction of such offender fine such person in the said penalty.

Penalty on persons turning out of Road to avoid Toll.

XVII. And be it enacted, That if any person or persons occupying or possessing any enclosed lands near any Toll-houses or Toll-gates, which shall be erected in pursuance of this Act, shall knowingly permit or suffer any person or persons to pass through such lands or through any gate, passage or way thereon, with any carriage, horse, mare, gelding or other animal liable to the payment of Toll, whereby such payment shall be avoided, every person or persons so offending, and also the person riding or driving the animal or animals or carriage whereon such payment is avoided, being thereof convicted, shall for every such offence severally forfeit and pay any sum not exceeding ten shillings, which shall be laid out in improving such road.

Penalty on persons permitting others to pass through their lands to avoid Toll.

XVIII. And be it enacted, That all persons, with their horses and carriages, going to or attending or returning from Divine Service on the Lord's Day, or attending any funeral * returning therefrom, shall pass the Gates free of Toll.

Persons, &c. attending Divine Service to pass free.

XIX. And be it enacted, That the said Company or their agents or servants at any time after the passing of this Act, under and by virtue of its provisions, shall and may construct, erect, and build a Road as aforesaid: and also that the said Road contemplated by this Act shall not in any degree interfere with or encroach upon any fee simple right or private easement or privilege of any individual now holding or enjoying the same or entitled thereto, without permission first had and obtained by the consent of the owner thereof, or by virtue of reference authorized by this Act.

* Sic—or omitted.
Road not to encroach on any fee simple &c. without compensation.

XX. And be it enacted, That the said Company shall have the liberty to claim the Statute Labour, by commutation or otherwise, to the extent of one half concession on each side of the said line of road, which the Company are authorized to demand, receive and collect from the inhabitants residing therein, being liable by law to perform the same.

Company may claim Statute Labour.

XXI. And be it enacted, That the property, affairs and concerns of the said Company shall be managed and conducted by seven Directors, one of whom shall be chosen President, who shall hold their offices for one year but shall be capable of re-election, which said Directors shall be Stockholders to the amount of at least ten shares; and the first election of such Directors shall take place at the Town of Brampton on the first Monday in September, one thousand eight hundred and forty-seven, at the hour of eleven of the clock, A.M. and thereafter the said annual election of Directors shall take place at the Town of Brampton on the first Monday in August, at such time of the day as a majority of the Directors for the time being shall appoint; and public notice thereof shall be given in any newspaper or newspapers that may be published in the said Home District at least one month previous to holding the said election, and the

Affairs of the Company to be managed by seven Directors.
Election of Directors.

Equality of
votes.

President to
be elected.

Number of
votes in pro-
portion of
number of
Shares estab-
lished.

Default to
elect not to
operate disso-
lution of Com-
pany.

Directors may
make By-
Laws, &c.

Meeting to be
held for elec-
tion of Direc-
tors.

the said election shall be held and made by such of the Stockholders of the said Company as shall attend for that purpose in their own proper persons or by proxy, and all the elections for such Directors shall be by ballot, and the seven persons who shall have the greatest number of votes shall be Directors; and if it shall happen at any such election that two or more have an equal number of votes in such a manner that a greater number of persons than seven shall by a plurality of votes appear to be chosen Directors, then the said Stockholders hereinbefore authorized to hold such election, shall proceed to elect by ballot until it is determined which of the said persons so having an equal number of votes shall be Director or Directors so as to complete the whole number of seven, and the said Directors so chosen shall as soon as may be after the said election, proceed in like manner to elect by ballot, one of their number to be President; and if any vacancy or vacancies shall at any time happen among the Directors, by death, resignation or removal from the Province, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen by a person or persons to be nominated by a majority of the Directors.

XXII. And be it enacted, That each Stockholder shall be entitled to a number of votes in proportion to then umber of shares which he or she shall have in his own or her own name, and shall have had at least twenty days previous to the time of voting, according to the following rules, that is to say :

One vote for each share to the extent only of four shares;

Five votes for six shares;

Six votes for eight shares;

Seven votes for ten shares, and one vote for every five shares above ten.

XXIII. And be it enacted, That in case it should at any time happen that an election of Directors should not be made on any day when pursuant to this Act it ought to have been made, the said Corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any day to hold and make an election of Directors in such manner as shall be regulated by the By-laws and Ordinances of said Corporation; public notice of such election to be given as aforesaid.

XXIV. And be it ecacted, That the Directors for the time being, or a majority of them, shall have power to make and subscribe such rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said Company, and touching the duties of the officers, clerks and servants, and all such other matters or things as appertain to the business of the said Corporation, and also shall have power to appoint as many officers, clerks and servants for the carrying on the said business, and with such salaries and allowances as to them shall seem fit.

XXV. And be it enacted, That on the first Monday in the month of September next, a meeting of the Stockholders shall be held in the town of Brampton, who in the same manner as hereinbefore provided, shall proceed to elect seven persons to be Directors, who shall elect by ballot one of their number to be President, and shall continue in office until the first Monday in August next after their election.

XXVI. And be it enacted, That the whole Capital Stock which the said Company may have or hold by virtue of this Act shall be ten thousand pounds, with power to increase the same to twenty thousand pounds if found necessary for erecting the said Road; and that the aforesaid Capital Stock shall be composed of shares of the value of five pounds currency each, and may, after the first instalment shall have been paid, be transferable by the respective persons subscribing and holding the same, to any other person or persons, and such transfer shall be entered and registered in a book or books to be kept for that purpose by the said Company; Provided always that nothing herein contained shall extend to authorize the said Company to carry on the business of banking.

Capital Stock limited.

Proviso.

XXVII. And be it enacted, That so soon as Directors shall have been appointed as aforesaid, it shall and may be lawful for them to call upon the Stockholders of the said Company, by giving thirty days' notice in any newspaper published in the said Home District, for an instalment of ten per centum upon each share which they or any of them may respectively have subscribed for, and that the residue of the sums or shares of the Stockholders shall be payable by instalments, in such time and in such proportions as a majority of the Stockholders, at a meeting expressly convened for that purpose, shall agree upon, so that no such instalment shall exceed twenty per centum, nor become payable in less than thirty days after public notice in the newspaper as aforesaid: Provided always, that the said Directors shall not commence the construction of the said Road or way until the first instalment shall be paid in.

Notice to be given of instalment of 10 per cent.

Residue how payable.

Proviso.

XXVIII. And be it enacted, That of the persons aforesaid nominated and balloted for in manner aforesaid, those seven shall be deemed elected who shall have the greater number of votes according to the shares held by the voters respectively, as hereinbefore prescribed, at each and every such election of Directors; and that at every such election in every year as aforesaid, after the ballot shall have been kept open from eleven of the clock in the forenoon to two of the clock in the afternoon, the seven persons having the majority of votes in manner as aforesaid, shall, so soon after as convenient on the same day, be declared the Directors chosen for the ensuing year, by any three or more Scrutineers, who shall have been previously nominated by the Stockholders for the purpose of nomination and report of such ballot: Provided nevertheless, that the Stockholders present at the place of ballot shall in the nomination of Scrutineers vote *per capita* and not by shares.

Directors to be elected by a majority of votes.

Proviso.

XXIX. And be it enacted, That if any Stockholder or Stockholders as aforesaid shall neglect to pay at the time required any instalment or instalments which shall be lawfully required by the Directors as due upon any share or shares, such Stockholder or Stockholders so refusing or neglecting shall forfeit such share or shares as aforesaid, with any amount which shall have been previously paid thereon, and the said share or shares may be sold by the said Directors, and the sum arising therefrom, together with the amount previously paid thereon, shall be accounted for and applied in like manner as other monies of the said Company: Provided always, that the purchaser or purchasers shall pay the said Company the amount of the instalment required over and above the purchase money of the share or shares so purchased by him, her or them, as aforesaid, immediately after the sale and before they shall be entitled to the certificate of the transfer of such shares purchased as aforesaid: Provided always, that fifteen days' notice of the sale of such forfeited shares shall be given in any

Penalty on Stockholders neglecting to pay instalments.

Proviso.

Proviso.

any newspaper or newspapers published in the Home District, and that the instalments due may be received in redemption of any such forfeited share at any time before the day appointed for the sale thereof; Provided also, that the Shareholders may at their next General Meeting after any forfeiture restore any forfeiture or a portion of any forfeiture by a Resolution in writing to be passed at such meeting, and not at any other time or manner.

Proviso.

Subscribers may be compelled to pay the amount of their subscription.

Word "Stockholder" defined.

XXX. And be it enacted, That the several persons who have subscribed any money towards the undertaking or their personal representatives respectively shall pay the sums respectively so subscribed, or such portions thereof as shall be from time to time called for by the Directors; and with respect to the provisions in this Act contained for enforcing the payment of calls or instalments, the word "Stockholder" shall extend to and include any person who holds stock in the said Company, or who may have subscribed the original Prospectus of the Company, or Stock Book, or Agreement, to take stock therein, and shall also extend to and include the legal personal representatives of such Stockholder or person as aforesaid.

Interest to be paid on calls in arrear.

XXXI. And be it enacted, That if any Stockholder do not pay the amount of any call or instalment to which he is liable, before or on the day appointed for payment, then such Stockholder shall be liable to pay interest for the same at the rate allowed by Law from the day appointed for the payment thereof to the time of the actual payment.

Stockholders may be sued for calls in arrear.

XXXII. And be it enacted, That if default shall be made by any Stockholder in the payment of any call at the time appointed by the Directors for the payment thereof, then it shall be lawful for the Company to sue such Stockholder for the amount of such call, in any Court of Law in this Province (having competent jurisdiction in regard to the amount to be recovered), and to recover the same with lawful interest, and if the Company shall elect to sue any Stockholder under the authority of this Act, such suit shall not in any way interfere with the forfeiture of the share or shares of such Stockholders, as provided by the twenty-eighth clause of this Act.

What averments shall be sufficient in any such action.

XXXIII. And be it enacted, That in any action or suit to be brought by the Company against any Stockholder to recover any money due for any call, it shall not be necessary to set forth the special matter, but it shall be sufficient for the Company to aver that the defendant is the holder of one share or more (stating the number of shares) in the Capital Stock of the Company, and that he is indebted to the Company in the sum of money to which the calls in arrear shall amount in respect of one call or more upon one share or more (stating the number and amount of each of such calls) whereby an action hath accrued to the Company by virtue of this Act.

What proof shall be sufficient in any such action.

XXXIV. And be it enacted, That on the trial or hearing of such action it shall be sufficient for the Company to prove that the defendant at the time of making such call was a holder of one share or more in the undertaking, (and when there has been no transfer of the shares then the proof of subscription to the original agreement to take stock shall be sufficient evidence of holding stock to the amount subscribed) and that such call was in fact made, and such notice thereof given as is required: and it shall not be necessary for the Company to prove the appointment of the Directors who made such call, or any other matter whatever, and thereupon the Company shall be entitled to

to recover what shall be due upon such call with interest thereon, unless it shall appear either that any such call exceeds the prescribed amount, or that due notice of such call was not given, or that a Meeting of the Stockholders was not expressly convened for the purpose of deciding on the time of payment, and the amount of such call in cases where such meeting is required.

XXXV. And be it enacted, That when calls shall be made by the Directors it shall not be essential that the notice of such calls should specify on what day or at what place or to what person the calls are to be paid, but that all calls shall be taken and meant to be payable to the Treasurer of the Company for the time being at the expiration of thirty days from the first day of publishing the notice.

Certain particulars need not be stated in the notices of calls.

XXXVI. And be it enacted, That in any action or suit brought by or against the Company upon any contract, or for any matter or thing whatsoever, any Stockholder shall be competent as a witness, and his testimony shall not be deemed inadmissible on the ground of interest.

Stockholders to be competent witnesses for or against the Company.

XXXVII. And be it enacted, That it shall be lawful for the Company to borrow on mortgage or bond, such sums of money as shall from time to time by an order of a general meeting of the company be authorized to be borrowed for the purpose of carrying into effect the undertaking and for securing the re-payment of the money so borrowed with interest, to mortgage the Tolls and future calls upon the Shareholders, or to give bonds in such manner and with such conditions as may be ordered by the Company at a general meeting.

Company may borrow money and pledge their property:

XXXVIII. And be it enacted, That every mortgage and bond for securing monies borrowed by the Company shall be by deed under the Common Seal of the Company, wherein the consideration shall be truly stated and a register of such mortgages and bonds shall be kept by the Secretary, and within fourteen days after the date of any such mortgage or bond, an entry or memorial, specifying the date of such mortgage or bond and the sums secured thereby, and the names of the parties thereto shall be made in such Register, and such Register may be perused at all reasonable times by any of the Stockholders or by any mortgagee or bond creditor of the Company or any person interested in any such mortgage or bond.

Mode of executing mortgage on the property of the Company.
Registry thereof.

XXXIX. And be it enacted, That it shall be the duty of the Directors to make annual dividends of so much of the profits of the said Company as to them or a majority of them shall seem advisable, and that once in each year an exact and particular statement shall be rendered of the state of their affairs, debts, credits, profits and losses, such statement to appear in the books, and to be open to the perusal of any Stockholder, at his or their reasonable request.

Directors to make annual dividends.

XL. And be it enacted, That whenever the said Tolls shall in the annual receipts exceed in amount a sufficient sum to defray the expenses of maintaining and repairing the said Road, and to afford an annual income to the said Company of ten per centum profit on the capital actually expended in the construction of the said Road from the commencement of its being travelled as aforesaid, then and in such case the increasing surplus revenue of the said Tolls shall be charged against the said Company as so much received by them in the nature of a sinking fund, by means whereof to purchase from

Surplus profits to be charged against Company in the nature of a sinking fund.

from the said Company the entire estate, use and property of the said Road to and for the use of the public, in such manner and form as the Legislature of this Province may by Legislative enactment hereafter provide.

Legislature may purchase entire estate, &c. of Road from Company.

Compensation how to be calculated.

XLI. And be it enacted, That the Legislature of this Province may at any time whatever purchase the entire estate, property and use of the said Road from the said Company, paying to the said Company the capital so as aforesaid actually expended, together with fifteen per centum advance thereupon, to the credit of which payment all revenue exceeding ten per centum upon the *bonâ fide* expenditure, and over and above the expense of maintaining and repairing the said Road, shall be charged and taken; and it is also hereby provided and declared, that if any deficiencies of the said ten per centum annual profit should occur at any time, such deficiencies shall also be chargeable against the increasing revenue of the subsequent years, so that the Company may fairly and actually receive ten per centum profit on their said *bonâ fide* expenditure for the whole time they shall enjoy the estate, rights and privileges acquired under the authority of this Act; anything herein contained to the contrary thereof in anywise notwithstanding.

Annual accounts to be laid before Legislature duly attested.

Penalty for false attestation.

XLII. And be it enacted, That it shall be the duty of the said Corporation and of the person intrusted with the chief direction of its affairs to lay annually before the three Branches of the Legislature of this Province, in the course of the first fifteen days after the opening of the Session, a general statement, upon the oath of the President or Vice-President of the said Company, before any Justice of the Peace, of the affairs of the said Company, showing as well the amount of its liabilities as the assets or means of meeting the same; and such President or Vice-President being charged before any competent Court with wilful false swearing in the matter of such statement shall be tried, and if found guilty be punished in like manner as if he had been charged and convicted of the crime of wilful and corrupt perjury.

Legislature may alter provisions of this Act, so as to protect rights.

XLIII. And be it enacted, That notwithstanding the privileges that may be conferred by this Act, the Legislature may at any time hereafter in their discretion make such additions to this Act or such alteration of any of its provisions as they may think proper for affording just protection to the public or to any person or persons, body politic or corporate, in respect to their estate, property or rights, or any interest therein, or any advantage, privilege or convenience connected therewith, or in respect to any way or right of way, public or private, that may be affected by any of the powers given to this Corporation.

Limitation of actions.

XLIV. And be it enacted, That if any action or suit shall be brought against any person or persons for any matter or thing done in pursuance of this Act, such action or suit shall be brought within twelve calendar months next after the fact committed, and not afterwards, and the Defendant or Defendants in such action or suit may plead the general issue only, and give this Act and the special matter in evidence on the trial.

Public Act.

XLV. And be it enacted, That this Act shall be taken to be a Public Act, and as such shall be judicially noticed by all Judges, Justices of the Peace and other persons, without being specially pleaded.



ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. XC.

An Act to amend the Act incorporating "The Etobicoke and Mono Sixth-Line Road Company."

[28th July, 1847.]

WHEREAS it is expedient to amend the Act passed in the ninth year of Her Majesty's Reign, and intituled, *An Act to incorporate certain persons under the name of the Etobicoke and Mono Sixth-Line Road Company*: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That for and notwithstanding any thing in the said Act contained, the Subscribers respectively for the Stock of the said Company shall at the time of subscribing therefor pay ten per centum upon the Capital Stock for the whole amount for which any such Subscriber may respectively subscribe instead of paying one third thereon, as mentioned in the fifth section of the said Act, and that the subscription books shall remain open in the manner by the third section of the said Act provided, until the first day of September next after the passing of this Act.

Preamble.
9 Vict., c.
53, cited.

Ten per cent.
only to be paid
on capital
stock at time
of subscribing.

II. And be it enacted, That so soon as one thousand pounds of the Capital Stock of the said Company shall have been subscribed, the Directors of the said Company may be chosen, in the manner provided by the seventh section of the said Act, and the said Directors shall be capable of serving until the first Monday in January, one thousand eight hundred and forty-eight; and the Annual Election for Directors shall take place on the first Monday in January of every year thereafter, at such place and hour of the day as the said Directors or a majority of them shall appoint and publish in that behalf; anything in the said Act contained to the contrary notwithstanding.

Directors to be
chosen when-
ever £1,000 is
subscribed.

III. And be it enacted, That an amount not exceeding ten per centum on the Capital actually expended on the said Road, may be taken and appropriated to the Stockholders, by the said Company, instead of six per centum as provided in the seventeenth section of the said Act.

Ten per cent.
on capital
expended may
be appropriated
to Sharehold-
ers.



ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. XCI.

An Act to incorporate certain persons as *The Guelph and Arthur Road Company.*

[28th July, 1847.]

WHEREAS certain inhabitants of the District of Wellington have petitioned for the passing of an Act incorporating a Joint Stock Company for the purpose of constructing a Plank, macadamized or gravelled Road, from the Town of Guelph in the said District of Wellington towards the Village of Arthur, in the Township of Arthur, according to the survey made by the District Council of the said District; and whereas it is expedient to incorporate a Joint Stock Company for the purpose aforesaid, with the powers and under the provisions hereinafter mentioned: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That George John Grange, Adam Johnston Fergusson, Benjamin Babington, Daniel Macnab, Alexander Dingwall Fordyce, William Hewat, William Clarke, Thomas Sandilands, James Hodgert, William Mutch, Thomas Webster, Alexander Drysdale, John Watt, Geo. Jardine, Gilbert Hunter, Saml. Broadfoot, Geo. C. Hamilton, Alex. Harvey and John McNaught, with all such other persons as shall become Stockholders in such Joint Stock Company as is hereinafter mentioned, shall be and are hereby ordained, constituted and declared to be a body corporate and politic by and under the name and style of *The Guelph and Arthur Road Company*, and by that name they and their successors shall and may have continued succession, and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all Courts and places whatsoever, in all manner of actions, suits, complaints, matters and concerns whatsoever; and they and their successors may and shall have a common seal, and may change and alter the same at their will and pleasure, and also that they and their successors by the same name of *The Guelph and Arthur Road Company*, shall be by law capable of purchasing, having and holding to them and their successors any estate, real or personal or mixed, to and for the use of the said Company, and of letting, conveying and otherwise departing therewith for the benefit and on account of the said Company from time to time as they shall deem necessary and convenient: Provided always nevertheless, that the real estate to be held by the said Company shall be only such as shall be required to be

Preamble.

Certain persons incorporated.

Corporate name and powers.

Proviso as to Real Estate.

be held by them for the purpose of making, using and preserving the road hereby authorized to be constructed, and for objects immediately connected therewith.

Company empowered to make a road within certain limits.

II. And be it enacted, That the said Company and their agents or servants shall have full power under this Act to lay out, construct, make and finish a plank, macadamized or gravelled, or a partly planked, partly macadamized and partly gravelled Road, at their own costs and charges, on and over that part of the country in the said District of Wellington, lying between the said Town of Guelph and the Village of Fergus, on the direct line of road from the said Town of Guelph to the said Town of Arthur, and following as near as conveniently may be the direction of the present travelled road as laid out by the District Council of the said District.

Company may agree with owners of land for the purchase, damages, &c.

III. And be it enacted, That the said Company are hereby empowered to contract, compound, compromise and agree with the owners and occupiers of any lands upon which they may determine to construct the said Road hereby authorized to be constructed, either by purchase of so much of the said land and privileges as they shall require for the purposes of the said Company or for the damages which he, she or they shall and may be entitled to receive of the said Company, in consequence of the said intended Road being made and constructed in and upon his, her or their respective lands; and in case of any disagreement between the said Company and the owner or owners, occupier or occupiers as aforesaid, it shall and may be lawful from time to time for each owner or occupier so disagreeing with the said Company either upon the value of the lands and tenements or private privileges proposed to be purchased, or upon the amount of damages to be paid to them as aforesaid, to nominate and appoint one or more indifferent person or persons, and for the said Company to nominate an equal number of indifferent persons, who, together with one other person to be elected by ballot by the persons so named, shall be Arbitrators to award, determine and adjudge and order the respective sums of money which the said Company shall pay to the respective persons entitled to receive the same.

Arbitrators in case of difference.

Arbitrator to be named by the District Judge if the party neglects to appoint one.

IV. And be it enacted, That if after eight days' notice in writing given to the party so disagreeing as to the value aforesaid, such party shall not nominate or appoint an Arbitrator or Arbitrators as aforesaid on his part, then and in such case the Judge of the District Court of the District in which the land is situate shall and may nominate and appoint one or more Arbitrator or Arbitrators to act on their behalf with the same powers and authority as if appointed by the party or parties so refusing or neglecting to appoint an Arbitrator or Arbitrators in his or their behalf, and to meet and ballot for the additional Arbitrator or Umpire.

Proceedings of the Arbitrators.

V. And be it enacted, That the Arbitrators so appointed shall fix a convenient day for hearing the respective parties, and shall give eight days' notice at least of the day and place, and having heard the parties or otherwise examined into the merits of the matters so brought before them, the said Arbitrators or a majority of them shall make their award or arbitration thereupon in writing, which award or arbitrament shall be final as to the value so in dispute as aforesaid.

Award final.

Company may take possession on payment or refusal of the amount awarded.

VI. And be it enacted, That if the party so disagreeing refuse to accept the value of land or damage so ascertained by the Arbitrators as aforesaid till the end of the next ensuing Term in Her Majesty's Court of Queen's Bench, in that part of the Province

Province formerly Upper Canada, next after making the award and tender of the value thereby ascertained, then, and in such case, the Directors for the time being shall be at liberty and shall have full power to occupy the piece of land so valued by the said Arbitrators, in the same manner as other portions of the said road.

VII. And be it enacted, That in any action of ejection or other action, real, personal or mixed, for or on account of such occupation by the said Company, their servants or agents, or other person or persons using the said road, the said award shall and may be pleaded in bar of such action, at any time after the said Term of the said Court of Queen's Bench, notwithstanding any defect in form or substance in the said award: Provided always, that it shall and may be lawful to and for the party or parties interested in the land mentioned in the award of their agent by counsel at any time before the last day of the said Term next ensuing after the same hath been made, and the amount of the value awarded tendered, to move the said Court of Queen's Bench to set aside such award for corruption or any other matter or thing for which awards are now subject to be impugned by law; Provided also, that if the first award be so set aside by the Court of Queen's Bench, the matter in difference may again be submitted to other Arbitrators, and so on till a satisfactory award be made between the parties.

Award may be pleaded in bar to an ejection.

Proviso: award may be set aside by Q. B. for cause.

New award.

VIII. And be it enacted, That the said Company shall have full power and authority to explore the country lying between the said Town of Guelph and the said Village of Fergus, and to designate and establish, and it shall be lawful for the said Company to take, appropriate, have and hold to and for the use of them and their successors the requisite lands upon the line and within the limits of the said road hereby authorized to be constructed; and for the purpose aforesaid, the said Company and their agents, servants and workmen are hereby authorized and empowered to enter into and upon the lands and grounds of and belonging to the Queen's Majesty, Her Heirs or Successors, or any person or persons, body or bodies corporate or politic.

Company may enter upon lands for the purpose of survey.

IX. And be it enacted, That it shall and may be lawful for the President and Directors of the said Company from time to time to fix, regulate and receive the tolls and charges to be received from all persons passing and re-passing over the said road hereby authorized to be constructed, or any part or parts thereof, as the same shall from time to time be constructed.

Company may fix Tolls.

X. And be it enacted, That whenever the tolls collected on any part or parts of the road hereby authorized to be constructed before the entire completion thereof, shall exceed in amount a sum sufficient to defray the expenses of maintaining and repairing the said part or parts of the said road, and to afford an annual income to the said Company of ten per cent. on the capital actually expended on the construction thereof, then and in such case the overplus revenue of the said tolls shall be applied to the further construction and completion of the said road hereby authorized as aforesaid, until the whole work shall be completed.

Overplus revenue from any part of the road, how to be applied until the whole is completed.

XI. And be it enacted, That the road and materials which shall be from time to time got or provided for constructing, building, maintaining or repairing the same, and the said tolls as hereinbefore mentioned, shall be, and the same are hereby vested in the said Company and their successors for ever.

Road, &c. vested in the Company.

XII.

Company may
erect Toll-
Gates.

XII. And be it enacted, That the President and Directors of the said Company shall have full power to erect such number of gates in or across the said road, and fix such tolls as they may deem fit and expedient to be incurred at each, (which rates or tolls may be altered from time to time as circumstances may require,) and to erect and maintain such toll-houses, toll-gates and other erections as to them may seem necessary and convenient for the due performance of their business, and change the position of the same from time to time; provided that no such toll shall be levied until at least three miles of the said road shall have been completed.

Proviso.

Punishment
of persons des-
troying or
damaging
Gates or
other works of
the Company.

XIII. And be it enacted, That if any person or persons shall cut, break down or destroy in any way, any of the gates or toll-houses to be erected by virtue of this Act, every such person so offending and being lawfully convicted thereof shall be deemed guilty of a misdemeanor, and that the same shall be triable at the Court of Quarter Sessions for the said District, and be punishable by fine and imprisonment, or either, in the discretion of the Court; and if any person or persons shall remove any earth, stone or timber on the said road to the damage of the same, or shall forcibly pass or attempt to pass by force any of the gates without having first paid the legal toll at such gate, such person or persons shall pay all damage by them committed, and shall forfeit and pay a fine not exceeding five pounds nor less than five shillings currency, to be recoverable on the oath of any one credible witness, before any one Justice of the Peace for the District in which such act shall have been committed.

Forcibly pas-
sing gates.

Penalty on
parties evade-
ing Tolls.

XIV. And be it enacted, That if any person or persons shall after proceeding on the said road with any carriage or animals liable to pay toll, turn out of the said road into any other road, and shall enter the said road beyond any of the gate or gates without paying toll, whereby such payment shall be evaded, such person or persons shall for every such offence forfeit and pay a sum not exceeding ten shillings, to be recovered before any one Justice of the Peace for the District in which such gate or gates may be situated.

Penalty on
persons assist-
ing others to
evade Tolls.

XV. And be it enacted, That if any person or persons occupying or possessing any inclosed lands near any toll-house or toll-gates which shall be erected in pursuance of this Act shall knowingly permit or suffer any person or persons to pass through such lands or any gate, passage or way thereon, with any carriage, horse, mare or gelding, or other animal liable to the payment of toll whereby such payment shall be avoided, every person or persons so offending, and also the person riding or driving such animal or animals or carriage whereon such payment is avoided, being thereof convicted, shall for every such offence, severally to be recovered before any one Justice of the Peace for the District in which such gate or gates may be situated, forfeit and pay a sum not exceeding ten shillings currency.

Persons con-
victed may be
committed to
Jail if the
penalty be not
paid.

XVI. And be it enacted, That if any person summarily convicted under this Act shall not pay the fine or penalty together with the cost, if awarded, (which costs the convicting Justice or Justices are hereby authorized to award if he or they shall think fit) either immediately after such conviction, or within such time as the said Justice or Justices shall appoint, it shall be lawful for such Justice or Justices to commit the offender to the Common Jail, there to be imprisoned for a term not exceeding two calendar months, the commitment to be determinable in every case on payment of the amount

amount and costs, or such penalty and costs may be also levied and collected by distress and sale of the offender's goods and chattels under the authority of any warrant or warrants to be issued by such Justice or Justices, who are hereby authorized and empowered to grant the same; and that all such monies arising from any fines, penalties or forfeitures under this Act, recoverable whether summarily or imposed by any Court, shall be expended on the said road, or towards discharging the debts thereof, and that the evidence of any Stockholder of the said Company shall be admitted in proof of the offence, notwithstanding the application of such monies.

Or the penalty may be levied by distress.

Appropriation of penalties.

XVII. And be it enacted, That all persons, horses or carriages going to or attending or returning from any funeral, or any person with horse or carriage going to or returning from Divine Service on the Lord's Day, shall pass the gates free of toll.

Exemptions from Toll.

XVIII. And be it enacted, That the said Company or their agents or servants at any time after the passing of this Act, under and by virtue of its provisions, shall and may contract, erect and build a road as aforesaid, and also that the said road contemplated by this Act shall not in any degree interfere with or encroach upon any fee simple, right or private easement or privilege of any individual now holding and enjoying the same or entitled thereto, without permission first had and obtained by consent of the owner thereof, or by virtue of the express provisions of this Act.

Company not to interfere with private rights without making compensation.

XIX. And be it enacted, That the property, affairs and concerns of the said Company shall be managed and conducted by seven Directors, (one of whom shall be chosen President,) who shall hold their offices for one year, which said Directors shall be Stockholders to the amount of at least ten shares, and the first election of such Directors shall take place at the Town of Guelph on the first Monday in December, eighteen hundred and forty-seven, at the hour of twelve at noon, and thereafter the said annual election of Directors shall take place at the Town of Guelph on such day and at such hour as a majority of the Directors for the time being shall appoint, and public notice thereof shall be given in any one newspaper that may be published in the said District of Wellington at least one calendar month previous to holding the said election; and the said election shall be held and made by such of the Stockholders of the said Company as shall attend for that purpose in their own proper persons or by proxy, and elections for such Directors shall be by ballot, and the seven persons who shall have the greatest number of votes at any election shall be Directors; and if it shall happen at any such election that two or more have an equal number of votes in such a manner that a greater number of persons than seven shall by a plurality of votes appear to be chosen Directors, the said Stockholders hereinbefore authorized to hold such election shall proceed to elect by ballot, until it is determined, which of the said persons so having an equal number of votes shall be Director or Directors, so as to complete the whole number of seven; and the said Directors so chosen, shall, as soon as may be after the said election, proceed in like manner to elect by ballot one of their number to be President; and if any vacancy or vacancies shall at any time happen among the Directors by death, resignation, or removal from the Province, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by a person or persons to be nominated by a majority of the Directors.

Affairs of the Company to be managed by seven Directors. First Election.

Public notice.

Ballot.

Election of President.

XX. And be it enacted, That each Stockholder shall be entitled to a number of votes in proportion to the number of shares which he or she may have in his or her own

Number of votes to which Shareholders own

shall be entitled.

own name, and shall have had at least one month previous to the time of voting, according to the following rules, that is to say: one vote for each share not exceeding four; five votes for six shares; six votes for eight; seven votes for ten shares, and one vote for every five shares above ten.

First meeting for election of Directors.

XXI. And be it enacted, That on the said first Monday in December, eighteen hundred and forty-seven, a meeting of the Stockholders shall be held in the Town of Guelph as hereinbefore mentioned, who shall proceed to elect seven persons to be Directors, who shall elect by ballot one of their number to be President; and shall continue in office until the first Monday in January next after the day of the election, and who during such continuance shall discharge the duties of Directors of the said Company as aforesaid.

Term of office of first Directors.

Failure to elect provided against.

XXII. And be it enacted, That in case it should at any time happen that an election of Directors should not be made on any day when pursuant to this Act it ought to have been made, the said Corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any day to hold and make an election of Directors in such manner as shall be regulated by the By-laws and Ordinances of the said Corporation; or if such election be the first, then on any day of which notice shall be given as hereinbefore required for such first election.

Directors to make By laws and to have other powers.

XXIII. And be it enacted, That the Directors for the time being or a majority of them shall have power to make and subscribe such By-laws and regulations as to them shall appear needful and proper touching the management and disposition of the stock, property, estate and effects of the said Company, and touching the duties of the officers, clerks and servants thereof, and all such other matters or things as appertain to the business of the Corporation, and also shall have power to appoint as many officers, clerks and servants for the carrying on the said business, and with such salaries and allowances as to them shall seem fit.

Amount of the capital of the Company limited.

Transfer of shares.

Proviso: Company not to act as bankers.

XXIV. And be it enacted, That the whole Capital Stock which the said Company may have or hold by virtue of this Act shall be ten thousand pounds currency, with power to increase the same to double that amount if found necessary for constructing the said road; and that the shares of the Capital Stock shall be composed of shares of the value of five pounds currency each; and such shares shall be personal property, and may, after the first instalment thereon shall have been paid, be transferable by the respective persons subscribing and holding the same to any other person or persons, and such transfer shall be entered and registered in a book or books to be kept for that purpose by the said Company: Provided always, that nothing herein contained shall extend to authorize the said Company to carry on the business of Banking.

How instalments of capital stock may be called in.

XXV. And be it enacted, That so soon as Directors have been appointed as aforesaid, it shall and may be lawful for them to call upon the Stockholders of the said Company, by giving thirty days' notice thereof in any one newspaper that may be published in the said District of Wellington for an instalment of twenty per cent. upon each share which they or any of them may respectively have subscribed for, and that the residue of the sums or shares of the Stockholders shall be payable by instalments in such time and in such proportions as a majority of the Stockholders (at a meeting expressly convened for that purpose) or at a meeting held for the choice of Directors

as aforesaid shall agree upon; provided however, that no such instalment subsequent to the first as aforesaid, shall exceed five per cent., nor become payable in less than thirty days after public notice in the newspaper or newspapers as aforesaid.

Proviso :
Amount of
each call
limited.

XXVI. And be it enacted, That of the persons as aforesaid, nominated and balloted for in manner aforesaid, those seven shall be deemed elected who shall have the greater number of votes according to the shares held by the voters respectively as hereinbefore prescribed, at each and every such election of Directors, and that at every such election in every year as aforesaid, after the ballot shall have been kept open for three hours, the seven persons having the majority of votes in manner aforesaid shall, so soon after as convenient on the same day, be declared the Directors chosen for the ensuing year, by two or more scrutineers who shall have been previously nominated by the Stockholders for the purpose of nomination and report of such ballot: Provided nevertheless, that the Stockholders present at the place of ballot shall in the nomination of scrutineers vote *per capita*, and not by shares.

Proceedings at
elections of
Directors re-
gulated.

Proviso.

XXVII. And be it enacted, That if any Stockholder or Stockholders as aforesaid shall refuse or neglect to pay at the time required any instalment or instalments which shall be lawfully required by the Directors as due upon any share or shares, such Stockholder or Stockholders so refusing or neglecting shall forfeit such share or shares as aforesaid with any amount which shall have been previously paid thereon, and the said share or shares may be sold by the said Directors, and the sum arising therefrom, together with the amount previously paid thereon, shall be accounted for and applied in like manner as other monies of the said Company: Provided always, that the purchaser or purchasers shall pay the said Company the amount of the instalment required, over and above the purchase money of the share or shares so purchased by him, her or them as aforesaid, immediately after the sale, and before he, she or they shall be entitled to the certificate of the transfer of such share or shares purchased as aforesaid: Provided always, that twenty days' notice of the sale of such forfeited share or shares shall be given in any one newspaper that may be published in the said District of Wellington, and that the instalments due may be received in redemption of any such forfeited share at any time before the time appointed for the sale thereof, or the said Company may sue for and recover any such instalment or instalments in any Court having jurisdiction in matters of debts or contract according to the amount.

Stockholders
may be com-
pelled to pay
instalments
called for.

Forfeiture of
shares if in-
stalments be
not paid.

Proviso.

Proviso.

XXVIII. And be it enacted, That the several persons who have subscribed any money towards the undertaking, or their personal representatives respectively, shall pay the sums respectively so subscribed or such portions thereof as shall be from time to time called for by the Directors: and with respect to the provisions in this Act contained for enforcing the payment of calls or instalments, the word "Stockholder" shall extend to and include any person who holds stock in the said Company, or who may have subscribed the original Prospectus of the Company or Stock Book or Agreement to take stock therein, and shall also extend to and include the legal personal representatives of such Stockholder or person as aforesaid.

Subscribers
bound to pay
the amount of
their subscrip-
tions.

Word "Stock-
holder defined.

XXIX. And be it enacted, That if any Stockholder do not pay the amount of any call or instalment to which he is liable, before or on the day appointed for payment, then such Stockholder shall be liable to pay interest for the same at the rate allowed by law from the day appointed for the payment thereof to the time of the actual payment.

Calls overdue
to bear inter-
est.

Stockholders may be sued for the amount of calls and interest.

Suit not to prevent forfeiture.

What averments shall be necessary in any such suit.

What proof shall be necessary in any such suit.

Certain particulars need not be mentioned in notices of calls.

Company may borrow money and mortgage their property for the same.

Form of such mortgage, and registry thereof.

XXX. And be it enacted, That if default shall be made by any Stockholder in the payment of any call at the time appointed by the Directors for the payment thereof, then it shall be lawful for the Company to sue such Stockholder for the amount of such call, in any Court of Law in this Province, (having competent jurisdiction in regard to the amount to be recovered), and to recover the same with lawful interest, and if the Company shall elect to sue any Stockholder under the authority of this Act, such suit shall not in any way interfere with the forfeiture of the share or shares of such Stockholders, as provided by the twenty-fifth clause of this Act.

XXXI. And be it enacted, That in any action or suit to be brought by the Company against any Stockholder to recover any money due for any call, it shall not be necessary to set forth the special matter, but it shall be sufficient for the Company to aver that the defendant is the holder of one share or more (stating the number of shares) in the Capital Stock of the Company, and that he is indebted to the Company in the sum of money to which the calls in arrear shall amount in respect of one call or more upon one share or more (stating the number and amount of each of such calls) whereby an action hath accrued to the Company by virtue of this Act.

XXXII. And be it enacted, That on the trial or hearing of such action, it shall be sufficient for the Company to prove that the defendant at the time of making such call was a holder of one share or more in the undertaking, (and when there has been no transfer of the shares, then the proof of subscription to the original Agreement to take stock shall be sufficient evidence of holding stock to the amount subscribed) and that such call was in fact made, and such notice thereof given as is required; and it shall not be necessary for the Company to prove the appointment of the Directors who made such call or any other matter whatever, and thereupon the Company shall be entitled to recover what shall be due upon such call with interest thereon, unless it shall appear either that any such call exceeds the prescribed amount, or that due notice of such call was not given, or that a meeting of the Stockholders was not expressly convened for the purpose of deciding on the time of payment, and the amount of such call in cases where such meeting is required.

XXXIII. And be it enacted, That when calls shall be made by the Directors, it shall not be essential that the notice of such call should specify on what day, or at what place, or to what person the calls are to be paid, but that all calls shall be taken and meant to be payable to the Treasurer of the Company for the time being, at the expiration of thirty days from the first day of publishing the notice.

XXXIV. And be it enacted, That it shall be lawful for the Company to borrow on mortgage or bond, such sums of money as shall from time to time, by an order of a general meeting of the Company, be authorized to be borrowed for the purpose of carrying into effect the undertaking, and for securing the re-payment of the money so borrowed with interest, to mortgage the tolls and future calls upon the shareholders, or to give bonds in such manner and with such conditions as may be ordered by the Company at a general meeting.

XXXV. And be it enacted, That every mortgage and bond for securing monies borrowed by the Company shall be by deed under the common seal of the Company, wherein the consideration shall be truly stated, and a register of such mortgages and bonds

bonds shall be kept by the Secretary, and within fourteen days after the date of any such mortgage or bond, entry or memorial, specifying the date of such mortgage or bond, and the sums secured thereby, and the names of the parties thereto shall be made in such Register, and such Register may be perused at all reasonable times by any of the Stockholders, or by any mortgagee or bond creditor of the Company, or any person interested in any such mortgage or bond.

XXXVI. And be it enacted, That the said President and Directors, if they think proper, may commute tolls with any person or persons, by taking from him, her or them a certain sum either monthly or annually in lieu of such tolls, and that the said President and Directors shall affix in a conspicuous place at all such Toll-gates a Table of the Rate of Tolls to be exacted and taken, to be plainly and legibly printed.

Company may commute with any party for the Tolls.

XXXVII. And be it enacted, That it shall be the duty of the Directors to make annual dividends of so much of the profits of the said Company as to them or a majority of them shall seem advisable, and that once in each year an exact and particular statement shall be rendered of the state of their affairs, debts, credits, profits and losses, such statements to appear in the books, and to be open to the perusal of any Stockholder, at his or their reasonable request.

Directors to declare dividends.

XXXVIII. And be it enacted, That whenever the said tolls shall in the annual receipts exceed in amount a sum sufficient to defray the expenses of maintaining and repairing the said road, and incidental expenses of the said Company, and to afford an annual income to the said Company of ten per cent. profit on the capital actually expended in the construction of the said road, the said ten per cent. to be calculated from the time or times at which the part or parts of the said road on which the expenditure took place shall have been constructed, then and in such case the increasing surplus revenue of the said tolls shall be charged against the said Company as so much received by them in the nature of a sinking fund, by means whereof to purchase from the said Company the entire estate, use and property of the said road, to and for the use of the public, in such manner and form as the Legislature of this Province may by legislative enactment hereafter provide.

Sinking fund to purchase the road for the public, provided out of any surplus profits of the Company.

XXXIX. And be it enacted, That the Legislature of this Province may at any time whatever purchase the entire estate, property and use of the said road from the said Company, on giving to the said Company three calendar months' notice in writing of their intention, and paying to the said Company the capital so as aforesaid actually expended, together with fifteen per cent. advance thereupon to the credit of which payment all revenue exceeding ten per cent. upon the *bonâ fide* expenditure, and over and above the expense of maintaining and repairing the said road and incidental expenses of the said Company, shall be charged and taken; and it is also hereby provided and declared that if any deficiencies of the said ten per cent. annual profit should occur at any time, such deficiencies shall also be chargeable against the increasing revenue of the subsequent years, so that the Company may fairly and actually receive ten per cent. profit on their own *bonâ fide* expenditure for the whole time they shall enjoy the estate, rights and privileges acquired under this Act; anything herein contained to the contrary notwithstanding.

The Legislature may purchase the road on repaying the Capital and 15 per cent. extra.

Less the amount of the sinking fund. Proviso.

The District Council of Wellington may undertake the whole or part of the Road, and give notice of their intention within a certain time.

In such case they shall have the powers which would otherwise be vested in the Company as to the part of the road so undertaken.

Proviso: if after notice the Council fail to make the Road, they shall be held to have subscribed for a certain number of shares.

And the powers aforesaid shall revert to the said Company.

District Council of Wellington may take stock in the undertaking, &c.

The said Council or other parties may improve part of the road and take stock for the amount expended.

How they shall vote in such case

Company to lay statements on oath before the Legislature.

XL. And be it enacted, That if the District Council of the said District of Wellington, shall undertake to complete that part of the said road lying between the Town of Guelph and the point where the Elora and Fergus roads diverge at Card's farm in the Township of Guelph, or the whole of the said road from the Town of Guelph to the Village of Fergus, as the said Council shall deem expedient, in a good and sufficient manner by macadamizing, planking or gravelling the same, and shall give notice of their intention to do so within one month after the meeting of the said District Council, which shall be held in the year one thousand eight hundred and forty-eight, and shall complete the portion thereof which they shall have declared their intention to take, within two years from the passing of this Act; then and in such case, all and singular the powers, privileges and authority of the Company incorporated by this Act, shall be limited, restricted and confined to that part of the said road, not undertaken by the said District Council, and shall in no wise extend or be constructed to extend to that part undertaken by the said District Council, which Council, with regard to the part so undertaken shall have all the powers hereby given to the said Company, any thing in this Act contained to the contrary notwithstanding: Provided always, that the said District Council (in case of their failing to construct any portion of the said road within the time limited and in the manner seth forth in this Act, and after having given notice of their intention to do so) shall become bound to take at least two hundred shares in the Capital Stock of the said Company, and shall by reason of such failure alone be deemed to have intended to take and subscribe for, and to have taken and subscribed for two hundred shares in the said Capital Stocks, and shall be liable accordingly in the same manner and to the same extent as other stock holders, and all the powers, privileges and authority which would otherwise have been vested in the said District Council, shall by such failure alone, and without any other formality or proceeding, revert to the said Company and be vested in them.

XLI. And be it enacted, That it may and shall be lawful for the District Council of the District of Wellington to take shares in the Capital Stock of the said Company to any amount, and to borrow money on the credit of the said District, to pay for such stock or to construct any portion or portions of the said road, taking their pay therefor in shares of the Capital Stock of the said Company; and that in case any person or persons, District Council or Councils, body or bodies corporate or politic, shall be desirous of improving or constructing, or shall have improved or constructed any portion of the said line of road hereby authorized to be constructed, or shall have furnished materials or given labor therefor, and shall be desirous that the same shall be paid for in shares of the Capital Stock of the said Company, then it shall be lawful for the Directors of the said Company to cause to be transferred to such person or persons, District Council or Councils, body or bodies corporate or politic, respectively, in the Books of the said Company, as many shares of the Capital Stock as will cover the amount of their respective demands; and that any such District Council or Councils, body or bodies corporate or politic, holding stock in the said Company, may vote at any meeting of the Stockholders thereof in proportion to their number of shares, by such of their officers or other persons as they may appoint under their corporate seal for the purpose.

XLII. And be it enacted, That it shall be the duty of the said Corporation, and of the persons intrusted with the chief direction of its affairs, to lay annually before the three Branches of the Legislature of this Province in the course of the first fifteen days after

after the opening of the Session, a general statement upon the oath of the President of the said Company, sworn to before any Justice of the Peace who is hereby authorized to administer the same, of the affairs of the said Company, shewing as well the amount of its liabilities as the assets or means of meeting the same; and such President being charged before any competent Court with wilful and corrupt false swearing in the matter of such statement shall be tried, and if found guilty be punished in like manner as if he had been charged and convicted of the crime of wilful and corrupt perjury.

False attestation to be perjury.

XLIII. And be it enacted, That notwithstanding the privileges that may be conferred by this Act, the Legislature may at any time hereafter in their discretion make such additions to this Act or such alterations of any of its provisions as they may think proper for affording just protection to the public or to any person or persons, body corporate or politic, in respect to their estate, property or right or any interest therein, or any advantage, privilege or convenience connected therewith, or in respect to any way or right of way, public or private, that may be affected by any of the powers given to the said Corporation.

Legislature may amend this Act so as to protect rights, &c.

XLIV. And be it enacted, That in any action or suit brought by or against the Company upon any Contract or for any matter or thing whatsoever, any Stockholder shall be competent as a witness, and his testimony shall not be deemed inadmissible on the ground of interest.

Stockholders may be witnesses for or against the Company.

XLV. And be it enacted, That if any action or suit shall be brought against any person or persons for any matter or thing done in pursuance of this Act, such action or suit shall be brought within six calendar months next after the fact committed and not afterwards, and the defendant or defendants in such action or suit may plead the general issue only, and give this Act and the special matter in evidence on the trial.

Limitation of actions for things done under this Act.

XLVI. And be it enacted, That the words and the expressions hereinafter mentioned, which in their ordinary signification may have a more confined or different meaning, shall in this Act, except when the nature of the provisions or the context of the Act shall exclude such construction, be interpreted as follows, that is to say: the word "Oath" shall include affirmation when by law such affirmation is required or allowed to be taken in place of an oath; and every word importing the singular number shall extend and be applied to several persons and things as well as one person or thing, and bodies corporate or politic as well as individuals; and every word importing the plural number shall extend and be applied to one person or thing as well as several persons or things; and every word importing the masculine gender only, shall extend and be applied to a female as well as a male.

Interpretation clause.

XLVII. And be it enacted, That this Act shall be taken to be a Public Act, and as such shall be judicially noticed by all Judges, Justices of the Peace and other persons, without being specially pleaded.

Public Act.





ANNO DECIMO ET UNDECIMO

VICTORIÆ REGINÆ.

CAP. XCII.

An Act to incorporate *The Scarborough and Markham Plank-Road Company.*

[28th July, 1847.]

WHEREAS the inhabitants of the Townships of Scarborough, Markham and Whitechurch, and of the Townships to the easterly and north-westerly have long been subject to great inconvenience in bringing the produce of their farms to the City of Toronto, their almost exclusive market, in consequence of the extreme badness of the roads over which they have to travel; And whereas it would tend much to improve that section of the country and confer benefits on the inhabitants generally, if the road now travelled and known as the Scarborough and Markham Road were planked or macadamized, terminating at a certain point in the Kingston Road east of Gates' Tavern in the Township of Scarborough where a portion of the intended line of road has been already planked, extending in a northerly direction to Markham Village, and thence to Stouffville, on the Township line between the Townships of Markham and Whitechurch; and to extend the road in a northerly or easterly direction, or by such intermediate route as circumstances may render expedient; And whereas Joseph Tomlinson and others have petitioned the Legislature to be by law incorporated for the purposes of effecting the said improvements by means of joint Capital Stock: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That Joseph Tomlinson, Archibald Barker, George Miller, John Robinson, William Armstrong, James Crosby, Jonathan Gates, Samuel Reesor, William Robb, Robert Armstrong, Alexander Hunter, John Reesor, Abraham Stouffer, John Torrance, Edward Wheeler, John Harrington, John Boyer, Christian Stouffer, Joseph Marr, or any five of them, together with all such other persons as shall become Stockholders in such joint Capital or Stock as hereinafter mentioned, shall be and are hereby ordained, constituted and declared to be a body corporate and politic in fact, by the name of *The Scarborough and Markham Road Company*, and by such name they and their successors shall and may have continued succession, and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and that they and

Preamble:

Certain persons incorporated.

Corporate name and powers.

and their successors may and shall have a common seal, and may change and alter the same at their will and pleasure, and also that they, and their successors by the said name of *The Scarborough and Markham Road Company*, shall be in law capable of purchasing, having and holding to them and their successors, any estate, real, personal or mixed, and which may be necessary for the use of the said Company, and selling, conveying or otherwise parting therewith, for the benefit and on account of the said Company, from time to time as they shall deem necessary or expedient, and shall have full power and authority to macadamize or plank the road or roads mentioned and described in the Preamble to this Act, to erect Toll-gates, and to take Tolls thereon in the manner hereinafter mentioned, when the same shall be completed, between the Kingston Road and the Village of Markham.

When three miles of road are completed, Company may erect a Toll-gate thereon.

II. Provided always, and it is hereby enacted and declared, That so soon as three miles of the said road shall have been completed, it shall and may be lawful for the Directors of the said Company to put up and erect a Toll-gate thereon, and collect such tolls as the Directors may think expedient to be levied, and taken of and from persons travelling along the said road.

Company may purchase real estate to complete the Road.

III. And be it enacted, That the said Company shall have full power and authority for the purpose of forming and completing the said Road, to purchase and hold in their corporate capacity such real estate as may be necessary for all the purposes of the said road, and of this Act.

Amount of Capital Stock of the Company limited.

Shares transferable.

Proviso.

IV. And be it enacted, That the whole Capital Stock which the said Company may have or hold by virtue of this Act, shall be five thousand pounds, with power to increase the same to double that amount if found necessary for constructing the said Road, and that the said Capital Stock shall be composed of shares of the value of six pounds five shillings currency each, and that the said shares of the said Capital Stock shall be transferable, and may be from time to time transferred by the respective persons so subscribing or holding the same to other person or persons: Provided always, that such transfer be entered or registered in a book or books to be kept for that purpose by the said Company.

Books of subscription to be opened at Markham and Toronto.

V. And be it enacted, That within sixty days after the passing of this Act, books of subscription shall be opened at Markham Village, in the Township of Markham, and the City of Toronto, by such person or persons and under such regulations, within the meaning of this Act, as the said petitioners or the majority of them shall by writing direct.

Books of subscription to remain open thirty days, &c.

VI. And be it enacted, That the said books of subscription shall remain open for subscription for thirty days, during which time no person subscribing shall so subscribe for more than twenty shares, but if after the expiration of the said thirty days any stock should remain not taken up, then it shall be lawful for the said subscribers or any of them, or any other person or persons to subscribe for any greater or less number of shares, so long as any of the said stock may remain unsubscribed for.

Proportion to be paid by subscribers at time of subscribing.

VII. And be it enacted, That all and every of the subscribers for the said stock or any part thereof, shall at the time of subscribing pay a proportion of ten per cent. upon the Capital Stock of the whole number of shares, for which they, or any of them respectively,

respectively, may subscribe, and that such proportion so paid and deposited at the time of subscription shall be at the disposal of the Directors hereinafter mentioned, to and for the purposes of this Act in manner as hereafter is directed, and that the residue of the sum or shares of subscribers and stockholders shall be payable by instalments, at such times and in such proportion as a majority of the Shareholders at a meeting to be expressly convened for that purpose, shall agree upon.

Residue
how payable.

VIII. And be it enacted, That if any Stockholder as aforesaid, shall refuse or neglect to pay at the time required, any such instalment or instalments as shall be lawfully required by the Directors, as due upon any share or shares, then such Stockholder so refusing or neglecting shall forfeit such share or shares as aforesaid, with the amount previously paid thereon, and the said share or shares may be sold by the said Directors, and the sum so arising therefrom, together with the amount previously paid thereon, shall be accounted for, and divided in like manner as other monies of the said Company: Provided also, that nothing in this Act shall prevent any Stockholder from paying up the amount he subscribes for at any time to the Directors, and the same shall be allowed to him by the said Company.

Penalty on
Stockholders
refusing to
pay instal-
ments called
for.

Proviso.

IX. And be it enacted, That as soon as ten per cent. of the said Capital Stock shall be paid into the hands of such receiver or receivers as the Stockholders shall appoint, it shall and may be lawful for the subscribers, or the majority of them, upon thirty days' notice published in one or more of the City of Toronto newspapers, to call a public meeting at the Village of Markham aforesaid, for the purpose of proceeding to the election of Directors as hereinafter mentioned, and the persons then and there chosen being Stockholders shall be capable of serving until the second Monday in January, one thousand eight hundred and forty-nine, and the said Directors so chosen shall commence the business of the said Company, and proceed therein until the first subsequent election of annual Directors as hereinafter mentioned.

Public meeting
to be called for
election of Di-
rectors.

Term of office.

X. And be it enacted, That the stock, property, affairs and concerns of the said Corporation shall be managed and conducted by seven Directors, one of them to be the President, who shall hold his office for one year, which Directors shall be Stockholders, and shall be inhabitants of the Home District, and shall be elected on the second Monday in January in each and every year, at such time of the day and at such place in the said Village of Markham as the majority of the Directors for the time being, after thirty days' public notice, shall appoint; Provided nevertheless, that the first Board of Directors to be chosen by the subscribers as aforesaid, shall continue in office until the first Monday in January, one thousand eight hundred and forty-nine, as in the last section provided, and no longer, unless re-elected.

Affairs of the
Company to
be managed by
seven Direc-
tors.
Day of annual
election.

Proviso.

XI. And be it enacted, That the election of Directors shall be held and made by such Stockholders of the said Company as shall attend at the Village of Markham aforesaid for that purpose, in their own proper persons or by proxy, and shall be determined by ballot, such ballot to be regulated and calculated by the number of votes allowed to such Stockholders according to the number of shares held by them respectively, as follows, that is to say: one vote for one share; two votes for two shares; three votes for eight shares; four votes for twelve shares; five votes for sixteen shares; Provided always, that the Stockholders so voting shall be possessed of the share or shares in respect of which they shall respectively vote at least three months before

Election to be
made by Stock-
holders present
at meeting and
by ballot.

Proportion of
votes to shares
regulated.

Proviso.

before the time of election, and no person, co-partnership or body politic, shall be entitled to more than five votes at any such election, or at the determination of any other matter or thing concerning the said Company, or its affairs, which may by the provisions of this Act, be submitted to the judgment and decision of the Stockholders generally: Provided also, that the choice of the scrutineers hereinafter mentioned, and of the President be had as hereinafter expressly directed.

Proviso.

Directors to be Stockholders.

Case of partners provided for.

XII. And be it enacted, That the Directors to be chosen shall be Stockholders in the said Company, and shall hold to their own use eight shares at least, and that all and every co-partnership and co-partners, body and bodies politic or corporate, holding any share or shares of the stock of the Company, shall each of them vote only as an individual Stockholder, nor shall two or more persons belonging to any such co-partnership or co-partnerships, body or bodies politic or corporate, be capable of being nominated, chosen, or of sitting as Directors, although such persons may hold stock in their private right, or to their private use in the said Company.

Persons having the greatest number of votes to be deemed elected.

XIII. And be it enacted, That of the persons as aforesaid nominated and balloted for in the manner as aforesaid, those shall be deemed elected who shall have the greatest number of votes according to the shares held by the voters respectively, as hereinbefore prescribed, at each and every such election of Directors; and at each and every such election on the second Monday of January, in each and every year as aforesaid, after the ballot shall have been kept open from eleven of the clock in the forenoon till two of the clock in the afternoon, the persons having the majority of the votes in manner aforesaid, shall so soon thereafter as convenient on the same day, be declared the Directors chosen for the ensuing year, by any two or more Scrutineers who shall have been previously nominated by the Stockholders, for the purpose of nomination and report of such ballot; Provided nevertheless, that the Stockholders present at the place of ballot shall in the nomination of Scrutineers vote *per capita*, and not by shares.

Proviso.

President to be elected.

Votes how given.

XIV. And be it enacted, That the said Directors in the same day and place, wherein they shall have been so chosen and declared Directors, shall, after all other persons have retired, choose by plurality of voices one of their number to be President, in which choice the Directors shall vote *per capita*, and not by shares.

Provisions for filling vacancies.

XV. And be it enacted, That in case of a vacancy among the Directors, by death or absence for more than two months from the sittings of the said Board, such vacancy shall as often as necessary be supplied until the second Monday in January following, by the remaining Directors, at a Special Meeting of the Board, called by the President.

All questions before Directors to be decided by a majority of votes.
Proviso.

XVI. And be it enacted, That all questions submitted to or coming before the Board of Directors, concerning the affairs of the said Company, as well as the appointment of Director or Directors to fill up vacancies in their own number, shall be decided by the majority of voices; Provided however, always, that the President of the said Company shall have no other than a casting vote.

Directors to make rules and regulations, and have certain other powers.

XVII. And be it enacted, That the Directors for the time being, or the majority of them, shall have power to make and subscribe such Rules and Regulations, and the same to alter and amend as to them shall appear needful, just and proper, touching the

the management and disposition of the stock, property, estate and effects of the said Corporation, and touching the duties and conduct of the clerks and servants employed by the said Company, and shall have power to make and subscribe in the name of the said Company all contracts for labour, work, materials, and all matters concerning the construction of the said road, and after the same be completed, concerning the tolls of the said road, other matters and things concerning as well the construction of the said road, its charges, tolls, profits, losses, dividends and revenue whatsoever, such Rules and Regulations not being contrary to this Act nor to the Laws of this Province.

XVIII. And be it enacted, That it shall and may be lawful for the President and Directors of the said Company from time to time to order and establish the rates of toll payable by persons travelling upon the said road ; it shall not be lawful for the said Directors to establish or collect or allow to be collected, any rate of toll for any horse, beast, or any other cattle or carriage employed in carrying or conveying, having been employed only in carrying on the same day, any dung, soil, or compost or manure for the improving lands, any ploughs or harrows in actual use, unless laden also with some other thing not hereby exempted from toll, or for any horse or other beast employed in going to or returning from plough or harrow, or to or from pasture or watering place, or going or returning from being shod or farried, such horse or horses or other beast not going or returning on those occasions more than one mile on the Macadamized or Plank Road.

President and Directors to establish rates of Toll.

Exemptions from Toll.

XIX. And be it enacted, That all persons with horses, wagons or other carriages going to, attending or returning from any funeral of any person on any day in the week, or going to or returning from Divine Service on the Lord's day, shall pass the gate free of toll.

Other exemptions.

XX. And be it enacted, That if any person or persons shall cut, break down or destroy in any way, any of the gates or toll-houses to be erected by virtue of this Act, every such person so offending and being lawfully convicted, shall be deemed guilty of a misdemeanour and be punished by fine and imprisonment, and if any person or persons shall remove any earth, stone or timber, on the said road, to the damage of the same, or shall forcibly pass or attempt to pass by force any of the gates without having first paid the legal toll at such gate, such person or persons shall pay all damages by them committed, and shall forfeit and pay a fine not exceeding five pounds nor less than ten shillings currency, to be recovered before any Justice of the Peace for the Home District.

Penalty on persons destroying or damaging Toll-gates, &c. or forcibly passing the same.

XXI. And be it enacted, That the fines and forfeitures authorized to be imposed by this Act, shall and may be levied and collected by distress and sale of the offender's goods and chattels under the authority of any warrant or warrants for that purpose to be issued by any one of Her Majesty's Justices of the Peace for the Home District, who are hereby authorized and empowered to grant the same, and in case there shall be no such goods and chattels to satisfy such warrant or warrants, such offender or offenders may be committed by such Justice or any other Justice of the said District to the Common Jail of the Home District for any period not exceeding twenty days.

Recovery and Application of fines, &c., under this Act.

XXII. And be it enacted, That if any person or persons shall after proceeding on the said road with any carriage or animal, liable to pay toll, turn out of the said road, into

Penalty on persons evading Tolls.

into any other road, and shall enter the said road beyond any of the said gate or gates without paying toll, whereby such payment shall be avoided, such person or persons shall for every such offence forfeit and pay a sum not exceeding five pounds nor less than five shillings, which said sum shall be expended on the said road, or towards discharging of any debt or other incumbrances thereon, and any one Justice of the Peace for the Home District shall, on conviction of such offender, fine such offender in the said penalty, and from his judgment there shall be no appeal.

Penalty on persons assisting others to evade Tolls.

XXIII. And be it enacted, That if any person or persons occupying or possessing any enclosed land near any toll-houses or toll-gates which shall be erected in pursuance of this Act, shall knowingly permit or suffer any person or persons to pass through such land or through any gate, passage or way thereon, with any carriage, horse, mare, gelding or other animal liable to the payment of toll, whereby such payment shall be avoided, any person or persons so offending and also the person riding or driving the animal or animals, or carriage whereon such payment is avoided, being thereof convicted, shall for every such offence generally forfeit and pay any sum not exceeding five pounds, which shall be laid out in improving such road.

Government may assume the property of the road on certain conditions.

XXIV. And be it enacted, That the Executive Government of this Province may at any time whatever assume and take the said entire estate, property, and use of the said road from the said Company, paying to the said Company the Capital so as aforesaid actually expended, together with ten per centum advance thereupon

Company may purchase real estate necessary for the road.

XXV. And be it enacted, That the said Company shall have full power and authority for the purpose of forming and completing the said road, to purchase and hold, in their corporate capacity, such real estate as may be necessary for all the purposes of the said road, and of this Act.

May compromise with owners of land, &c.

XXVI. And be it enacted, That the Directors of the said Company for the time being shall have full power to contract, compound, compromise and agree with the owners and occupiers of land through or upon which the said road may most advantageously pass and terminate.

Arbitrators to be appointed in case of difference.

XXVII. And be it enacted, That if in the making of such contract, composition, compromise or agreement, any obstacle should arise between the parties thereto, touching the value of the portion of the land to be bought for the purposes aforesaid, then and in such case it shall and may be lawful for the Directors for the time being, from time to time, as they or the majority of them may think fit, to appoint one or more person or persons as Arbitrator or Arbitrators on the part of the said Company, and also for the party or parties disagreeing as to the value as aforesaid, to appoint one or more person or persons, being an equal number with those chosen by the said Directors as Arbitrator or Arbitrators on his, her or their part; and that the persons so chosen on both sides shall, having met for that purpose, choose by ballot one other indifferent person, and the whole number of persons so chosen shall be the Arbitrators between the parties disagreeing; and the said Arbitrators shall be sworn by a Justice of the Peace, justly, impartially and equally, as far as in them lies, and to the best of their judgment, to determine the matter to be to them referred.

Third Arbitrator.

Arbitrators to be sworn.

XXVIII. And be it enacted, That if after eight days' notice in writing, given to the party so disagreeing as to the value aforesaid, such party will not nominate or appoint an Arbitrator or Arbitrators as aforesaid, on his part, it shall and may be lawful for the Directors to add to their first nomination as many others (not being Stockholders of the said Company,) as and for the Arbitrators of the party so refusing to nominate for himself, and such added Arbitrators shall have the same power as if named by the party himself, and shall meet and ballot for the additional Arbitrator.

Provision in case of party refusing to appoint Arbitrator.

XXIX. And be it enacted, That the Board of Arbitrators so constituted shall fix a convenient day for hearing the respective parties, and shall give eight days' notice at least of the day and place, and having heard the parties or otherwise examined into the merits of the matters so brought before them, the said Arbitrators or a majority of them shall make their award and arbitrament thereupon in writing, which award or arbitrament shall be final as to the value so in dispute as aforesaid.

Day to be fixed for hearing of parties before the Arbitrators.

Award.

XXX. And be it enacted, That if the party so disagreeing refuse to accept the value of the land so ascertained by the Arbitrators as aforesaid till the end of the second term in Her Majesty's Court of Queen's Bench in Upper Canada, next after making the award and tender of the value thereby ascertained, then and in such case the Directors for the time being shall be at liberty, and shall have full power to occupy the piece of land so valued by the Arbitrators and to macadamize or plank it in the same manner as other portions of the said road.

Provision in case of refusal to accept the amount awarded by the Arbitrators.

XXXI. And be it enacted, That in any action of ejectment or other action, real, personal or mixed, for or on account of such occupation by the said Company, their servants or agents, or other person or persons using the said road, the said award may be pleaded in bar to such action at any time after the said two terms in the said Court of Queen's Bench, notwithstanding any defect in form or substance in the said award: Provided always, and it is hereby enacted and declared, That it shall and may be lawful to and for the party or parties interested in the land mentioned in the award, or their agent by counsel, at any time within the two next terms as aforesaid, after the same hath been made, and the amount of the value awarded tendered, to move the said Court of Queen's Bench to set aside such award for corruption or any other matter or thing for which awards are now subject to be impugned by law: Provided also, that if the first award be so set aside by the Court of Queen's Bench, the matter in difference may again be submitted to other Arbitrators, and so on till a satisfactory award be made between the parties.

Award may be pleaded in bar to an action of ejectment.

Proviso: award may be set aside for cause.

Proviso: new award in such case.

XXXII. And be it enacted, That in case it should at any time happen that an election of Directors should not be made on the day when pursuant to this Act it ought to have been made, the said Corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any other day to hold and make an election in such manner as shall have been regulated by the rules of the said Corporation, to be made for that purpose, such rules not being contrary to the provisions of this Act.

Failure to elect provided against.

XXXIII. And be it enacted, That it shall be the duty of the Directors to make annual dividends of so much of the profits of the said Company as to them or the majority of them shall appear advisable, and an exact and particular statement shall be annually rendered of the state of their affairs, debts, credits, profits and losses, and

Directors to make annual dividends and Statements.

and such statements shall appear in the books of the Company, and be open to the perusal of any Stockholder upon his reasonable request:

Public Act.

XXXIV. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and as such shall be judicially noticed by all Judges and Justices of the Peace, and other persons without being specially pleaded.

Duration of Act.

XXXV. And be it enacted, That this Act from the time of the passing thereof, shall continue in force for fifty years, and from thence to the end of the next ensuing Session of the Provincial Parliament.

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Law Printer to the Queen's Most Excellent Majesty.



ANNO DECIMO ET UNDECIMO
VICTORIÆ. REGINÆ.

CAP. XCIII.

An Act to incorporate *The Cobourg and Grafton Road Company.*

[28th July, 1847.]

WHEREAS the construction of a substantial Road from the Town of Cobourg to the Village of Grafton, in the direction of the line of Road now travelled between those places and commonly called the Kingston Road, would be highly beneficial to the inhabitants of the Townships of Hamilton and Haldimand who reside in the vicinity of the said Road, and would likewise be of great benefit to the public at large by so far improving the direct line of communication between the eastern and western parts of the Province; And whereas certain inhabitants of the said Townships and others, have formed themselves into a Joint Stock Company for the purpose of constructing a good and substantial Road as aforesaid, and have subscribed for Stock to a large amount in the said undertaking; And whereas a Petition has been presented by the inhabitants of the said Townships praying for an Act to incorporate a Joint Stock Company for the aforesaid purpose, and it is expedient that an Act should be passed to incorporate the said Company: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That Henry Covert, Charles Vernon, Amos Moore, Stuart E. MacKechnie, John Montgomery Campbell, D'Arcy Edward Boulton, Thomas W. Colleton, and Joseph Phillips the younger, with all such other persons as have subscribed for Stock in the prospectus or undertaking of the Company, and all such persons as shall become Stockholders in the Capital Stock of the Company shall be and are hereby ordained, constituted and declared to be a body corporate and politic in fact, by and under the name and style of *The Cobourg and Grafton Road Company*, and by that name they and their successors shall and may have continued succession, and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto in all Courts and places whatsoever, in all manner of actions and complaints, matters and concerns whatsoever, and they and their successors may and shall have a common seal, and may change and alter the same at their will and pleasure, and also that they and their successors by the same name of *The Cobourg and Grafton Road Company*, shall be by law capable of purchasing, having and holding

Preamble.

Certain persons incorporated.

Incorporation.

Name of Corporation.

Common Seal.

Holding property.

Proviso :
Real estate to
be held for
certain pur-
poses only.

holding to them and their successors, any estate, real or personal or mixed, to and for the use of the said Company, and of letting, conveying or otherwise departing there-with for the benefit and on account of the said Company from time to time as they shall deem necessary and convenient ; Provided always nevertheless, that the real estate to be held by the said Company shall be only such as shall be required to be held by them for the purpose of making and using the said road and for objects immediately connected therewith.

Company may
make a plank,
stone or gravel
road from
Cobourg to
Grafton.

II. And be it enacted, That the said Company and their servants and agents, shall have full power under this Act to lay out, construct, make and finish a plank, stone or gravel road at their own proper costs and charges, on and over the present travelled Kingston road, from the limits of the Town of Cobourg to the centre of the Village of Grafton, and upon and over such portions of the line of country lying between the two places, as shall be deemed necessary by the said Company to straighten the said road, and also to overcome and avoid hills upon the said line of road.

Company may
contract, com-
pound or agree
with owners of
lands through
which the road
may be made.

III. And be it enacted, That the said Company are hereby empowered to contract, compound and agree with the owners and occupiers of any lands upon which they may determine to construct the said road, either by purchase of so much of the said land and privileges as they shall require for the purposes of the said Company, or for the damages which he, she or they shall and may be entitled to receive of the said Company, in consequence of the said intended road being made and constructed in and upon his, her or their respective lands : and in case of any disagreement between the said Company and the owner or owners, occupier or occupiers as aforesaid, it shall and may be lawful from time to time, for each owner and occupier so disagreeing with the said Company, either upon the value of the lands and tenements, or private privileges proposed to be purchased, or upon the amount of damages to be paid to them as aforesaid, to nominate and appoint one or more indifferent person or persons, and for the said Company to nominate an equal number of indifferent persons who, together with one other person to be chosen by the persons named, shall be Arbitrators to award, determine, adjudge and order the respective sums of money which the said Company shall pay to the respective persons entitled to receive the same, the award of the majority of whom shall be final ; and the said Arbitrators shall be, and are hereby required to attend at some convenient place in the vicinity of the said road, to be appointed by the said Company, after eight days' notice given for that purpose by the said Company, then and there to arbitrate and award, adjudge and determine such matters and things as shall be submitted to their consideration by the parties interested : and that each Arbitrator shall be sworn before some one of Her Majesty's Justices of the Peace in and for the District of Newcastle, any one of whom may be required to attend the said meeting for that purpose, well and truly to assess the damages between the parties according to the best of his judgment ; Provided always, that any award under this Act shall be subject to be set aside on application to the Court of Queen's Bench in the same manner and on the same grounds as in ordinary cases of submission by the parties, in which case a reference may be again made to arbitration as herein-before provided.

Arbitration to
be had when
the parties and
the Company
cannot agree

Appointment
of Arbitrators.

Meeting of
Arbitrators.

Arbitrators to
be sworn.

Proviso :
Award may
be set aside by
Court of
Queen's Bench
on due cause
shewn.

New arbitra-
tion.

In case of de-
fault to appoint
Arbitrators
the Judge of

IV. And be it enacted, That if after eight days' notice in writing given to the party so disagreeing as to the value aforesaid, such party shall not nominate or appoint an Arbitrator or Arbitrators as aforesaid, on his part, or if the land required by the said Company

Company be the property of a minor, or lunatic, or person absent from this Province, then and in any such case the Judge of the District Court of the District of Newcastle shall and may nominate and appoint one or more Arbitrator or Arbitrators on their behalf, with the same powers and authority as if appointed by the party or parties so refusing or neglecting to appoint an Arbitrator or Arbitrators in his or their behalf, or so being a minor, or lunatic, or absent from this Province, including the power to meet and make choice of the additional Arbitrator; and if either of the parties or their Arbitrator or Arbitrators fail to attend for the purpose of arbitrating as aforesaid, after due notice of the time and place of holding such arbitration, then it shall be lawful for the party attending with his or their Arbitrator or Arbitrators to proceed with the arbitration, and the Arbitrator or Arbitrators so attending may appoint an equal number of Arbitrators for the party failing to appear, and the Arbitrators so appointed on both sides shall then choose an additional Arbitrator in the manner pointed out in the third section of this Act, and in such case the award shall be binding on the party neglecting to appear.

the District Court to appoint.

In case of neglect to appear by either of the parties or their Arbitrator, the arbitration to be proceeded with by the Arbitrators attending.

V. And be it enacted, That whatever sum of money may be finally awarded to any person or persons for compensation for property required to be occupied, or for damages occasioned by the interference of the said Company with his or their property, rights or privileges, shall be paid within three months from the time of the same being awarded; and in case the said Company shall fail to pay the same within that period, their right to assume any such property, or commit any act in respect of which such sum of money was awarded, shall wholly cease; and it shall be lawful for the proprietor to resume his occupation of such property, and to possess fully his rights and privileges, in respect thereof, free from any claim or interference from the said Company.

Sums of money awarded for compensation to be paid within three months after award is made, on pain of nullity.

VI. And be it enacted, That the said Company and their agents, servants and workmen are hereby authorized and empowered to enter into and upon the lands and grounds of or belonging to any other person or persons, bodies politic or corporate, between the Town of Cobourg aforesaid and Grafton aforesaid, and to survey and take levels of the same or any part thereof, and to set out and ascertain such parts thereof as they shall deem necessary and proper for making the said road, and all such matters and conveniences as they shall think proper and necessary for making, effecting, preserving, completing and using the said intended road; and also to make, build, erect and set up in and upon the said route of the road aforesaid, or upon the land adjoining or near the same, all such works, ways, roads and conveniences as the said Company shall think convenient and necessary for the purposes of the said road; and also from time to time to alter, repair, amend, widen or enlarge the same or any other of the conveniences above mentioned, as well for carrying or conveying of goods, commodities, timber and other things to and from the said road, as for the carrying and conveying, all manner of materials necessary for making, erecting, furnishing, altering, repairing, amending, widening or enlarging the works of or belonging to the said road, and also to place, lay, work and manufacture the said materials on the ground near to the place or places where the said works, or any of them, are or shall be intended to be made, erected, repaired or done, and to build and construct the several works and erections belonging thereto; and also to make, maintain, repair or alter any fences or passages through the said road or which shall communicate therewith, and to construct, erect, and keep in repair any piers, arches or other works in and upon any creeks

Company may enter into lands belonging to Corporations and other parties for the purposes of survey.

And may build works, &c. necessary for their road.

And may alter the same.

And make fences, passages, &c.

creeks or brooks, for making, using, maintaining and repairing the said road ; and also to construct, make and do all other matters and things which they shall think necessary and convenient for making, effecting, preserving, improving, completing and using the said road, in pursuance and within the true meaning of this Act ; they the said Company doing as little damage as may be in the execution of the several powers to them hereby granted, and making satisfaction in manner herein mentioned for all damages to be sustained by the owners or occupiers of such land, tenements or hereditaments.

Doing as little damage as possible and making satisfaction.

Governor and Directors may fix Tolls.

Proviso : Rate of Tolls

VII. And be it enacted, That it shall and may be lawful for the Governor and Directors of the said Company, from time to time to fix, regulate and receive the tolls and charges to be taken from all persons passing and repassing over the said road hereby authorized to be constructed, erected, built, made and used, which rates or tolls may be altered from time to time as circumstances may require ; Provided the rate of tolls do not exceed the rate of tolls established by the Government from time to time upon that part of the said Kingston Road which leads into Toronto.

Road, Tolls, &c., vested in Company, &c.

VIII. And be it enacted, That the said road from Cobourg to Grafton, and all materials which shall be from time to time got or provided for constructing, building, maintaining or repairing the same, and the said tolls as hereinbefore mentioned, shall be and the same are hereby vested in the said Company and their successors for ever.

Governor and Directors may erect Toll-gates across the Road.

IX. And be it enacted, That the Governor and Directors of the said Company shall have full power to erect such number of Gates on or across the said road, and to erect and maintain such toll-houses and other erections as to them may seem necessary and convenient for the due performance of their business.

Penalty on persons destroying gates, &c.

Or injuring, or forcibly passing without paying Toll.

Penalty.

X. And be it enacted, That if any person or persons shall cut, break down or destroy in any other way any of the gates or toll-houses to be erected by virtue of this Act, every such person so offending and being lawfully convicted, shall be deemed guilty of a misdemeanor, and be punished by fine and imprisonment ; and if any person or persons shall remove any earth, stone or timber on the said road, to the damage of the same, or shall forcibly pass or attempt to pass by force any of the gates without having first paid the legal toll at such gates, such person or persons shall pay all damages by them committed, and shall forfeit and pay a fine not exceeding five pounds nor less than one pound currency, to be recovered before any Justice of the Peace for the District of Newcastle.

Fines, &c. how to be levied.

XI. And be it enacted, That the fines and forfeitures authorized to be imposed by this Act shall and may be levied and collected by distress and sale of the offender's goods and chattels, under the authority of any warrant or warrants for that purpose to be issued by any one of Her Majesty's Justices of the Peace for the District of Newcastle, who are hereby authorized and empowered to grant the same.

Governor and Directors may commute Tolls.
Table of Tolls to be posted up.

XII. And be it enacted, That the said Governor and Directors, if they think proper, may commute the tolls with any person or persons, by taking of him, her or them, a certain sum, either monthly or annually, in lieu of such tolls, and that the said Governor and Directors shall affix in a conspicuous place at all such toll-gates, a Table of the Rates of Tolls to be exacted and taken, to be plainly and legibly printed.

XIII.

XIII. And be it enacted, That if any person or persons shall, after proceeding on the said road with any of the carriages or animals liable to pay toll, turn out of the said road into any other road, and shall enter into the said road beyond any of the said Gate or Gates, without paying toll, whereby such payment shall be evaded, such person or persons shall for every such offence, forfeit and pay the sum of five shillings, which said sum shall be expended on the said road, or towards the discharging of any debts or other incumbrances thereon; and any one Justice of the Peace for the District of Newcastle shall, on conviction of such offender, fine such person in the said penalty, and from his judgment there shall be no appeal.

Penalty on persons turning out of Road and again entering so as to evade Tolls.

Appropriation and recovery of Penalty.

XIV. And be it enacted, That if any person or persons occupying or possessing any enclosed lands near any Toll-houses or Toll-gates which shall be erected in pursuance of this Act, shall knowingly permit or suffer any person or persons to pass through such lands, or through any gate, passage or way thereon, with any carriage, horse, mare, gelding, or other animal liable to the payment of the toll, whereby such payment shall be avoided, every person or persons so offending, and also the persons riding or driving the animal or animals, or carriage, whereon such payment is avoided, being thereof convicted, shall for every such offence severally forfeit and pay any sum not exceeding five shillings, which shall be laid out in improving such road.

Penalty on persons permitting any one to pass through their lands to evade Toll.

XV. And be it enacted, That Her Majesty's Mail, and persons, animals and carriages employed in the conveyance thereof, Her Majesty's officers and soldiers being in proper Staff or Regimental or Military uniform dress or undress, and their horses (but not when passing in hired or private vehicles,) and all carriages or horses belonging to Her Majesty, or employed in Her service, when conveying persons in such service or returning therefrom, and all recruits marching by route, and all persons, animals and carriages attending funerals on any day of the week, or going to or returning from Divine Service on the Lord's Day, shall pass Toll-free through any Turnpike or Toll-gate to be erected under the authority of this Act.

Exemptions from Toll.

XVI. And be it enacted, That the property, affairs and concerns of the said Company shall be managed and conducted by five Directors, one of whom shall be chosen Governor, who shall hold their offices for one year after the second election, which said Directors shall be stockholders to the amount of at least eight shares, and be elected on the second Tuesday in January in each and every year after the present year, and any three of such Directors shall be a quorum and in the absence of the others may exercise all the powers and authorities conferred by this Act on the Governor and Directors, and the said election of Directors shall be held and made by such of the stockholders of the said Company as shall attend for that purpose in their own proper persons or by proxy; and all elections for such Directors shall be by ballot, and the five persons who shall have the greatest number of votes at any election shall be Directors; and if it shall happen at any such election that two or more have an equal number of votes, in such a manner that a greater number of persons than five shall by plurality of votes appear to be chosen Directors, then the said stockholders hereinbefore authorized to hold such election shall proceed to elect by ballot until it is determined which of the said persons so having an equal number of votes shall be Director or Directors, so as to complete the whole number of five; and the said Directors so chosen, as soon as may be after the said election, shall proceed in like manner to elect by ballot one of their number to be Governor; and if any vacancy

Property, &c. of Company to be managed by five Directors to be elected yearly by the Stockholders.

Quorum.

Elections to be by ballot.

Case of equality of votes provided for.

Directors to elect a Governor.

or

Vacancies between the elections how filled.

or vacancies at any time happen among the Directors, by death, resignation, or removal from the Province, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by a person or persons to be nominated by a majority of the Directors.

Ratio of votes to shares fixed.

XVII. And be it enacted, That each stockholder shall be entitled to the number of votes in proportion to the number of shares which he or she shall have in his or her own name previous to the time of voting, according to the following rules, that is to say : One vote for one share ; two votes for three shares ; three votes for five shares ; four votes for seven shares ; five votes for nine shares ; six votes for twelve shares ; seven votes for sixteen shares ; eight votes for twenty shares ; nine votes for twenty-five shares ; ten votes for thirty shares ; and that no stockholder shall be entitled to more than ten votes.

Votes by Joint Stockholders how given.

XVIII. And be it enacted, That if several persons be jointly entitled to a share, the person whose name stands first in the register of Shareholders as one of the holders of such share, shall, for the purpose of voting at any meeting, be deemed the sole proprietor thereof ; and on all occasions the vote of such first named Shareholder, either in person or by proxy, shall be allowed as the vote in respect of such share, without proof of the concurrence of the other holders thereof.

Corporation not to be dissolved if election do not take place on any day fixed by this Act.

XIX. And be it enacted, That in case it should at any time happen that an election of Directors shall not be made on any day when pursuant to this Act it ought to have been made, the said Corporation shall not for that cause be deemed to be dissolved, but that the Governor, Directors and Officers of the Company for the last previous year shall continue in their offices with all the powers and privileges under this Act until the election of others in their place : And it shall and may be lawful for the Stockholders, on any day to be appointed by the Directors for the time being, of which one week's notice shall be given in any newspaper of the District, to hold and make an election of Directors ; and for the Directors to elect a Governor, in such manner as is required at the annual elections.

Governor and Directors to make By-laws, &c. appoint Officers, &c.

XX. And be it enacted, That the Governor and Directors for the time being, or a majority of them, shall have power to make and subscribe such rules and regulations as to them shall appear useful and proper, touching the management and disposition of the stock, property, estate and effects of the said Company, the duties of the officers, clerks and servants, and all such other matters and things as appertain to the business of the said Company, and also shall have power to appoint as many officers, clerks and servants, for the carrying on the said business with such salaries and allowances, as to them shall seem fit.

First Meeting to be held at Cobourg and when.

XXI. And be it enacted, That on the second Monday in the month of September next, a meeting of the Stockholders shall be held in the town of Cobourg, who, in the same manner as hereinbefore provided, shall proceed to elect five persons to be Directors, who shall elect by ballot one of their number to be Governor, and shall continue in office until the second Tuesday in January after their election, and who during such continuance shall discharge the duties of Directors, in the same manner as if they had been elected at the annual election, and that public notice shall be given of the hour and place of holding such first election in any newspaper published in the

Public notice to be given.

Newcastle

Newcastle District, such notice to be given by the Secretary for the time being, acting for the said Company.

XXII. And be it enacted, That the whole Capital Stock which the said Company may have or hold by virtue of this Act (unless in case of extension of the said road as hereinafter provided) shall be five thousand pounds, with power (in case of such extension) to increase the same to double that amount if found necessary and expedient at any time for the construction and continuation of the said road to the Village of Colborne, as is hereinafter provided; and that the Capital Stock shall be composed of shares of the value of ten pounds currency each, and may, after the first instalment on the amount subscribed shall have been paid, be transferable by the respective persons subscribing and holding the same, to any person or persons, and such transfer shall be entered or registered in a book to be kept for that purpose by the said Company: Provided always, that nothing in this Act contained shall extend to authorize the said Company to carry on the business of banking.

Amount of
Capital Stock.

Shares to be
ten pounds
each: and
how transfer-
able.

Proviso.

XXIII. And be it enacted, That the said Company and their agents and servants shall have full power under this Act at any time after the completion of the said road to Grafton, and after the additional stock is subscribed and taken up, and ten per centum paid thereon, as is hereinafter provided, to lay out, construct, make and finish a continuous line of road at their own costs and charges, on and over any part of the country lying between Grafton aforesaid and the Village of Colborne, and following the direction of the present travelled Mail road, and using such portions of the same as to them may appear practicable and suited to the purposes of the said Company, anything herein contained to the contrary in anywise notwithstanding.

Company au-
thorized to
continue the
line of Road
to the Village
of Colborne.

XXIV. And be it enacted, That so soon as Directors have been appointed as aforesaid, it shall and may be lawful for them to call upon the Stockholders of the said Company, by giving thirty days' notice thereof in any newspaper published in the said Newcastle District, for an instalment of ten per centum upon each share which they or any of them may respectively have subscribed for, and that the residue of the sums or shares of the Stockholders shall be payable by instalments in such time and in such proportions as a majority of the Stockholders, at a meeting expressly convened for that purpose, shall agree upon, so that no such instalments shall exceed ten per cent. nor become payable in less than thirty days after public notice in the newspaper or newspapers as aforesaid: Provided always, that the said Directors shall not commence the construction of the said road from Cobourg to Grafton until at least two thirds of the Capital Stock of five thousand pounds shall have been subscribed, and a sum equal to ten per cent. thereon paid in; and also provided, that the said Directors shall not commence the construction of the road from Grafton to Colborne until additional stock, to the amount of three thousand pounds, at the least, shall have been subscribed for, and until a sum equal to ten per centum thereon shall have been paid in.

Stockholders
may be called
upon to pay an
instalment as
soon as Direc-
tors are ap-
pointed.
Remainder
how payable.

Proviso: when
the Road may
be commenced.

Proviso:

XXV. And be it enacted, That if any Stockholder or Stockholders as aforesaid, shall refuse or neglect to pay at the time required, any instalment or instalments which shall be lawfully required by the Directors as due upon any share or shares, such Stockholder or Stockholders so refusing or neglecting shall forfeit such share or shares as aforesaid, with any amount which shall have been previously paid thereon, and the said

Forfeiture of
Shares of
Stockholders
refusing to
pay instal-
ments.

Proviso. said share or shares may be sold by the said Directors, and the sum arising therefrom, together with the amount previously paid thereon, shall be accounted for and applied in like manner as other monies of the said Company : Provided always, that the purchaser or purchasers shall pay to the said Company the amount of the instalment required over and above the purchase money of the share or shares so purchased by him, her or them as aforesaid, immediately after the sale and before they shall be entitled to the Certificate of the transfer of such shares purchased as aforesaid : Provided always, that twenty days' notice of the sale of such forfeited shares shall be given in any newspaper or newspapers published in the Newcastle District, and that the instalments due may be received in redemption of any such forfeited shares at any time before the day appointed for the sale thereof : Provided always, that the Stockholders at their next general meeting, after any forfeiture, may remit such forfeiture or such portion thereof as they, by resolution there to be made, may direct.

Proviso.

Proviso.

Subscriptions to be paid when called for.

Meaning of the word "Stockholder."

XXVI. And be it enacted, That the several persons who have subscribed any money towards the undertaking, or their personal representatives respectively, shall pay the sums respectively so subscribed, or such portions thereof as shall be from time to time called for by the Directors ; and with respect to the provisions in this Act contained for enforcing the payment of calls or instalments, the word " Stockholder " shall extend to and include any person who holds stock in the said Company, or who may have subscribed the original Prospectus of the Company or Stock Book or agreement to take stock therein, and shall also extend to and include the legal personal representatives of such Stockholder or person as aforesaid.

Interest to be payable on calls remaining unpaid.

XXVII. And be it enacted, That if any Stockholder do not pay the amount of any call or instalment to which he is liable, before or on the day appointed for payment, then such Stockholder shall be liable to pay interest for the same at the rate allowed by law from the day appointed for the payment thereof to the time of the actual payment.

Calls may be enforced by action.

XXVIII. And be it enacted, That if default shall be made by any Stockholder in the payment of any call at the time appointed by the Directors for the payment thereof, then it shall be lawful for the Company to sue such Stockholder for the amount of such call, in any Court of Law in this Province, (having competent jurisdiction in regard to the amount to be recovered,) and to recover the same with lawful interest, and if the Company shall elect to sue any Stockholder under the authority of this Act, such suit shall not in any way interfere with the forfeiture of the share or shares of such Stockholders, as provided by the twenty-fifth clause of this Act.

What averment shall be necessary in actions for calls.

XXIX. And be it enacted, That in any action or suit to be brought by the Company against any Stockholder to recover any money due for any call, it shall not be necessary to set forth the special matter, but it shall be sufficient for the Company to aver that the defendant is the holder of one share or shares (stating the number of shares) in the Capital Stock of the Company, and that he is indebted to the Company in the sum of money to which the calls in arrear shall amount in respect of one call or more upon one share or more (stating the number and amount of each of such call) whereby an action hath accrued to the Company by virtue of this Act.

Matter to be proved in action for calls.

XXX. And be it enacted, That on the trial or hearing of such action, it shall be sufficient for the Company to prove that the defendant at the time of making such call was

was a holder of one share or more in the undertaking, (and when there has been no transfer of the shares, then the proof of subscription to the original agreement to take stock shall be sufficient evidence of holding stock to the amount subscribed) and that such call was in fact made, and such notice thereof given as is required; and it shall not be necessary for the Company to prove the appointment of the Directors who made such call, or any other matter whatever, and thereupon the Company shall be entitled to recover what shall be due upon such call with interest thereon, unless it shall appear either that any such call exceeds the prescribed amount, or that due notice of such call was not given, or that a meeting of the Stockholders was not expressly convened for the purpose of deciding on the time of payment, and the amount of such call in case where such meeting is required.

XXXI. And be it enacted, That when calls shall be made by the Directors, it shall not be essential that the notice of such call should specify on what day or at what place or to what person the calls are to be paid, but that all calls shall be taken and meant to be payable to the Treasurer of the Company for the time being, at the expiration of thirty days from the first day of publishing the notice.

In notices of calls certain particulars not to be requisite.

XXXII. And be it enacted, That in any action or suit brought by or against the Company upon any contract, or for any matter or thing whatsoever, any Stockholder shall be competent as a witness, and his testimony shall not be deemed inadmissible on the ground of interest.

Stockholders to be competent witnesses.

XXXIII. And be it enacted, That it shall be lawful for the Company to borrow on mortgage or bond, such sums of money as shall from time to time by an order of a general meeting of the Company be authorized to be borrowed for the purpose of carrying into effect the undertaking, and for securing the re-payment of the money so borrowed with interest, to mortgage the tolls and future calls upon the Shareholders, or to give bonds in such manner and with such conditions as may be ordered by the Company at a general meeting.

Company may borrow money and mortgage their property.

XXXIV. And be it enacted, That every mortgage and bond for securing monies borrowed by the Company shall be by deed under the common seal of the Company, wherein the consideration shall be truly stated and a register of such mortgages and bonds shall be kept by the Secretary, and within fourteen days after the date of any such mortgage or bond, an entry or memorial, specifying the date of such mortgage or bond, and the sums secured thereby, and the names of the parties thereto shall be made in such Register, and such Register may be perused at all reasonable times by any of the Stockholders or by any mortgagee or bond creditor of the Company or any, person interested in any such mortgage or bond.

Form of Mortgages and Bonds and how registered

XXXV. And be it enacted, That with respect to any contracts, which if made between private persons would be valid, although made by parol only, the Directors may make such contracts on behalf of the Company by parol only, and in the same manner may vary or discharge the same; and all such contracts so made and entered into shall be binding upon the Company and all other parties thereto.

Contracts may be made by parol in certain cases.

XXXVI. And be it enacted, That no Director, by being a party to or executing in his capacity as Director any contract or other instrument on behalf of the Company, or otherwise lawfully executing any of the powers given to the Directors, shall be subject to be sued or prosecuted either individually or collectively by any person whomsoever.

Directors not to be personally liable.

Directors to make annual dividends of profits, and submit statements of affairs.

XXXVII. And be it enacted, That it shall be the duty of the Directors to make annual dividends of so much of the profits of the said Company as to them or a majority of them shall seem advisable, and that once in each year an exact and particular statement shall be rendered of the state of their affairs, debts, credits, profits and losses, such statement to appear in the books, and to be open to the perusal of any Stockholder at his or their reasonable request.

Directors may set aside part of the profits for contingencies.

XXXVIII. And be it enacted, That before apportioning the profits to be divided among the Stockholders, the Directors may if they think fit set aside thereout such sum as they may think proper to meet contingencies, or for enlarging, repairing or improving the works connected with the undertaking or any part thereof, and may divide the balance only among the Shareholders.

Road from Cobourg to Colborne to be vested in Company on certain conditions.

XXXIX. And be it enacted, That as soon as the road from Cobourg to Grafton shall be completed and the said additional Stock of three thousand pounds shall have been subscribed for the purpose of continuing the road on to the Village of Colborne, then and from thenceforth the said road so to be continued, and all materials that shall be from time to time got or provided for constructing, building, maintaining or repairing the same, and the tolls to be taken thereon, shall be and the same are hereby declared to be vested in the said Company and their successors for ever.

All the powers of the Company to extend to the additional line of Road.

XL. And be it enacted, That so soon as the said continued line of road from Grafton to Colborne shall be commenced, all the powers, authorities and privileges of the said Company shall extend to and apply to the said additional line of Road, and that all the clauses and provisions of this Act shall be deemed and taken to extend and apply to the said Company in the same manner as if the said Company had been originally empowered to construct the whole line of road from Cobourg to Colborne.

Government may purchase the Road from the Company at any time upon certain conditions.

XLI. And be it enacted, That whatever may be the rate of divisible profits to the Stockholders in such road, it shall be lawful for the Government at any time hereafter to purchase such road, with all its hereditaments, stock, and appurtenances, in the name of Her Majesty, upon giving to the said Company, three calendar months' notice, in writing, of their intention, and upon payment of a sum equal to twenty-five years' purchase of the annual divisible profits, estimated on the average of the three next preceding years, and if the said annual divisible profits shall be less than six per cent., then upon payment of the amount of Capital Stock paid in and twenty per cent. thereon, and upon such sale and purchase, the Government shall assume all the contracts, debts and liabilities of the Company.

Limitation of actions.

XLII. And be it enacted, That if any action or suit shall be brought against any person or persons, for any matter or thing done in pursuance of this Act, such action or suit shall be brought within six calendar months next after the fact committed, and not afterwards, and the defendant or defendants in such action or suit, may plead the general issue only, and give this Act and the special matter in evidence on the trial.

Interpretation clause.

Number.
Gender.

XLIII. And be it enacted, That the following words and expressions, used in this Act, shall have the several meanings hereby assigned to them, unless there be something in the subject or the context repugnant to such construction; Words importing the singular number only shall include the plural number, and words importing the plural number only shall include the singular number; Words importing the masculine gender only shall include females; the expression "The Company" shall mean the said *Cobourg and Grafton Road Company*; the word "Stockholder," shall mean Shareholder, Proprietor, or Member of the Company.

"The Company."
"Stockholder."



ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. XCIV.

An Act to incorporate *The Cobourg and Port Hope Road Company.*

[28th July, 1847.]

WHEREAS the construction of a substantial Road from the town of Cobourg to the town of Port Hope, along the base line commencing at the limit of the town of Cobourg, thence along the base line and partly on the present travelled road to King-street, in Port Hope, would be highly beneficial to the inhabitants of the Townships of Hamilton and Hope, who reside in the vicinity of the said road, and would likewise be a great benefit to the public at large, by so far improving the direct line of communication between the eastern and western parts of the Province; and whereas certain inhabitants of the said Towns and Townships and others, have formed themselves into a Joint Stock Company for the purpose of constructing a good and substantial road as aforesaid, and have subscribed for stock to a large amount in the said undertaking; and whereas a Petition has been presented by the inhabitants of the said Townships, praying for an Act to incorporate a Joint Stock Company for the aforesaid purpose, as well as to extend the said road by degrees to the western boundary line of the Newcastle District; and whereas it is expedient that an Act should be passed to incorporate the said Company: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to re-unite the 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 Weller, James Smith, Zaccheus Burnham, Nesbitt Kirchoffer, Marcus F. Whitehead, Thomas Eyre, D'Arcy E. Boulton, Asa A. Burnham, with all such other persons as have subscribed for Stock in the prospectus or undertaking of the Company, and all such persons as shall become Stockholders in the Capital Stock of the said Company shall be and are hereby ordained, constituted and declared to be a body corporate and politic in fact, by and under the name and style of *The Cobourg and Port Hope Road Company*, and by that name they and their successors shall and may have continued succession, and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto in all Courts and places whatsoever, in all manner of actions and complaints, matters and concerns whatsoever, and they and their successors may and shall have a common seal, and may change and alter the same at their will and pleasure, and also that they and their successors

Preamble.

Certain persons incorporated.

Corporate name and powers.

successors

successors by the same name of *The Cobourg and Port Hope Road Company*, shall be by law capable of purchasing, having and holding to them and their successors, any estate, real or personal or mixed, to and for the use of the said Company, and of letting, conveying or otherwise departing therewith for the benefit and on account of the said Company from time to time as they shall deem necessary and convenient; Provided always nevertheless, that the real estate to be held by the said Company shall be only such as shall be required to be held by them for the purpose of making and using the said road and for objects immediately connected therewith.

Proviso as to
real estate.

Company may
make a Plank
or other road
from Cobourg
to King Street
in Port Hope.

II. And be it enacted, That the said Company and their servants and agents, shall have full power under this Act to lay out, construct and finish a plank, stone or gravel road at their own proper costs and charges on and over the present travelled Kingston road from the limits of the town of Cobourg to the centre of King-street in the Village of Port Hope, and upon and over such portions of the line of country lying between those two places as shall be deemed necessary by the said Company to straighten the said road, and also to overcome and avoid the hills upon the said line of road.

Company may
make contracts
for the pur-
chase of land,
&c.

III. And be it enacted, That the said Company are hereby empowered to contract, compound and agree with the owners and occupiers of any lands upon which they may determine to construct the said road, either by purchase of so much of the said land and privileges as they shall require for the purposes of the said Company, or for the damages which he, she or they shall and may be entitled to receive of the said Company, in consequence of the said intended road being made and constructed in and upon his, her or their respective lands; and in case of any disagreement between the said Company and the owner or owners, occupier or occupiers as aforesaid, it shall and may be lawful from time to time, for each owner and occupier so disagreeing with the said Company, either upon the value of the lands and tenements or privileges proposed to be purchased, or upon the amount of damages to be paid to them as aforesaid, to nominate and appoint one or more indifferent person or persons, and for the said Company to nominate an equal number of indifferent persons who, together with one other person to be chosen by the persons so named, shall be Arbitrators to award, determine, adjudge and order the respective sums of money which the said Company shall pay to the respective persons entitled to receive the same, the award of the majority of whom shall be final; and the said Arbitrators shall be, and * hereby required to attend at some convenient place in the vicinity of the said road, to be appointed by the said Company, after eight days' notice given for that purpose by the said Company, then and there to arbitrate and award, adjudge and determine such matters and things as shall be submitted to their consideration by the parties interested; and that each Arbitrator shall be sworn before some one of Her Majesty's Justices of the Peace in and for the District of Newcastle, any one of whom may be required to attend the said meeting for that purpose, well and truly to assess the damages between the parties according to the best of his judgment; Provided always, that any award under this Act shall be subject to be set aside on application to the Court of Queen's Bench in the same manner and on the same grounds as in ordinary cases of submission by the parties, in which case a reference may be again made to arbitration as hereinbefore provided.

Arbitration to
be had in case
of disagree-
ment.

Meetings of
Arbitrators.
* Sic—are
omitted.

Arbitrators to
be sworn.

Proviso:
Award may be
set aside for
cause

District Judge
may appoint
Arbitrator in
certain cases.

IV. And be it enacted, That if after eight days' notice in writing given to the party so disagreeing as to the value aforesaid, such party shall not nominate or appoint an Arbitrator

Arbitrator or Arbitrators as aforesaid on his part, or if the land required by the said Company be the property of a minor, or lunatic, or person absent from this Province, then and in any such case the Judge of the District Court of the said District of Newcastle shall and may nominate and appoint one or more Arbitrator or Arbitrators on their behalf; with the same powers and authority as if appointed by the party or parties so refusing or neglecting to appoint an Arbitrator or Arbitrators in his or their behalf, or so being a minor, or lunatic, or absent from this Province, including the power to meet and make a choice of the additional Arbitrator; and if either of the parties or their Arbitrator or Arbitrators shall fail to attend for the purpose of arbitrating as aforesaid, after due notice of the time and place of holding such arbitration, then it shall be lawful for the party attending with his or their Arbitrator or Arbitrators to proceed with the arbitration, and the Arbitrator or Arbitrators so attending may appoint an equal number of Arbitrators for the party failing to appear, and the Arbitrators so appointed on both sides shall then choose an additional Arbitrator in the manner pointed out in the third section of this Act, and in such case the award shall be binding on the party neglecting to appear.

Default of Arbitrators or parties to attend provided for.

V. And be it enacted, That whatever sum of money may be finally awarded to any person or persons for compensation for property required to be occupied, or for damages occasioned by the interference of the said Company with his or their property, rights or privileges, shall be paid within three months from the time of the same being awarded; and in case the said Company shall fail to pay the same within that period, their right to assume any such property, or commit any act in respect of which such sum of money was awarded, shall wholly cease; and it shall be lawful for the proprietor to resume his occupation of such property, and to possess fully his rights and privileges in respect thereof, free from any claim or interference from the said Company.

Sum of money awarded for compensation to be paid within three months after award is made, on pain of nullity.

VI. And be it enacted, That the said Company and their agents, servants and workmen are hereby authorized and empowered to enter into and upon the lands and grounds of or belonging to any other person or persons, bodies politic or corporate, between the Town of Cobourg aforesaid and Port Hope aforesaid, and to survey and take levels of the same or any part thereof, and to set out and ascertain such parts thereof as they shall deem necessary and proper for making the said road, and all such matters and conveniences as they shall think proper and necessary for making, effecting, preserving, completing and using the said intended road; and also to make, build, erect and set up in and upon the said route of the road aforesaid, or upon the land adjoining or near the same, all such works, ways, roads and conveniences as the said Company shall think convenient and necessary for the purposes of the said road; and also from time to time to alter, repair, amend, widen or enlarge the same or any other of the conveniences above mentioned, as well for carrying or conveying of goods, commodities, timber and other things to and from the said road, as for the carrying and conveying all manner of materials necessary for making, erecting, furnishing, altering, repairing, amending, widening or enlarging the works of or belonging to the said road, and also to place, lay, work and manufacture the said materials on the ground near to the place or places where the said works, or any of them, are or shall be intended to be made, erected, repaired or done, and to build and construct the several works and erections belonging thereto; and also to make, maintain, repair or alter any fences or passages through the said road or which shall communicate therewith, and to construct,

Company may enter into lands belonging to Corporations and other parties for the purposes of survey.

And may build works, &c., necessary for their Road.

May alter the same.

And make fences, passages, &c.

Doing as little damage as possible and making satisfaction.

construct, erect, and keep in repair any piers, arches or other works in and upon any creeks or brooks, for making, using, maintaining and repairing the said road: and also to construct, make and do all other matters and things which they shall think necessary and convenient for making, effecting, preserving, improving, completing and using the said road, in pursuance and within the true meaning of this Act; they the said Company doing as little damage as may be in the execution of the several powers to them hereby granted, and making satisfaction in manner herein mentioned for all damages to be sustained by the owners or occupiers of such lands, tenements or hereditaments.

Governor and Directors may fix Tolls.

VII. And be it enacted, That it shall and may be lawful for the Governor and Directors of the said Company, from time to time to fix, regulate and receive the tolls and charges to be received from all persons passing and repassing over the said road hereby authorized to be constructed, erected, built, made and used, which rates or tolls may be altered from time to time as circumstances may require; Provided, the rate of tolls do not exceed the rate of tolls established by the Government from time to time upon that part of the said Kingston Road which leads into Toronto.

Proviso as to rate of Tolls.

Road, &c. vested in the Company.

VIII. And be it enacted, That the said road from Cobourg to Port Hope, and all materials which shall be from time to time got or provided for constructing, building, maintaining or repairing the same, and the said tolls as hereinbefore mentioned, shall be and the same are hereby vested in the said Company and their successors for ever.

Governor and Directors may erect Toll-gates across the Road.

IX. And be it enacted, That the Governor and Directors of the said Company shall have full power to erect such number of Gates in or across the said road, and to erect and maintain such toll-houses and other erections as to them may seem necessary and convenient for the due performance of their business.

Penalty on persons destroying gates, &c.

Or injuring or forcibly passing without paying Toll.

Penalty.

X. And be it enacted, That if any person shall cut, break down or destroy in any other way any of the gates or toll-houses to be erected by virtue of this Act, every such person so offending and being lawfully convicted, shall be deemed guilty of a misdemeanour, and be punished by fine and imprisonment; and if any person or persons shall remove any earth, stone or timber on the said road, to the damage of the same, or shall forcibly pass or attempt to pass by force any of the gates without having first paid the legal toll at such gate, and such person or persons shall pay all damage by them committed, and shall forfeit and pay a fine not exceeding five pounds nor less than one pound currency, to be recovered before any Justice of the Peace for the District of Newcastle.

Fines, &c. how to be levied.

XI. And be it enacted, That the fines and forfeitures authorized to be imposed by this Act shall and may be levied and collected by distress and sale of the offender's goods and chattels, under the authority of any warrant or warrants for that purpose to be issued by any one of Her Majesty's Justices of the Peace for the District of Newcastle, who are hereby authorized and empowered to grant the same.

Governor and Directors may commute Tolls.
Table of Tolls to be posted up.

XII. And be it enacted, That the said Governor and Directors, if they think proper, may commute the tolls with any person or persons, by taking of him, her or them a certain sum, either monthly or annually, in lieu of such tolls, and that the said Governor and Directors shall affix in a conspicuous place at all such toll-gates, a Table of the Rates of Tolls to be exacted and taken, to be plainly and legibly printed.

XIII.

XIII. And be it enacted, That if any person or persons shall, after proceeding on the said road with any of the carriages or animals liable to pay toll, turn out of the said road into any other road, and shall enter into the said road beyond any of the said Gate or Gates, without paying toll, whereby such payment shall be evaded, such person or persons shall for every such offence, forfeit and pay the sum of five shillings, which said sum shall be expended on the said road, or towards the discharging of any debts or other incumbrances thereon, and any one Justice of the Peace for the District of Newcastle shall, on conviction of such offender, fine such person in the said penalty, and from his judgment there shall be no appeal.

Penalty on persons turning out of Road and again entering so as to evade Tolls.

Application and recovery of Penalty.

XIV. And be it enacted. That if any person or persons occupying or possessing any enclosed lands near any Toll-houses or Toll-gates which shall be erected in pursuance of this Act, shall knowingly permit or suffer any person or persons to pass through such lands, or through any gate, passage or way thereon, with any carriage, horse, mare, gelding, or other animal liable to the payment of the toll, whereby such payment shall be avoided, every person or persons so offending, and also the persons riding or driving the animal or animals or carriage, whereon such payment is avoided, being thereof convicted, shall for every such offence severally forfeit and pay any sum not exceeding five shillings, which shall be laid out in improving such road.

Penalty on persons permitting any one to pass through their lands to evade Toll.

XV. And be it enacted, That Her Majesty's Mail, and persons, animals and carriages employed in the conveyance thereof, Her Majesty's officers and soldiers being in proper Staff or Regimental or Military uniform dress or undress, and their horses, (but not when passing in hired or private vehicles,) and all carriages or horses belonging to Her Majesty, or employed in Her service, when conveying persons in such service or returning therefrom, and all recruits marching by route, and all persons, animals and carriages attending funerals on any day of the week, or going to or returning from Divine Service on the Lord's Day, shall pass Toll-free through any Turnpike or Toll-gate to be erected under the authority of this Act.

Exemptions from Toll.

XVI. And be it enacted, That the property, affairs and concerns of the said Company shall be managed and conducted by five Directors, one of whom shall be chosen Governor, who shall hold their offices for one year after the second election; which said Directors shall be Stockholders to the amount of at least eight shares, and may be elected on the second Monday in January in each and every year after the present year; any three of such Directors shall be a quorum and may exercise all the powers and authorities conferred by this Act on the Governor and Directors, and the said election of Directors shall be held and made by such of the Stockholders of the said Company as shall attend for that purpose in their own proper persons or by proxy; and all elections for such Directors shall be by ballot, and the five persons who shall have the greatest number of votes at any election shall be Directors, and if it shall happen at any such election that two or more have an equal number of votes in such a manner that a greater number of persons than five shall by a plurality of votes appear to be chosen Directors, then the said Stockholders hereinbefore authorized to hold such election shall proceed to elect by ballot until it is determined which of the said persons so having an equal number of votes shall be Director or Directors, so as to complete the whole number of five; and the said Directors so chosen, as soon as may be after the said election, shall proceed in like manner to elect by ballot one of their number to be Governor; and if any vacancy or vacancies at any time happen among the Directors,

Property, &c. of Company to be managed by five Directors to be elected yearly by the Stockholders.

Quorum.

Elections to be by ballot.

Case of equality of votes provided for.

Directors to elect a Governor.

by

Vacancies between the elections how filled.

by death, resignation, or removal from the Province, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by a person or persons to be nominated by a majority of the Directors.

Ratio of votes, to shares.

XVII. And be it enacted, That each Stockholder shall be entitled to the number of votes in proportion to the number of shares which he or she shall have in his or her own name previous to the time of voting, according to the following rules, that is to say: one vote for one share; two votes for three shares; three votes for five shares; four votes for seven shares; five votes for nine shares; six votes for twelve shares; seven votes for sixteen shares; eight votes for twenty shares; nine votes for twenty-five shares; ten votes for thirty shares; and that no Stockholder shall be entitled to more than ten votes.

Votes by Joint Stockholders, how given.

XVIII. And be it enacted, That if several persons be jointly entitled to a share, the person whose name stands first in the register of Shareholders as one of the holders of such share, shall, for the purpose of voting at any meeting, be deemed the sole proprietor thereof; and on all occasions the vote of such named Shareholder either in person or by proxy shall be allowed as the vote in respect of such share without proof of the concurrence of the other holders thereof.

Corporation not to be dissolved if election do not take place on any day fixed by this Act.

XIX. And be it enacted, That in case it should at any time happen that an election of Directors shall not be made on any day when pursuant to this Act it ought to have been made, the said Corporation shall not for that cause be deemed to be dissolved, but that the Governor, Directors and Officers of the Company for the last previous year shall continue in their offices with all the powers and privileges under this Act until the election of others in their place; and it shall and may be lawful for the Stockholders, on any day to be appointed by the Directors for the time being, of which one week's notice shall be given in any newspaper of the District, to hold and make an election, and for the Directors to elect a Governor, in such manner as is required at the annual elections.

Directors to make By-laws, &c., appoint Officers, &c.

XX. And be it enacted, That the Governor and Directors for the time being, or a majority of them, shall have power to make and subscribe such rules and regulations as to them shall appear useful and proper, touching the management and disposition of the stock, property, estate and effects of the said Company, touching the duties of the officers, clerks and servants, and all such other matters and things as appertain to the business of the said Company, and also shall have power to appoint as many officers, clerks and servants, for the carrying on the said business, with such salaries, and allowances as to them shall seem fit.

First meeting for election of Directors, &c.

XXI. And be it enacted, That on the second Monday in the month of September next, a meeting of the Stockholders shall be held in the town of Cobourg, who in the same manner as hereinbefore provided, shall proceed to elect five persons to be Directors, who shall elect by ballot one of their number to be Governor, and shall continue in office until the second Monday in January after their election, and who during such continuance shall discharge the duties of Directors, in the same manner as if they had been elected at the annual election, and that public notice shall be given of the hour and place of holding such first election in any newspaper published in the Newcastle District; such notice to be given by the Secretary for the time being, acting for the said Company.

XXII. And be it enacted, That the whole Capital Stock which the said Company may have or hold by virtue of this Act (unless in case of extension of the said road as hereinafter provided,) shall be five thousand pounds, with power to increase the same in proportion to the extension of the road, if found necessary and expedient at any time for the construction and continuation of the said road as is hereinafter provided; and that the shares of the Capital Stock shall be composed of shares of the value of ten pounds currency each, and may, after the first instalment on the amount subscribed shall have been paid, be transferable by the respective persons subscribing and holding the same, to any person or persons, and such transfer shall be entered or registered in a book to be kept for that purpose by the said Company: Provided always, that nothing in this Act contained shall extend to authorize the said Company to carry on the business of banking.

Amount of
Capital Stock,

Shares to be
ten pounds
each.

Proviso.

XXIII. And be it enacted, That the said Company and their agents and servants shall have full power under this Act at any time after the completion of the said road to Port Hope, to lay out, construct, make and finish a continuous line of road at their own costs and charges, on and over any part of the country lying between Port Hope aforesaid and the limits of the said Newcastle District on the west, and following the direction of the present travelled Mail road, commonly called the Kingston Road, and using such portions of the same as to them may appear practicable and suited to the purposes of the said Company, anything herein contained to the contrary in anywise notwithstanding: Provided always, and it is hereby declared, that the said Company shall not commence and complete the construction of the whole of the said additional line of road at one time, but shall only commence and complete the construction of five miles of road at a time, and they shall not proceed with an additional five miles until the next foregoing five miles shall have been completed, and the said Company shall not commence any additional five miles of road until Stock to the amount of three thousand pounds is subscribed for the said additional five miles of road, and a sum equal to ten per cent. is paid thereon.

Company may
continue the
Road to the
Western
limits of the
Newcastle
District.

Proviso: in
what measure
the additional
road shall be
made, and
when.

XXIV. And be it enacted, That so soon as Directors have been appointed as aforesaid, it shall and may be lawful for them to call upon the Stockholders of the said Company, by giving thirty days' notice thereof in any newspaper published in the said Newcastle District, for an instalment of ten per centum upon each share which they or any of them may respectively have subscribed for, and that the residue of the sums or shares of the Stockholders shall be payable by instalments in such time and in such proportions as a majority of the Stockholders, at a meeting expressly convened for that purpose, shall agree upon, so that such instalments shall not exceed ten per cent. nor become payable in less than thirty days after public notice in the newspaper or newspapers as aforesaid; Provided always, that the said Governor and Directors shall not commence the construction of the said road from Cobourg to Port Hope until at least two-thirds of the Capital Stock of five thousand pounds shall have been subscribed, and a sum equal to ten per cent. thereon paid in; And also provided, the said Governor and Directors shall not commence the construction of the said road from Port Hope to the boundary line between the Newcastle District and the Home District until additional Stock shall have been subscribed to the amount of three thousand pounds for the first five miles of the said road, and until a sum equal to ten per centum thereon shall have been paid in; And it is also further provided, that the said Governor and Directors shall not commence the construction of the second five miles of road

Stockholders
may be called
upon to pay an
instalment as
soon as Direc-
tors are ap-
pointed.
Remainder
how payable.

Proviso: Road
not to be com-
menced until
first instalment
is paid, and
two thirds of
the stock sub-
scribed.

Proviso as to
additional
Road.

Proviso as to
mode of con-
struction.

until

until the first is completed, and until three thousand pounds stock is subscribed towards the said second five miles, and a sum equal to ten per cent. thereon paid in; the same rule to apply to every five miles of the said road.

Forfeiture of Shares of Stockholders refusing to pay instalments.

XXV. And be it enacted, That if any Stockholder or Stockholders as aforesaid, shall refuse or neglect to pay at the time required, any instalment or instalments which shall be lawfully required by the Directors as due upon any share or shares, such Stockholder or Stockholders so refusing or neglecting shall forfeit such share or shares as aforesaid, with any amount which shall have been previously paid thereon, and the said share or shares may be sold by the said Directors, and the sum arising therefrom, together with the amount previously paid thereon, shall be accounted for and applied in like manner as other monies of the said Company. Provided always, that the purchaser or purchasers shall pay to the said Company, the amount of the instalment required over and above the purchase money of the share or shares so purchased by him, her or them as aforesaid, immediately after the sale and before they shall be entitled to the Certificate of the transfer of such shares purchased as aforesaid; Provided always, that twenty days' notice of the sale of such forfeited shares shall be given in any newspaper or newspapers published in the Newcastle District, and that the instalments due may be received in redemption of any such forfeited share at any time before the day appointed for the sale thereof; Provided always, that the Stockholders at their General Meeting, after any forfeiture, may remit such forfeiture or such portion thereof as they, by resolution then to be made, may direct.

Proviso : Notice to be given.

Proviso : Forfeiture may be remitted.

Subscriptions to be paid when called for.

Meaning of the word "Stockholders."

XXVI. And be it enacted, That the several persons who have subscribed or who shall subscribe any money towards the undertaking, or their personal representatives respectively, shall pay the sums respectively so subscribed, or such portions thereof as shall be from time to time called for by the Directors; and with respect to the provisions in this Act for enforcing the payment of calls or instalments, the word "Stockholder" shall extend to and include any person who holds stock in the said Company, or who may have subscribed the original Prospectus of the Company or Stock Book or Agreement to take stock therein, and shall also extend to and include the legal, personal representatives of such Stockholder or person aforesaid.

Interest to be payable on calls remaining unpaid.

XXVII. And be it enacted, That if any Stockholder do not pay the amount of any call or instalment to which he is liable, before or on the day appointed for payment, then such Stockholder shall be liable to pay interest for the same at the rate allowed by law from the day appointed for the payment thereof to the time of the actual payment.

Calls may be enforced by action.

XXVIII. And be it enacted, That if default shall be made by any Stockholder in the payment of any call at the time appointed by the Directors for the payment thereof, then it shall be lawful for the Company to sue such Stockholder for the amount of such call, in any Court of Law in this Province, (having competent jurisdiction in regard to the amount to be recovered,) and to recover the same with lawful interest, and if the Company shall elect to sue any Stockholder under the authority of this Act, such suit shall not in any way interfere with the forfeiture of the share or shares of such Stockholders, as provided by the twenty-fifth clause of this Act.

XXIX. And be it enacted, That in any action or suit to be brought by the Company against any Stockholder to recover any money due for any call, it shall not be necessary to set forth the special matter, but it shall be sufficient for the Company to aver that the defendant is the holder of one share or more (stating the number of shares) in the Capital Stock of the Company, and that he is indebted to the Company in the sum of money to which the calls in arrear shall amount in respect of one call or more upon one share or more (stating the number and amount of each of such calls) whereby an action hath accrued to the Company by virtue of this Act.

What averment shall be requisite in actions for calls.

XXX. And be it enacted, That on the trial or hearing of such action it shall be sufficient for the Company to prove that the defendant at the time of making such call was a holder of one share or more in the undertaking, (and when there has been no transfer of the shares, then the proof of subscription to the original agreement to take stock shall be sufficient evidence of holding stock to the amount subscribed) and that such call was in fact made, and such notice thereof given as is required; and it shall not be necessary for the Company to prove the appointment of the Directors who made such call, or any other matter whatever, and thereupon the Company shall be entitled to recover what shall be due upon such call with interest thereon, unless it shall appear either that any such call exceeds the prescribed amount, or that due notice of such call was not given, or that a meeting of the Stockholders was not expressly convened for the purpose of deciding on the time of payment, and the amount of such call in cases where such meeting is required.

Matter to be proved in action for calls.

XXXI. And be it enacted, That when calls shall be made by the Directors, it shall not be essential that the notice of such call should specify on what day or at what place or to what person the calls are to be paid, but that all calls shall be taken and meant to be payable to the Treasurer of the Company for the time being, at the expiration of thirty days from the first day of publishing the notice.

In notices of certain calls, particulars need not be inserted.

XXXII. And be it enacted, That in any action or suit brought by or against the Company upon any contract, or for any matter or thing whatsoever, any Stockholder shall be competent as a witness, and his testimony shall not be deemed inadmissible on the ground of interest.

Stockholders to be competent witnesses.

XXXIII. And be it enacted, That it shall be lawful for the Company to borrow on mortgage or bond, such sums of money as shall from time to time by an order of a general meeting of the Company be authorized to be borrowed for the purpose of carrying into effect the undertaking and for securing the re-payment of the money so borrowed with interest, to mortgage the tolls and future calls upon the Shareholders, or to give bonds in such manner and with such conditions as may be ordered by the Company at a general meeting.

Company may borrow on mortgage or bond.

XXXIV. And be it enacted, That every mortgage and bond for securing money borrowed by the Company shall be by deed under the common seal of the Company, wherein the consideration shall be truly stated, and a register of such mortgages and bonds shall be kept by the Secretary, and within fourteen days after the date of any such mortgage or bond an entry or memorial, specifying the date of such mortgage or bond, and the sums secured thereby and the names of the parties thereto, shall be made in such Register, and such Register may be perused at all reasonable times by any of the

Form of mortgages and bonds and registration thereof.

the Stockholders or by any mortgagee or bond creditor of the Company, or any person interested in any such mortgage or bond.

Contracts may be made by parol in certain cases.

XXXV. And be it enacted, That with respect to any contracts, which if made between private persons would be valid, although made by parol only, the Governor and the Directors may make such contracts on behalf of the Company by parol only, and in the same manner may vary or discharge the same; and all such contracts so made and entered into shall be binding upon the Company and all other parties thereto.

Directors not to be personally liable.

XXXVI. And be it enacted, That no Director, by being a party to or executing in his capacity as Director, any contract or other instrument on behalf of the Company, or otherwise lawfully executing any of the powers given to the Directors, shall be subject to be sued or prosecuted either individually or collectively by any person whomsoever.

Directors to make annual dividends of profits and submit statements of affairs.

XXXVII. And be it enacted, That it shall be the duty of the Directors to make annual dividends of so much of the profits of the said Company as to them or a majority of them shall seem advisable, and that once in each year an exact and particular statement shall be rendered of the state of their affairs, debts, credits, profits and losses; such statement to appear in the books and to be open to the perusal of any Stockholder at his or their reasonable request.

Directors may set aside part of the profits for contingencies.

XXXVIII. And be it enacted, That before the apportioning the profits to be divided among the Stockholders, the Directors may, if they think fit, set aside thereout, such sum as they may think proper to meet contingencies, or for enlarging, repairing, or improving the works connected with the undertaking, or any part thereof, and may divide the balance only among the Shareholders.

Additional Road, &c., to be vested in the Company.

And so for each additional five miles.

XXXIX. And be it enacted, That as soon as the road from Cobourg to Port Hope shall be completed, and the said additional Stock of three thousand pounds shall have been subscribed for the purpose of continuing the road for the distance of five miles towards the boundary line of the District as aforesaid, then, from thenceforth, the said five miles of road to be continued, and all materials that shall be from time to time got or provided for constructing, building, maintaining or repairing the same, and the tolls to be taken therefrom, shall be and the same are hereby declared to be vested in the said Company and their successors for ever; and from and after the completion of every five miles of the said Road, and after the additional three thousand pounds Stock shall have been subscribed for an additional five miles of road, so to be continued, and all materials that shall, from time to time, be got or provided for constructing, building, maintaining or repairing the same, and the Tolls to be taken thereon, shall be and the same are hereby declared to be vested in the said Company and their successors for ever.

All the powers of the Company to extend to the additional line of Road.

XL. And be it enacted, That so soon as every five miles of the said continued line of road from Port Hope towards the boundary line between the said Districts shall be commenced, all the powers, authorities and privileges of the said Company shall extend to and apply to the said additional five miles of the said road, and that all the clauses and provisions of this Act shall be deemed and taken to extend and apply to the said Company in the same manner as if the said Company had been originally empowered to construct the said additional five miles of road.

XLI. And be it enacted, That whatever may be the rate of divisible profits to the Stockholders in such road, it shall be lawful for the Government at any time hereafter to purchase such road, with all its hereditaments, stock, and appurtenances, in the name of Her Majesty, upon giving to the said Company three calendar months' notice, in writing, of their intention, and upon payment of a sum equal to twenty-five years purchase of the annual divisible profits, estimated on the average of the three then next preceding years, and if the said annual divisible profits shall be less than six per cent., then upon payment of the amount of Capital Stock paid in, and twenty per cent. thereon, and upon such sale and purchase, the Government shall assume all the contracts, debts and liabilities of the Company.

Government may purchase the Road from the Company at any time upon certain conditions.

XLII. And be it enacted, That if any action or suit shall be brought against any person or persons, for any matter or thing done in pursuance of this Act, such action or suit shall be brought within six calendar months next after the fact committed, and not afterwards, and the defendant or defendants in such action or suit, may plead the general issue only, and give this Act and the special matter in evidence on the trial.

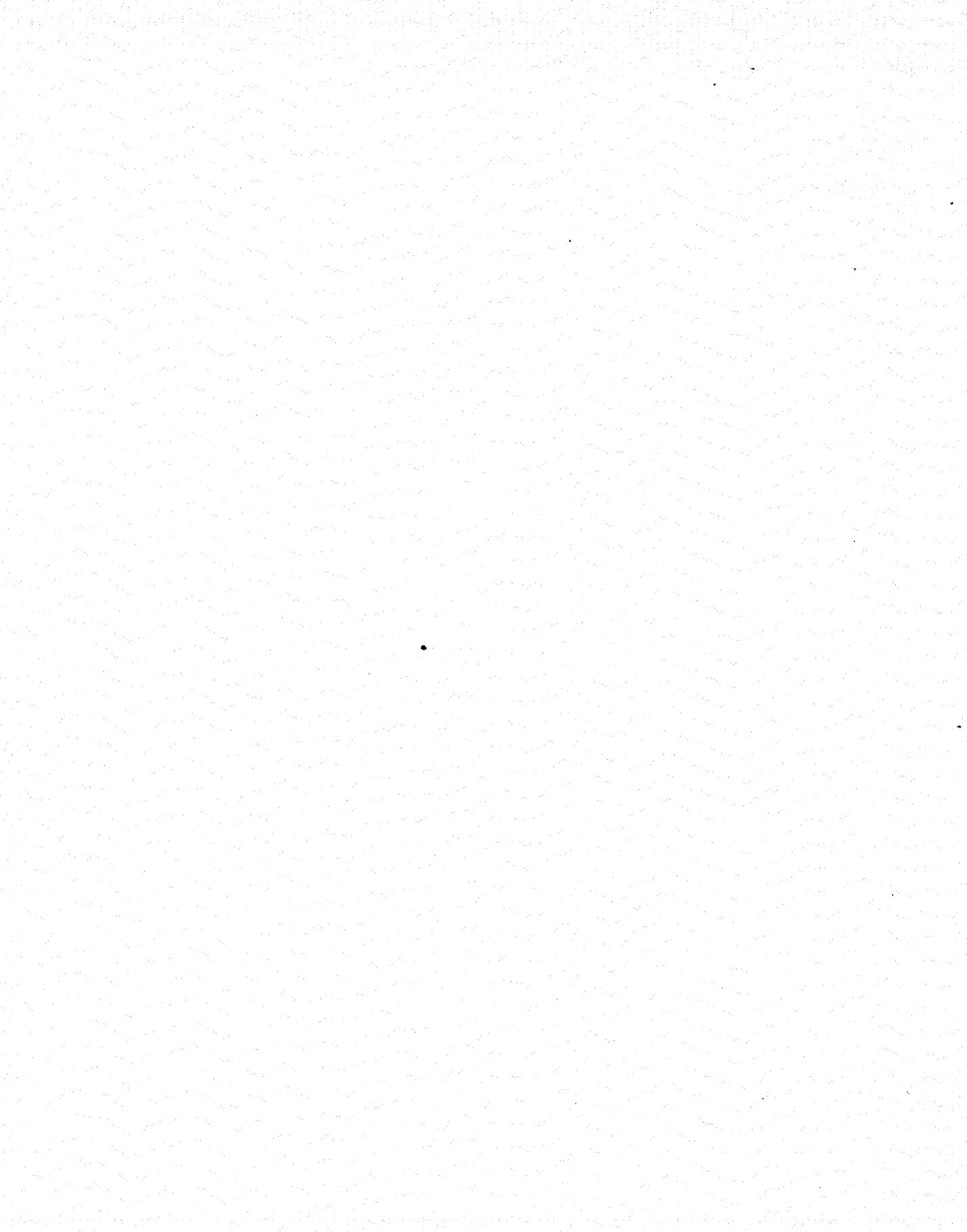
Limitation of actions.

XLIII. And be it enacted, That the following words and expressions, used in this Act, shall have the several meanings hereby assigned to them, unless there be something in the subject or the context repugnant to such construction; words importing the singular number only shall include the plural number, and words importing the plural number only shall include the singular number; words importing the masculine gender only shall include females; the expression "The Company" shall mean the said *Cobourg and Port Hope Road Company*; the word "Stockholder," shall mean Shareholder, Proprietor, or Member of the Company.

Interpretation clause.

Number.

Gender.
"The Company."
"Stockholder."





ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. XCV.

An Act to incorporate certain persons under the name of *The Streetsville Plank Road Company*.

[28th July, 1847.]

WHEREAS certain inhabitants of the Township of Toronto and adjacent Townships, have petitioned for the passing of an Act incorporating a Joint Stock Company for the purpose of constructing a Plank or Macadamized Road from Streetsville to Dundas Street, on the west side of the River Credit, with power to extend the same; And whereas it is expedient to incorporate a Joint Stock Company for the purpose aforesaid, with the powers and under the provisions hereinafter mentioned: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That James Paterson, Henry Rutledge, Donald Douglas, John Barnhart, William H. Patterson, Benjamin Switzer and John Embleton, with all such other persons as shall become Stockholders in such Joint Stock or Capital, as is hereinafter mentioned, shall be and are hereby ordained, constituted and declared to be a body corporate and politic in fact, by and under the name and style of *The Streetsville Plank Road Company*, and by that name they and their successors shall and may have continued succession, and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all Courts and places whatsoever; and they and their successors may and shall have a Common Seal, and may change and alter the same at their will and pleasure; and also that they and their successors by the name of the *Streetsville Plank Road Company*, shall be by law capable of purchasing, having and holding to them and their successors, any estate, real or personal, or mixed, to and for the use of the said Company, and of letting, conveying, and otherwise departing therewith for the benefit and on account of the said Company from time to time as they shall deem necessary and convenient: Provided always nevertheless, that the real estate to be held by the said Company shall be only such as shall be required to be held by them for the purpose of making the said Plank or Macadamized Road, and for objects immediately connected therewith.

Preamble.

Certain persons incorporated.

Corporate name and powers.

Proviso as to real estate.

Company may make the said road within certain limits.

II. And be it enacted, That the said Company and their agents or servants shall have full power under this Act, to lay out, construct, make and finish a Plank or Macadamized Road, or in part Plank and in part Macadamized Road, at their own cost and charges, on and over that part of the country in the Townships of Toronto and Chinguacousey in the Home District, that is to say : from the Town of Streetsville, on the fourth concession line west, in the said Township of Toronto, through the new and old survey, to the Public Road known as Dundas Street, and from thence to extend the same through the Indian Reservation, to Port Credit (on Lake Ontario) ; also to extend on the fourth concession line from Streetsville on to Lots numbers ten and eleven in the Township of Chinguacousey.

Company may make branches to the road.

III. And be it enacted, That the said Company and their agents or servants, shall have full power and authority under this Act to lay out, construct, make and finish additional branches of Plank or Macadamized Road, or in part Plank and in part Macadamized Road, from the said line of road easterly to Hurontario Street, and westerly to the limits of the said Home District, and at such points and places as the said Company shall deem expedient.

Company may agree with owners of lands necessary for the road, as to compensation, &c.

IV. And be it enacted, That the said Company are hereby empowered to contract, compound, compromise and agree with the owners and occupiers of any lands upon which they may determine to construct the said Plank, or in part Plank, or Macadamized Road, either by purchase of so much of the said land and privileges as they shall require for the purposes of the said Company, or for the damages which he, she or they shall and may be entitled to receive of the said Company, in consequence of the said intended road being made and constructed in and upon his, her, or their respective lands ; and in case of any disagreement between the said Company, either upon the value of the lands and tenements, or private privileges proposed to be purchased, or upon the amount of damages to be paid to them as aforesaid, to nominate and appoint one or more indifferent person or persons, and for the said Company to nominate an equal number of indifferent person or persons who, together with one other person to be elected by ballot by the persons so named, shall be Arbitrators to award, determine and adjudge, and order the respective sums of money which the said Company shall pay to the respective persons entitled to receive the same.

Arbitration to be had if the Company and parties cannot agree.

Provision in case the party disagreeing shall not appoint an Arbitrator.

V. And be it enacted, That if after eight days' notice in writing, given to the party so disagreeing as to the value aforesaid, such party shall not nominate or appoint an Arbitrator or Arbitrators as aforesaid on his part, or if such owner or occupier shall be a minor, then, and in any such case, the Judge of the District Court of the District in which the land is situate, shall and may nominate and appoint one or more Arbitrator or Arbitrators on their behalf, with the same powers and authority as if appointed by the party or parties so refusing or neglecting to appoint an Arbitrator or Arbitrators in his or their behalf, and to meet and ballot for the additional Arbitrator or Umpire.

Arbitrators to fix a day for hearing of parties.

Award to be made.

VI. And be it enacted, That the Arbitrators so appointed shall fix a convenient day for hearing the respective parties, and shall give eight days' notice at least of the day and place, which notice shall be in writing and served on each party respectively, and having heard the parties, or otherwise examined into the merits of the matters so brought before them, the said Arbitrators, or a majority of them, shall make their award or arbitrament thereon in writing, which award or arbitrament shall be final as to the value so in dispute as aforesaid.

VII. And be it enacted, That if the party so disagreeing refuse to accept the value of land or damage so ascertained by the Arbitrators as aforesaid, till the end of the second Term in Her Majesty's Court of Queen's Bench, in that part of the Province formerly Upper Canada, next after making the award and tender of the value thereby ascertained, then and in such case the Directors for the time being shall be at liberty and shall have full power to occupy the piece of land so valued by the Arbitrators, in the same manner as other portions of the said road.

Provision in case the party refuse to accept the value ascertained by Arbitrators.

VIII. And be it enacted, That in any action of ejectment or other action, real, personal or mixed, for or on account of such occupation by the said Company, their servants or agents, or other person or persons using the said Road, the said award shall and may be pleaded in bar of such action at any time after the said two Terms in the said Court of Queen's Bench, notwithstanding any defect in form or substance in the said award: Provided always, that it shall and may be lawful to and for the party or parties interested in the land mentioned in the said award, or their agent by counsel, at any time within the two terms aforesaid, after the same hath been made and the amount of the value awarded tendered, to move the said Court of Queen's Bench to set aside such award for corruption, or any other matter or thing for which awards are now subject to be impugned by law; Provided also, that if the first award be so set aside by the Court of Queen's Bench, the matter in difference may again be submitted to other Arbitrators, and so on till a satisfactory award be made between the parties.

In actions brought on account of occupation of lands by Company, award may be pleaded in bar.

Proviso: Award may be set aside for cause.

Proviso for new award.

IX. And be it enacted, That the said Company shall have full power and authority to explore the country lying between Port Credit, on Lake Ontario, and the rear part of the Township of Chinguacousey, and to designate and establish the said intended line of road; and it shall be lawful for the said Company to take, appropriate, have and hold, to and for the use of them and their successors, the requisite lands upon the line and within the boundaries of the said Plank or in part Plank or Macadamized Road hereby authorized to be constructed, and for the purpose aforesaid the said Company and their agents, servants and workmen are hereby authorized and empowered to enter into and upon the lands and grounds of or belonging to the Queen's Majesty, Her Heirs or Successors, or to any other person or persons, bodies politic or corporate, and to survey and take levels of the same or any part thereof, and to set out and ascertain such parts thereof as they shall deem necessary and proper for making, effecting, preserving, completing and using the said intended Road; and also to make, build, erect and set up, in and upon the said route of the Road aforesaid, or upon the land adjoining or near the same, all such works, ways, roads and conveniences as the said Company shall think convenient and necessary for the purposes of the said Road; and also from time to time, to alter, repair, amend, widen or enlarge the same or any other of the conveniences above mentioned, as well for carrying or conveying goods, commodities, timber and other things to and from the said Road, as for the carrying and conveying all manner of materials necessary for making, erecting, furnishing, altering, repairing, amending, widening or enlarging the works of or belonging to the said Road; and also to place, lay, work and manufacture the said materials on the ground near to the place or places where the said works or any of them are or shall be intended to be made, erected, repaired or done, and to build and construct the several works and erections belonging thereto, and also to make, maintain, repair or alter any fences or passages through the said Road, or which shall communicate therewith, and to construct,

Company to explore and survey certain part of the country for the purpose of constructing the said road.

And may perform all necessary works.

May amend or enlarge the Road, &c.

Further powers for making the Road and works.

erect

erect and keep in repair any piers, arches, or other works in and upon any creeks or brooks for making, using and maintaining and repairing the said Road; and also to construct, make and do all other matters and things which they shall think necessary and convenient for the making, effecting, preserving and improving, completing and using the said Road, in pursuance and within the true intent and meaning of this Act; they the said Company doing as little damage as may be in the execution of the several powers to them hereby granted, and making satisfaction in manner herein mentioned, for all damages to be sustained by the owners or occupiers of such lands, tenements or hereditaments.

Compensation
to be made,

President and
Directors may
fix Tolls and
charges.

X. And be it enacted, That it shall and may be lawful for the President and Directors of the said Company from time to time to fix, regulate and receive the Tolls and charges to be received from all persons passing and re-passing over the said Road hereby authorized to be constructed, erected, built, made and used.

Road, mate-
rials and Tolls
vested in Com-
pany.

XI. And be it enacted, That the said Road and all materials which shall be from time to time got or provided for constructing, building, maintaining or repairing the same, and the said Tolls as hereinbefore mentioned, shall be, and the same are hereby vested in the said Company and their successors for ever.

Company may
erect Toll
Gates.

XII. And be it enacted, That the President and Directors of the said Company shall have full power to erect such number of Gates in or across the said Road and fix such Tolls as they may deem fit and expedient (which rates or tolls may be altered from time to time as circumstances may require) and to erect and maintain such Toll Houses, Toll Gates and other erections, which to them may seem necessary and convenient for the due performance of their business.

Penalty on
persons des-
troying or in-
juring Toll
Gates, &c. or
forcibly pas-
sing the same,
&c.

XIII. And be it enacted, That if any person or persons shall cut, break down or destroy in any way any of the Gates or Toll Houses to be erected by virtue of this Act, every such person so offending and being lawfully convicted shall be deemed guilty of a misdemeanor, and be punished by fine and imprisonment; and if any person or persons shall remove any earth, stone or timber on the said road to the damage of the same, or shall forcibly pass or attempt to pass by force any of the Gates without having first paid the legal Toll at such Gate, such person or persons shall pay all damage by them committed, and shall forfeit and pay a fine not exceeding five pounds nor less than five shillings currency, to be recovered before any Justice of the Peace for the District in which such act shall have been committed.

Fines &c. how
levied.

XIV. And be it enacted, That the fines and forfeitures authorized to be imposed by this Act, shall and may be levied and collected by distress and sale of the offender's goods and chattels, under the authority of any Warrant or Warrants for that purpose to be issued by any one of Her Majesty's Justices of the Peace for the said Home District, who are hereby authorized and empowered to grant the same, and in case there shall be no such goods and chattels to satisfy such Warrant or Warrants, such offender or offenders may be committed to the Common Jail of the District in which such offence shall have been committed, for any period not exceeding twenty days.

XV. And be it enacted, That the said President and Directors, if they think proper, may commute the Tolls with any person or persons by taking of him, her or them a certain sum, either monthly or annually, in lieu of such Tolls, and that the said President and Directors shall affix in a conspicuous place at all such Toll Gates a Table of the Rate of Tolls to be exacted and taken, to be plainly and legibly printed.

President and Directors may commute for Tolls.

Tolls to be posted up.

XVI. And be it enacted, That if any person or persons shall after proceeding on the said Road with any carriages or animals liable to pay Toll, turn out of the said Road into any other Road, and shall enter the said Road beyond any of the said Gate or Gates without paying Toll, whereby such payment shall be evaded, such person or persons shall for every such offence forfeit and pay the sum of ten shillings, which said sum shall be expended on the said Road or towards the discharging of any debts or other incumbrances thereon; and any one Justice of the Peace for the District in which such part of the said Road is situate, shall, on conviction of such offender, fine such person in the said penalty.

Penalty on persons turning out of Road to evade Tolls.

XVII. And be it enacted, That if any person or persons occupying or possessing any enclosed lands near any Toll Houses or Toll Gates which shall be erected in pursuance of this Act, shall knowingly permit or suffer any person or persons to pass through such lands or through any gate, passage or way thereon, with any carriage, horse, mare, gelding or other animal liable to the payment of Toll, whereby such payment shall be avoided, every person or persons so offending, and also the person riding or driving the animal or animals or carriage whereon such payment is avoided, being thereof convicted, shall for every such offence severally forfeit and pay any sum not exceeding ten shillings, which shall be laid out in improving such road.

Penalty on persons permitting others to pass through their lands to evade Toll.

XVIII. And be it enacted, That all persons, horses or carriages going to or attending or returning from any funeral of any person, or going to or returning from Divine Service on the Lord's Day, shall pass the Gates free of Toll.

Persons &c. attending Divine Service to pass free.

XIX. And be it enacted, That the said Company, or their agents or servants at any time after the passing of this Act, under and by virtue of its provisions, shall and may construct, erect, and build a road as aforesaid; and also that the said Road contemplated by this Act shall not in any degree interfere with or encroach upon any fee simple right or private easement or privilege of any individual now holding or enjoying the same or entitled thereto, without permission first had and obtained by the consent of the owner thereof, or by virtue of reference authorized by this Act.

Company not to encroach on any fee simple without making due compensation.

XX. And be it enacted, That the said Company shall have the liberty to claim the Statute Labor, by commutation or otherwise, to the extent of one half concession on each side of the said line of road, which the Company are authorized to demand, receive and collect from the inhabitants residing thereon, being liable by law to perform the same.

Company may claim Statute Labor.

XXI. And be it enacted, That the property, affairs and concerns of the said Company shall be managed and conducted by seven Directors, one of whom shall be chosen President, who shall hold their offices for one year, which said Directors shall be Stockholders to the amount of at least five shares; and the first election of such Directors shall take place at the Town of Streetsville on the first Monday in November, one thousand

Affairs of the company to be managed by seven Directors.

First slection.

Notice.

Ballot.

Case of equality of votes provided for.

President to be elected. Vacancies how to be filled.

Number of votes in proportion to number of shares.

Default to elect not to operate dissolution of Company.

Directors may make By-Laws, appoint Officers, &c.

First Meeting for election of Directors.

thousand eight hundred and forty-seven, at the hour of eleven of the clock, A. M., and thereafter the said annual election of Directors shall take place at the Town of Streetsville on the first Monday in November, at such time of the day as a majority of the Directors for the time being shall appoint; and public notice thereof shall be given in any newspaper or newspapers that may be published in the said Home District, at least one month previous to holding the said election, and the said election shall be held and made by such of the Stockholders of the said Company as shall attend for that purpose in their own proper persons or by proxy, and all the elections for such Directors shall be by ballot, and the seven persons who shall have the greatest number of votes shall be Directors; and if it shall happen at any such election that two or more have an equal number of votes in such a manner that a greater number of persons than seven shall by a plurality of votes appear to be chosen Directors, then the said Stockholders hereinbefore authorized to hold such election, shall proceed to elect by ballot until it is determined which of the said persons so having an equal number of votes shall be Director or Directors so as to complete the whole number of seven, and the said Directors so chosen shall as soon as may be after the said election, proceed in like manner to elect by ballot, one of their number to be President; and if any vacancy or vacancies shall at any time happen among the Directors, by death, resignation or removal from the Province, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by a person or persons to be nominated by a majority of the Directors.

XXII. And be it enacted, That each Stockholder shall be entitled to a number of votes in proportion to the number of shares which he or she shall have in his or her own name, and shall have had at least one month previous to the time of voting, according to the following rules, that is to say: one vote for each share not exceeding four; five votes for six shares; six votes for eight shares; seven votes for ten shares; and one vote for every five shares above ten.

XXIII. And be it enacted, That in case it should at any time happen that an election of Directors should not be made on any day when pursuant to this Act it ought to have been made, the said Corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any day to hold and make an election of Directors in such manner as shall be regulated by the By-laws and Ordinances of the said Corporation.

XXIV. And be it enacted, That the Directors for the time being or a majority of them, shall have power to make and subscribe such rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said Company, and touching the duties of the officers, clerks and servants, and all such other matters or things as appertain to the business of the said Corporation, and also shall have power to appoint as many officers, clerks and servants for the carrying on the said business, and with such salaries and allowances as to them shall seem fit.

XXV. And be it enacted, That on the first Monday in the month of November next, a meeting of the Stockholders shall be held in the town of Streetsville, who in the same manner as hereinbefore provided, shall proceed to elect seven persons to be Directors, who shall elect, by ballot, one of their number to be President, and shall
continue

continue in office until the first Monday in November next after their election, and who during such continuance, shall discharge the duties of Directors in the same manner as if they had been elected at the annual election, or until such time thereafter as other Directors are appointed.

Term of office of such Directors.

XXVI. And be it enacted, That the whole Capital Stock which the said Company may have or hold by virtue of this Act shall be three thousand pounds, with power to increase the same to ten thousand pounds if found necessary for erecting the said road; and that the aforesaid Capital Stock shall be composed of Shares of the value of five pounds currency each, and may, after the first instalment shall have been paid, be transferable by the respective persons subscribing and holding the same, to any other person or persons, and such transfer shall be entered and registered in a book or books to be kept for that purpose by the said Company: Provided always, that nothing herein contained shall extend to authorize the said Company to carry on the business of banking.

Capital Stock limited.

Value of a share.

Proviso.

XXVII. And be it enacted, That so soon as Directors shall have been appointed as aforesaid, it shall and may be lawful for them to call upon the Stockholders of the said Company, by giving thirty days' notice in any newspaper published in the said Home District, for an instalment of ten per centum upon each share which they or any of them may respectively have subscribed for; and that the residue of the sums or shares of the Stockholders shall be payable by instalments, in such time and in such proportions as a majority of the Stockholders, at a meeting expressly convened for that purpose, shall agree upon, so that no such instalment shall exceed twenty per centum, nor become payable in less than thirty days after public notice in the newspaper as aforesaid: Provided always, that the said Directors shall not commence the construction of the said Road or way until the first instalment shall be paid in.

Notice to be given of instalment of 10 per cent.

Residue how payable.

Proviso.

XXVIII. And be it enacted, That of the persons as aforesaid nominated and balloted for, in manner aforesaid, those seven shall be deemed elected who shall have the greater number of votes according to the shares held by the voters respectively, as hereinbefore prescribed, at each and every such election of Directors; and that at every such election in every year as aforesaid, after the ballot shall have been kept open from eleven of the clock in the forenoon to two of the clock in the afternoon, the seven persons having the majority of votes in manner as aforesaid, shall, so soon after as convenient on the same day, be declared the Directors chosen for the ensuing year, by any two or more Scrutineers, who shall have been previously nominated by the Stockholders for the purpose of nomination and report of such ballot: Provided nevertheless, that the Stockholders present at the place of ballot shall, in the nomination of Scrutineers, vote *per capita* and not by shares.

Directors to be elected by a majority of votes.

How majority shall be declared.

Proviso.

XXIX. And be it enacted, That if any Stockholder or Stockholders as aforesaid shall neglect to pay at the time required any instalment or instalments which shall be lawfully required by the Directors as due upon any share or shares, such Stockholder or Stockholders so refusing or neglecting shall forfeit such share or shares as aforesaid, with any amount which shall have been previously paid thereon, and the said share or shares may be sold by the said Directors, and the sum arising therefrom, together with the amount previously paid thereon, shall be accounted for and applied in like manner as other monies of the said Company: Provided always, that the purchaser or purchasers

Penalty on Stockholders neglecting to pay instalments.

Proviso.

Proviso.

purchasers shall pay the said Company the amount of the instalment required over and above the purchase money of the share or shares so purchased by him, her or them, as aforesaid, immediately after the sale and before they shall be entitled to the certificate of the transfer of such shares purchased as aforesaid: Provided always, that fifteen days' notice of the sale of such forfeited shares shall be given in any newspaper or newspapers published in the Home District, and that the instalment due may be received in redemption of any such forfeited share at any time before the day appointed for the sale thereof: Provided always, that the Stockholders at their next general meeting, after any forfeiture, may remit such forfeiture or such portion thereof as they, by Resolution then to be made, may direct.

Proviso.

Subscribers compellable to pay the amount of their subscriptions.

Word "Stockholder" defined.

XXX. And be it enacted, That the several persons who have subscribed any money towards the undertaking, or their personal representatives respectively, shall pay the sums respectively so subscribed, or such portions thereof, as shall be from time to time called for by the Directors; and with respect to the provisions in this Act contained for enforcing the payment of calls or instalments, the word "Stockholder" shall extend to and include any person who holds stock in the said Company, or who may have subscribed the original prospectus of the Company or Stock Book or agreement to take stock therein, and shall also extend to and include the legal personal representatives of such Stockholder or person as aforesaid.

Interest to be chargeable on instalments not paid when due.

XXXI. And be it enacted, That if any Stockholder do not pay the amount of any call or instalment to which he is liable, before or on the day appointed for payment, then such Stockholder shall be liable to pay interest for the same at the rate allowed by law from the day appointed for the payment thereof to the time of the actual payment.

Company may sue subscribers in default.

XXXII. And be it enacted, That if default shall be made by any Stockholder in the payment of any call at the time appointed by the Directors for the payment thereof then it shall be lawful for the Company to sue such Stockholder for the amount of such, call in any Court of Law in this Province, (having competent jurisdiction in regard to the amount to be recovered,) and to recover the same with lawful interest, and if the Company shall elect to sue any Stockholder under the authority of this Act, such suit shall not in any way interfere with the forfeiture of the share or shares of such Stockholders, as provided by the twenty-fifth clause of this Act.

Suit not to prevent forfeiture.

What averments shall be necessary in such suit.

XXXIII. And be it enacted, That in any action or suit to be brought by the Company against any Stockholder to recover any money due for any call, it shall not be necessary to set forth the special matter, but it shall be sufficient for the Company to aver that the defendant is the holder of one share or more (stating the number of shares) in the Capital Stock of the Company, and that he is indebted to the Company in the sum of money to which the calls in arrear shall amount in respect of one call or more upon one share or more (stating the number and amount of each of such calls) whereby an action hath accrued to the Company by virtue of this Act.

What proof shall be required in such suit.

XXXIV. And be it enacted, That on the trial or hearing of such action, it shall be sufficient for the Company to prove that the defendant at the time of making such call was the holder of one share or more in the undertaking, (and when there has been no transfer of the shares, then the proof of subscription to the original agreement to take stock shall be sufficient evidence of holding stock to the amount subscribed,) and that such

such call was in part made, and such notice thereof given as is required; and it shall not be necessary for the Company to prove the appointment of the Directors who made such call or any other matter whatever, and thereupon the Company shall be entitled to recover what shall be due upon such call with interest thereon, unless it shall appear either that any such call exceeds the prescribed amount or that due notice of such call was not given, or that a meeting of the Stockholders was not expressly convened for the purpose of deciding on the time of payment, and the amount of such call in cases where such meeting is required.

XXXV. And be it enacted, That in any action or suit brought by or against the Company upon any contract, or for any matter or thing whatsoever, any Stockholder shall be competent as a witness, and his testimony shall not be deemed inadmissible on the ground of interest.

Stockholders
to be compe-
tent witnesses.

XXXVI. And be it enacted, That it shall be the duty of the Directors to make annual dividends of so much of the profits of the said Company as to them or a majority of them shall seem advisable, and that once in each year an exact and particular statement shall be rendered of the state of their affairs, debts, credits, profits and losses, such statement to appear in the books, and to be open to the perusal of any Stockholder, at his or their reasonable request.

Directors to
make annual
dividends.

XXXVII. And be it enacted, That whenever the said Tolls shall in the annual receipts exceed in amount a sufficient sum to defray the expenses of maintaining and repairing the said Road, and to afford an annual income to the said Company of ten per centum profit on the capital actually expended in the construction of the said Road from the commencement of its being travelled as aforesaid, then and in such case the increasing surplus revenue of the said Tolls shall be charged against the said Company as so much received by them in the nature of a sinking fund, by means whereof to purchase from the said Company the entire estate, use and property of the said Road to and for the use of the public, in such manner and form as the Legislature of this Province may by Legislative enactment hereafter provide.

Surplus profits
to be charged
against the
Company in
the nature of
a sinking fund

XXXVIII. And be it enacted, That the Legislature of this Province may at any time whatever purchase the entire estate, property and use of the said Road from the said Company, paying to the said Company the capital so as aforesaid actually expended, together with fifteen per centum advance thereupon, to the credit of which payment all revenue exceeding ten per centum upon the *bonâ fide* expenditure, and over and above the expense of maintaining and repairing the said Road, shall be charged and taken: And it is also hereby provided and declared, that if any deficiencies of the said ten per centum annual profit should occur at any time, such deficiencies shall also be chargeable against the increasing revenue of the subsequent years, so that the Company may fairly and actually receive ten per centum profit on their said *bonâ fide* expenditure for the whole time; they shall enjoy the estate, rights and privileges acquired under the authority of this Act: any thing herein contained to the contrary thereof in any wise notwithstanding.

Legislature
may purchase
the Road, &c.
from Company
on certain
conditions.

XXXIX. And be it enacted, That it shall be the duty of the said Corporation and of the person entrusted with the chief direction of its affairs to lay annually before the three Branches of the Legislature of this Province, in the course of the first fifteen

Annual ac-
counts to be
laid before Le-
gislatre attes-
ted on oath.

days

days after the opening of the Session, a general statement, upon the oath of the President or Vice-President of the said Company, before any Justice of the Peace, of the affairs of the said Company, showing as well the amount of its liabilities as the assets or means of meeting the same; and such President or Vice-President being charged before any competent Court with wilful false swearing in the matter of such statement shall be tried, and if found guilty be punished in like manner as if he had been charged and convicted of the crime of wilful and corrupt perjury.

Legislature may at any time alter provisions of this Act, so as to protect public or private rights.

XL. And be it enacted, That notwithstanding the privileges that may be conferred by this Act, the Legislature may at any time hereafter in their discretion make such additions to this Act or such alteration of any of its provisions as they may think proper for affording just protection to the public or to any person or persons, body politic or corporate, in respect to their estate, property or rights, or any interest therein, or any advantage, privilege or convenience connected therewith, or in respect to any way or right of way, public or private, that may be affected by any of the powers given to this Corporation.

Limitation of actions.

XLI. And be it enacted, That if any action or suit shall be brought against any person or persons for any matter or thing done in pursuance of this Act, such action or suit shall be brought within twelve calendar months next after the fact committed, and not afterwards, and the Defendant or Defendants in such action or suit may plead the general issue only, and give this Act and the special matter in evidence on the trial.

Public Act.

XLII. And be it enacted, That this Act shall be taken to be a Public Act, and as such shall be judicially noticed by all Judges, Justices of the Peace and other persons, without being specially pleaded.

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ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. XCVI.

An Act to authorize Augustin Norbert Morin to build a Toll Bridge over the River du Nord, in the Parish of Saint Jérôme, to fix the rates of Toll for passing thereon, and to provide Regulations for the same.

[28th July, 1847.]

WHEREAS the convenience and the facility of intercourse of the inhabitants of the Parish of Saint Jérôme, and of the Township of Abercrombie, in the County of Terrebonne, and of the public in general, would be much promoted by the erection of a Toll Bridge over the River du Nord, in the said Parish of Saint Jérôme, at the place commonly called La Grande Pointe; And whereas Augustin Norbert Morin, of the City of Montreal, Esquire, hath, by his petition in this behalf, prayed for leave to build a Toll Bridge over the said River at the aforesaid place: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intitled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall be lawful for the said Augustin Norbert Morin, and he is hereby authorized and empowered at his own costs and charges to erect and build a good and substantial Toll Bridge over the said River du Nord, in the Parish of Saint Jérôme, at some convenient point, at or near the place commonly called La Grande Pointe, and to erect and build one Toll House, Toll Gate and Turnpike, with other dependencies, on or near the said Bridge, and also to do, perform and execute all other matters and things requisite and necessary, useful or convenient for erecting and building, maintaining and supporting the said intended Bridge, Toll House, Turnpike and other dependencies, according to the tenor and true meaning of this Act.

Preamble.

A. N. Morin authorized to build a Toll Bridge over the River du Nord, within certain limits.

II. And be it enacted, That for the purpose of erecting, building, maintaining and supporting the said Bridge, the said Augustin Norbert Morin, his heirs, executors, curators and assigns, shall, from time to time, have full power and authority to take and use the land on either side of the said river, and there to work up or cause to be worked up the materials and other things necessary for erecting, constructing or repairing the said Bridge accordingly, the said Augustin Norbert Morin, his heirs, executors, curators and assigns, and the persons by him or them employed, doing as little damage as may be, and making reasonable and just satisfaction to the respective owners

A. N. Morin authorized to use land on each side of River, and to work up materials for constructing Bridge. Making compensation to the proper

parties to be settled by experts in case of disagreement.

Proviso: compensation to be paid or tendered before the land is taken, &c.

Bridge, &c. vested in A. N. Morin, his heirs and assigns, for fifty years.

And then in the Crown on payment of value.

Before the expiration of fifty years, Her Majesty may assume possession of Bridge, on certain conditions.

Proviso: Inhabitants may assume possession of the Bridge, &c. on certain conditions.

owners and occupiers of all such lands and grounds as shall be altered, damaged or made use of, for the value of such land as well as for that of the alteration or of the damages which they may cause to the proprietors, by means of or for the purpose of erecting the said Bridge and the said House, as above designated, and in case of difference of opinion and dispute about the quantum of such satisfaction, the same be settled by Her Majesty's Court of Queen's Bench for the District of Montreal, after a previous visitation, examination and estimation of the premises shall have been made by *Experts* to be named by the parties respectively, and in default of such nomination by them or either of them, then by the said Court, in manner and form prescribed by law; and the said Court is hereby authorized and empowered to hear, settle, and finally determine the amount of such compensation in consequence: Provided always, that the said Augustin Norbert Morin, his heirs, executors, curators and assigns, shall not commence the erection of the said Bridge and other works by which any person may be deprived of his land or part thereof, or may suffer damage, before the price or value of the said land and damages, estimated and settled in manner before prescribed, shall have been paid to such person, or such price or value shall have been offered to him, and that on his refusal thereof, the said Augustin Norbert Morin shall have deposited it at the office of the Prothonotary of the Court of Queen's Bench for the said District of Montreal

III. And be it enacted, That the said Bridge and the said Toll House, Turnpike and dependencies to be erected thereon, or near thereto, and also the ascents or approaches to the said Bridge, and all materials which shall be from time to time found or provided for erecting, building or maintaining and repairing the same, shall be vested in the said Augustin Norbert Morin, his heirs and assigns, for the term of fifty years from the passing of this Act, and at the end of the said term of fifty years, the said Bridge, Toll House, Turnpike and dependencies, and the ascents and approaches thereto, shall be vested in Her Majesty, Her Heirs and Successors, and be free for public use, and it shall then be lawful for the said Augustin Norbert Morin, his heirs, executors, curators and assigns to claim and obtain from Her Majesty, Her Heirs and Successors, the full and entire value, which the same shall at the end of the said fifty years bear and be worth exclusive of the value of any Toll or privilege, and the said value to be ascertained by three Arbitrators, one of whom to be named by the Governor of the Province for the time being, another by the said Augustin Norbert Morin, his heirs, executors, curators or assigns, and the third by the said two Arbitrators; Provided that at any time before the expiration of the said term of fifty years, it shall and may be lawful for Her Majesty, Her Heirs and Successors to assume the possession of the said Bridge, and of the dependencies thereof, and the Tolls thereon, upon paying to the said Augustin Norbert Morin, his heirs or assigns, the full and entire value which the rights and privileges hereby granted to him and them be worth, for that portion of the said term of fifty years then remaining unexpired, such value to be ascertained in case of difference of opinion in the manner provided by law with regard to property taken by the Commissioners of Public Works, for the public service, the said payment not to be less than the value at the time of the Bridge and dependencies exclusive of the Tolls and privilege: Provided always, that nothing herein contained shall be construed to prevent any number of inhabitants interested in the said Bridge, from assuming, at any time, the possession and property of the said Bridge, Toll House, Turnpike and dependencies, and ascents and approaches thereto, upon paying to the said Augustin Norbert Morin, his heirs, executors, curators and assigns, the full and intrinsic value

value which the same shall at the time of such assumption bear or be worth, with an addition of twenty five per cent. upon such intrinsic value, and that after such assumption of the said Bridge, it shall become a free Bridge.

IV. And be it further enacted, That in erecting the said Bridge, which shall be of a single arch, with an additional pillar near the water side if necessary, there shall be left between the abutments or pillars thereof, one opening of at least fifty feet in width, at the deepest part of the river, so that canoes, scows and rafts may meet with no kind of obstruction.

Opening to be kept between the pillars for rafts, &c.

V. And be it enacted, That when and so soon as the said Bridge shall be erected and built, and made fit and proper for the passage of travellers, cattle and carriages, and that the same shall have been certified by any two or more Justices of the Peace for the District of Montreal, after the examination thereof by three *Experts*, to be appointed and sworn by the said Justices, and shall have been advertised in one of the public newspapers published in Montreal in both languages, it shall be lawful for the said Augustin Norbert Morin, his heirs, executors, curators and assigns, from time to time, and at all times, to ask, demand, receive, recover and take, to and for his or their own proper use, benefit and behoof for Pontage, as or in the name of a Toll or Duty, before any passage over the said Bridge shall be permitted, the several sums following, that is to say:

When the Bridge is built A. N. Morin entitled to certain Tolls for Pontage.

For every Winter or Summer vehicle, drawn by a single horse or other beast, three pence currency;

The rates and Tolls.

For every horse or other additional beast, two pence currency;

For every saddle horse and rider, two pence currency;

For every horse, mare, foal, ass, mule, ox, cow, bull, heifer, or other live cattle, one penny half penny currency;

For every sheep, calf, goat or pig, one half penny currency;

For every foot passenger, one half penny currency.

VI. Provided always, and be it enacted, That no person, horse or carriage employed in conveying a mail or letters under the authority of Her Majesty's Post Office, nor the horses, or carriages, laden or unladen, and drivers, attending officers and soldiers of Her Majesty's Forces or of the Militia, whilst upon their march, or on duty, nor the said officers or soldiers, nor any of them, nor carriages and drivers, or guards sent with prisoners of any description, as well going as coming, provided they are not otherwise loaded, shall be chargeable with any Toll or Rate whatsoever: Provided also, that it shall and may be lawful for the said Augustin Norbert Morin, his heirs, executors, curators or assigns, to diminish the said Tolls, or any of them, and afterwards, if he or they shall see fit, again to augment the same, or any of them, so as not to exceed in any case the rates hereinbefore authorized to be taken: Provided also, that the said Augustin Norbert Morin, his heirs, executors, curators or assigns, shall affix or cause to be affixed in some conspicuous place at or near such Toll Gate, a Table of the rates payable for passing over the said Bridge, and so often as such rates may be diminished or augmented he or they shall cause such alteration to be affixed in manner aforesaid.

Exemptions from Toll.

Proviso: Tolls may be reduced and afterwards augmented, not exceeding the rates aforesaid.

Proviso: Table of Tolls to be posted up.

Tolls vested in
A. N. Morin,
&c.

VII. And be it enacted, That the said Tolls shall be and the same are hereby vested in the said Augustin Norbert Morin, his heirs and assigns, for the said term of fifty years from the passing of this Act, and no longer, and subject during the said term to be taken possession of by Her Majesty, Her Heirs and Successors, in the manner hereinbefore provided.

Penalty on
persons forcibly
passing
Toll Gate
without pay-
ing Toll,
driving fast,
&c.

VIII. And be it enacted, That if any person shall forcibly pass through the said Toll Gate, without paying the said Toll or any part thereof, or shall interrupt or disturb the said Augustin Norbert Morin, his heirs, executors, curators and assigns, or any person or persons employed by him or them for building or repairing the said Bridge, or making or repairing the way over the same, or any road or avenue leading thereto, or shall at any time drive faster than a walk on the said Bridge, every person so offending in each of the cases aforesaid shall, for every such offence, forfeit a sum not exceeding forty shillings currency.

As soon as the
Bridge is
completed,
no other
Bridge to be
erected within
certain limits.

Penalty for
contravention.

Proviso as to
fords, &c.

Proviso as to
indemnity for
vessels used
for ferrying.

Proviso as to
any Rail-road
bridge.

IX. And be it enacted, That as soon as the said Bridge shall be passable and opened for the use of the public, no person or persons shall erect or cause to be erected any bridge or bridges or works, or use any bridge or ferry for the carriage of any persons, cattle or carriage whatsoever, for hire, across the said River du Nord, from the upper line of the four lots of land in the said Parish of Saint Jérôme now possessed by Jean Baptiste Laviolette, Esquire, to the point where the said river intersects the eastern line of the continuation of the Seigniorship of Mille Isles; and if any person or persons shall erect or use a Toll Bridge or Toll Bridges over the said river, within the said limits, he or they shall pay to the said Augustin Norbert Morin, his heirs, executors, curators and assigns, treble the Tolls hereby imposed for the persons, cattle and carriages which shall pass over such bridge or bridges, and if any person or persons shall at any time for hire or gain, pass or convey any person or persons, cattle or carriages across the said river, within the limits aforesaid, such offender or offenders shall, for each carriage, or person or animal, so carried across, forfeit and pay a sum not exceeding forty shillings currency: Provided that nothing in this Act contained shall be construed to prevent the public from passing any of the fords in the said river within the limits aforesaid, or in canoes or other water carriages without gain or hire: And provided, that the said Augustin Norbert Morin shall be bound, so soon as the said Bridge shall be opened for the use of the public, to indemnify any person or persons for any scow then in use for the purposes of a ferry within the limits of the said privilege; which indemnity shall be fixed by three Arbitrators, one of whom shall be named by each of the parties severally, and the third by the said Arbitrators; Provided also, that it shall be lawful for any Rail-road Company incorporated by law, to erect or cause to be erected within the said limits, a Bridge for the purposes of the said Rail-road, and to convey over the same, all persons, vehicles, cattle, goods, wares or merchandize transported along the line of the said Rail-road, but on no other account and in no other way whatsoever.

Penalty on
persons inju-
ring Bridge or
Toll House.

X. And be it enacted, That if any person shall maliciously pull down, burn or destroy the said Bridge or any part thereof, or the Toll Gate or Toll House to be erected by virtue of this Act, every person so offending, and thereof legally convicted, shall be deemed guilty of felony.

XI. And be it enacted, That the said Augustin Norbert Morin, to entitle himself to the benefits and advantages to him by this Act granted, shall and he is hereby required to erect and complete the said Bridge, Toll House, Turnpike and dependencies within three years from the day of the passing of this Act, and if the same shall not be completed within the term last mentioned, so as to afford a convenient and safe passage over the said bridge, he the said Augustin Norbert Morin, his heirs, executors, curators and assigns shall cease to have any right, title or claim of, in, or to the Tolls hereby imposed, which shall from thenceforward belong to Her Majesty; and the said Augustin Norbert Morin shall not, by the said Tolls, or in any other manner or way, be entitled to any re-imbusement of the expense he may have incurred in and about the building of the said Bridge; and in case the said Bridge, after it shall have been erected and completed, shall at any time become impassable or unsafe for travellers, cattle or carriages, the said Augustin Norbert Morin, his heirs, executors, curators or assigns, shall, and they are hereby required, within two years from the time at which the said Bridge shall, by Her Majesty's Court of General Quarter Sessions of the Peace in and for the said District of Montreal, be ascertained to be impassable or unsafe, and notice thereof to them or any of them by the said Court given, to cause the same to be rebuilt or repaired, and made safe and commodious for the passage of travellers, cattle and carriages; and if within the time last mentioned the said Bridge be not repaired or rebuilt, as the case may require, then the said Bridge or such parts thereof as shall be remaining, shall be and be taken and considered to be the property of Her Majesty, and after such default to repair or rebuild the said Bridge, the said Augustin Norbert Morin, his heirs, executors, curators and assigns, shall cease to have any right, title, or claim of, in or to the said Bridge, or the remaining parts thereof, and the Tolls hereby granted, and their and each and every of their rights in the premises shall be wholly and for ever determined: Provided, that during any period in which the said Bridge shall be impassable or unsafe, it shall be competent to any person or persons to establish any Ferry within the said limits, in like manner as they might have done had this Act not been passed.

A. N. Morin required to erect Bridge within three years on pain of forfeiting his privilege.

And to keep the bridge in good repair under a like penalty.

Proviso.

XII. And be it enacted, That the present Act or any of the dispositions therein contained shall not extend or be construed to extend, to waken, diminish or extinguish the rights and privileges of Her Majesty the Queen, Her Heirs and Successors, nor of any person or persons, body politic or corporate, in any of the things therein mentioned (except as to the power and authority hereby given to the said Augustin Norbert Morin, his heirs and assigns, and except as to the rights which are hereby altered and extinguished,) but that Her Majesty the Queen, Her Heirs and Successors, and all and every person or persons, body politic or corporate, their heirs and assigns, executors and administrators, shall have and exercise the same rights (with the exceptions as aforesaid) as they and each of them had before the passing of this Act, to every effect and purpose whatsoever, and in as ample a manner as if this Act had never been passed.

This Act not to affect rights of the Crown, or others not specially affected.

XIII. And be it enacted, That the penalties hereby inflicted, shall, upon proof of the offence respectively before any two or more of the Justices of the Peace for the said District of Montreal, either by the confession of the offender or by the oath of one or more credible witnesses, (which oath such Justice is hereby empowered and required to administer) be levied by distress and sale of the goods and chattels of such offender, by warrant signed by such Justice or Justices of the Peace; and the overplus, after such penalties and charges of such distress and sale are deducted, shall be returned,

Penalties how recoverable.

upon

Application of penalties.

upon demand, to the owner of such goods and chattels; and one half of such penalties, respectively, when paid and levied, shall belong to Her Majesty, and the other half to the person suing for the same.

Accounting Clause as to certain monies.

XIV. And be it enacted, That the monies to be levied by virtue of this Act, and not hereinbefore granted to the said Augustin Norbert Morin, his heirs and assigns, and the several fines and penalties hereby inflicted shall be, and the same are hereby reserved to Her Majesty, Her Heirs and Successors, for the public uses of this Province and the support of the Government thereof, in the manner hereinbefore set forth and contained; and the due application of such monies, fines and penalties 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, and an account thereof shall be annually submitted to each branch of the Provincial Legislature, during the first fifteen days of each Session thereof.

Bridge to have a certain elevation under the principal arch.

XV. Provided always, and be it enacted, That the said Bridge, hereby authorized to be built and erected over and upon the said River du Nord, shall have an elevation under the principal arch thereof, of at least six feet above the level of the said river, at the time at which the waters thereof are usually at the highest.

Public Act.

XVI. And be it enacted, That this Act shall be deemed a Public Act, and shall be judicially taken notice of as such by all Judges, Justices of the Peace, and all other persons whomsoever without being specially pleaded.

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ANNO DECIMO ET UNDECIMO

VICTORIÆ REGINÆ.

CAP. XCVII.

An Act to authorize Pierre Vieau and others, to build a Toll Bridge over the River des Prairies.

[28th July, 1847.]

WHEREAS the convenience and the facility of intercourse of the inhabitants of the adjacent parishes and concessions, and of the public in general, would be much promoted by the erection of a Toll Bridge over the River des Prairies between the Parish of La Visitation du Sault-au-Recollet and Ile Jesus, in the Parish of St. Martin, at the place hereinafter mentioned; and whereas Pierre Vieau, Louis Lahaise and Joseph Brien dit Desrochers have, by their petition in this behalf, prayed for leave to build a Toll Bridge over the said River at the aforesaid place: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and 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 said Pierre Vieau, Louis Lahaise and Joseph Brien dit Desrochers, and they are hereby authorized and empowered at their own costs and charges to erect and build a good and substantial Toll Bridge over the said River des Prairies at some convenient point, or place opposite to or within three arpents of the line road commonly called *La Montée de Noel*, and to erect and build one Toll House and Turnpike with other dependencies, on or near the said Bridge, and also to do, perform and execute all other matters and things requisite and necessary, useful or convenient for erecting and building, maintaining and supporting the said intended Bridge, Toll House, Turnpike and other dependencies, according to the tenor and true meaning of this Act.

Preamble.

P. Vieau, L. Lahaise and J. Brien dit Desrochers, authorized to build a Toll Bridge over the River des Prairies, within certain limits.

II. And be it enacted, That for the purpose of erecting, building, maintaining and supporting the said Bridge, the said Pierre Vieau, Louis Lahaise and Joseph Brien dit Desrochers, their heirs, executors, curators and assigns shall, from time to time, have full power and authority to take and use the land on either side of the said river, and there to work up or cause to be worked up the materials and other things necessary for erecting, constructing or repairing the said Bridge accordingly, the said Pierre Vieau, Louis Lahaise and Joseph Brien dit Desrochers, their heirs, executors, curators and assigns, and the persons by him or them employed, doing as little damage as may be, and making reasonable and just satisfaction to the respective owners and occupiers of all such

May use the land on either side of the River, and work up materials necessary for the bridge, making satisfaction to the owners of the lands for the damages done.

In case of disagreement, the amount to be settled by experts.

Proviso: the land not to be taken &c. until compensation has been paid or tendered.

Bridge, &c. vested in the said persons and their heirs and assigns.

At the expiration of fifty years, Her Majesty may assume the possession of the said bridge, &c. paying the full value thereof.

Proviso: the inhabitants may assume the same at any time, on certain conditions.

Opening to be left between the pillars for the passage of rafts.

Only one crib to pass at the same time.

such lands and grounds as shall be altered, damaged or made use of, for the value of such land as well as for that of the alteration or of the damages which they may cause to the proprietors, by means of or for the purpose of erecting the said Bridge and the said House, as above designated, and in case of difference of opinion and dispute about the quantum of such satisfaction, the same shall be settled by Her Majesty's Court of Queen's Bench for the District of Montreal, after a previous visitation, examination and estimation of the premises shall have been made by *Experts* to be named by the parties respectively, and in default of such nomination by them or either of them, then by the said Court, in manner and form prescribed by law; and the said Court is hereby authorized and empowered to hear, settle, and finally determine the amount of such compensation in consequence: Provided always, that the said Pierre Vieau, Louis Lahaise and Joseph Brien dit Desrochers, their heirs, executors, curators and assigns, shall not commence the erection of the said Bridge and other works by which any person may be deprived of his land or part thereof, or may suffer damage, before the price or value of the said land and damages, estimated and settled in manner before prescribed, shall have been paid to such person, or such price or value shall have been offered to him, and that on his refusal thereof, the said Pierre Vieau, Louis Lahaise and Joseph Brien dit Desrochers, shall have deposited it at the office of the Prothonotary of the Court of Queen's Bench for the said District of Montreal.

III. And be it enacted, That the said Bridge and the said Toll House, Turnpike and dependencies to be erected thereon, or near thereto, and also the ascents or approaches to the said Bridge, and all materials which shall be from time to time found or provided for erecting, building or maintaining and repairing the same, shall be vested in the said Pierre Vieau, Louis Lahaise and Joseph Brien dit Desrochers, their heirs and assigns, for ever: Provided, that after the expiration of fifty years from the passing of this Act, it shall and may be lawful for Her Majesty, Her Heirs and Successors, to assume the possession and property of the said Bridge, Toll House, Turnpike and dependencies, and the ascents and approaches thereto, upon paying to the said Pierre Vieau, Louis Lahaise and Joseph Brien dit Desrochers, their heirs, executors, curators or assigns, the full and entire value which the same shall at the time of such assumption bear and be worth: Provided always, that nothing herein contained shall be construed to prevent any number of inhabitants interested in the said Bridge from assuming at any time the possession and property of the said Bridge, Toll House, Turnpike and dependencies, and the ascents and approaches thereto, upon paying to the said Pierre Vieau, Louis Lahaise and Joseph Brien dit Desrochers, their heirs, executors, curators and assigns the full and intrinsic value which the same shall at the time of such assumption bear or be worth, with an addition of twenty-five per cent. upon such intrinsic value, and that after such assumption of the said Bridge it shall become a free Bridge.

IV. And be it further enacted, That in erecting the said Bridge, there shall be left one opening between the pillars thereof, of at least one hundred and fifty feet in width, at the deepest part of the river, so that rafts floating down the same may meet with no kind of obstruction, and it shall be the duty of the proprietors or conductors of every such raft to give two hours' previous notice to the Toll-gatherer, or person having charge of the said Bridge, of his or their intention to pass through the same with such raft: Provided always, that no more than one crib shall pass at the same time through the same opening, and all damage caused by any such raft as may come upon or against

against the said Bridge, without such notice as aforesaid having been given, or containing more than one crib, shall be made good by the proprietor of such raft to the said Pierre Vieau, Louis Lahaise and Joseph Brien dit Desrochers, their heirs, executors, curators or assigns, and shall be recoverable by suit at law, in any Court of Record taking cognizance of causes to the like amount.

V. And be it enacted, That when and so soon as the said Bridge shall be erected and built, and made fit and proper for the passage of travellers, cattle and carriages, and that the same shall have been certified by any two or more Justices of the Peace for the District of Montreal, after the examination thereof by three *Experts*, to be appointed and sworn by the said Justices, and shall have been advertised in one of the public newspapers published in the City of Montreal in both languages, it shall be lawful for the said Pierre Vieau, Louis Lahaise and Joseph Brien dit Desrochers, their heirs, executors, curators and assigns, from time to time, and at all times, to ask, demand, receive, recover and take, to and for their own proper use, benefit and behoof for Pontage, as or in the name of a Toll or Duty, before any passage over the said Bridge shall be permitted, the several sums following, that is to say :

When the Bridge is built and convenient for the passage of travellers, the persons aforesaid entitled to certain tolls for pontage.

For every Coach or other four wheel Carriage, loaded or unloaded, with the driver and four persons or less, drawn by two or more horses, or other beasts of draught, one shilling and three pence currency ;

The Rates and Tolls.

For every Wagon or other four wheel Carriage, loaded or unloaded, drawn by one horse, seven pence and one half penny currency ;

For every Chaise, Calash, Chair with two wheels or Cariole, or other such Carriage, loaded or unloaded, with the driver and two persons, or less, drawn by two horses or other beasts of draught, tence pence currency, and drawn by one horse or other beast of draught, six pence currency ;

For every Cart, Sled, or other such Carriage, loaded or unloaded, drawn by two horses, oxen or other beasts of draught, with the driver, seven pence and one half penny currency, and if drawn by one horse or other beast of draught, five pence currency ;

For every person on foot, two pence currency ;

For every Horse, Mare, Mule, or other beast of draught, laden or unladen, three pence currency ;

For every person on Horseback, four pence currency ;

For every Bull, Ox, Cow, and all other horned and neat Cattle, each, two pence currency ;

For every Hog, Goat, Sheep, Calf, or Lamb, one penny currency.

VI. Provided always, and be it enacted, That no person, horse or carriage employed in conveying a mail or letters under the authority of Her Majesty's Post Office, nor the horses, or carriages, laden or unladen, and drivers, attending officers and soldiers of Her Majesty's Forces or of the Militia, whilst upon their march, or on duty, nor the said officers or soldiers, nor any of them, nor carriages and drivers, or guards sent with prisoners of any description, as well going as coming, provided they are not otherwise loaded, shall be chargeable with any Toll or Rate whatsoever ; Provided also, that it shall

Exemptions from Tolls.

Proviso: Tolls may be reduced and afterwards augmented, to the amount aforesaid.

Table of rates to be fixed in a conspicuous place at the Toll Gate.

Tolls vested in the said persons, unless Her Majesty, at the end of fifty years shall assume the possession of the bridge, &c. when the same shall be vested in Her Majesty.

Penalty on persons forcibly passing without paying Toll, or interrupting the said persons in building the said bridge, &c.

As soon as the Bridge is completed, no other Bridge to be erected within certain limits

Penalty for contravention:

Proviso as to fords, &c.

Proviso as to Sigouin's Ferry.

Shall and may be lawful for the said Pierre Vieau, Louis Lahaise and Joseph Brien dit Desrochers, their heirs, executors, curators or assigns, to diminish the said Tolls, or any of them, and afterwards, if he or they shall see fit, again to augment the same, or any of them, so as not to exceed in any case the rates hereinbefore authorized to be taken; Provided also, that the said Pierre Vieau, Louis Lahaise and Joseph Brien dit Desrochers, their heirs, executors, curators or assigns, shall affix or cause to be affixed in some conspicuous place at or near such Toll Gate, a Table of the rates payable for passing over the said Bridge, and so often as such rates may be diminished or augmented, he or they shall cause such alteration to be affixed in manner aforesaid.

VII. And be it enacted, That the said Tolls shall be and the same are hereby vested in the said Pierre Vieau, Louis Lahaise and Joseph Brien dit Desrochers, their heirs and assigns for ever: Provided, that if Her Majesty shall, in the manner hereinbefore mentioned, after the expiration of fifty years from the passing of this Act, assume possession and property of the said Bridge, Toll House, Turnpike and dependencies, and the ascents and approaches thereto, then the said Tolls shall, from the time of such assumption, appertain and belong to Her Majesty, Her Heirs and Successors, who shall from thenceforward be substituted in the place and stead of the said Pierre Vieau, Louis Lahaise, and Joseph Brien dit Desrochers, their heirs and assigns, for all and every the purposes of this Act.

VIII. And be it enacted, That if any person shall forcibly pass through the said Turnpike, without paying the said Toll or any part thereof, or shall interrupt or disturb the said Pierre Vieau, Louis Lahaise and Joseph Brien dit Desrochers, their heirs, executors, curators and assigns, or any person or persons employed by him or them for building or repairing the said Bridge, or making or repairing the way over the same, or any road or avenue leading thereto, or shall at any time drive faster than a walk on the said Bridge, every person so offending in each of the cases aforesaid shall, for every such offence, forfeit a sum not exceeding forty shillings currency.

IX. And be it enacted, That as soon as the said Bridge shall be passable and opened for the use of the public, no person or persons shall erect or cause to be erected, any bridge or bridges or works, or use any ferry for the carriage of any persons, cattle or carriage whatsoever, for hire, across the said River des Prairies between the lower end of the limits of the exclusive privilege of Paschal Persillier dit Lachapelle the elder, and François Quenneville, and a point on the said river opposite the house of the Honorable C. C. S. DeBleury, in the Parish of St. Vincent de Paul, a distance of about four miles; and if any person or persons shall erect or use a Toll Bridge or Toll Bridges over the said river within the said limits, he or they shall pay to the said Pierre Vieau, Louis Lahaise and Joseph Brien dit Desrochers, their heirs, executors, curators and assigns, treble the Tolls hereby imposed for the persons, cattle and carriages which shall pass over such bridge or bridges, and if any person or persons shall at any time for hire or gain, pass or convey any person or persons, cattle or carriages across the said river, within the limits aforesaid, such offender or offenders shall for each carriage, or person or animal so carried across, forfeit and pay a sum not exceeding forty shillings currency; Provided that nothing in this Act contained shall be construed to prevent the public from passing any of the fords in the said river within the limits aforesaid, or in canoes or other water carriage without gain or hire: Provided also, that nothing herein contained shall extend to or affect the Ferry now existing at the upper

upper end of the Village of St. Vincent de Paul, known as Sigouin's Ferry (*la traverse à Sigouin*) which shall remain open to the public and at which Tolls may continue to be taken as before the passing of this Act, and that nothing herein contained shall apply to or affect any Toll Bridge which may be erected by Pascal Persillier dit Lachapelle, his heirs, assigns or legal representatives, within the limits aforesaid under any Act passed during the present Session.

X. And be it enacted, That if any person shall maliciously pull down, burn or destroy the said Bridge or any part thereof, or the Toll House to be erected by virtue of this Act, every person so offending, and thereof legally convicted, shall be deemed guilty of felony.

Penalty on persons pulling down, &c. Bridge or Toll House.

XI. And be it enacted, That the said Pierre Vieau, Louis Lahaise and Joseph Brien dit Desrochers, or their heirs or assigns, to entitle themselves to the benefits and advantages to them by this Act granted, shall and they are hereby required to erect and complete the said Bridge, Toll House, Turnpike and dependencies within four years from the day of the passing of this Act, and if the same shall not be completed within the term last mentioned, so as to afford a convenient and safe passage over the said Bridge, they, the said Pierre Vieau, Louis Lahaise and Joseph Brien dit Desrochers, their heirs, executors, curators and assigns, shall cease to have any right, title or claim of, in or to the Tolls hereby imposed, which shall from thenceforward belong to Her Majesty; and the said Pierre Vieau, Louis Lahaise and Joseph * dit Desrochers, shall not, by the said Tolls, or in any other manner or way, be entitled to any reimbursement of the expense they may have incurred in and about the building of the said Bridge; and in case the said Bridge, after it shall have been erected and completed, shall at any time become impassable or unsafe for travellers, cattle or carriages, the said Pierre Vieau, Louis Lahaise and Joseph Brien dit Desrochers, their heirs, executors, curators or assigns, shall, and they are hereby required, within two years from the time at which the said Bridge shall, by Her Majesty's Court of General Quarter Sessions of the Peace in and for the said District of Montreal, be ascertained to be impassable or unsafe, and notice thereof to them or any of them by the said Court given, to cause the same to be rebuilt or repaired, and made safe and commodious for the passage of travellers, cattle and carriages; and if within the time last mentioned the said Bridge be not repaired or rebuilt, as the case may require, then the said Bridge or such parts thereof as shall be remaining, shall be and be taken and considered to be the property of Her Majesty, and after such default to repair or rebuild the said Bridge the said Pierre Vieau, Louis Lahaise and Joseph Brien dit Desrochers, their heirs, executors, curators or assigns shall cease to have any right, title or claim of, in or to the said Bridge, or the remaining parts thereof, and the Tolls hereby granted, and their and each of their rights in the premises shall be wholly and for ever determined.

The said persons required to erect the Bridge within four years.

Forfeiture if not completed.

* Sic—Brien, omitted.

Bridge to be kept in perfect repair on pain of forfeiture of privileges.

XII. And be it enacted, That the present Act or any of the dispositions therein contained shall not extend or be construed to extend, to weaken, diminish or extinguish the rights and privileges of Her Majesty, Her Heirs and Successors, nor of any person or persons, body politic or corporate, in any of the things therein mentioned (except as to the power and authority hereby given to the said Pierre Vieau, Louis Lahaise and Joseph Brien dit Desrochers, their heirs and assigns, and except as to the rights which are hereby expressly altered and extinguished,) but that Her Majesty the Queen, Her Heirs and Successors, and all and every person or persons, body politic

This Act not to affect rights of the Crown and others not specially mentioned.

politic or corporate, their heirs and assigns, executors and administrators, shall have and exercise the same rights (with the exceptions as aforesaid) as they and each of them had before the passing of this Act, to every effect and purpose whatsoever, and in as ample a manner as if this Act had never been passed.

Penalties, how recoverable.

XIII. And be it enacted, That the penalties hereby inflicted, shall upon proof of the offence respectively before any one or more of the Justices of the Peace for the said District of Montreal, either by the confession of the offender, or by the oath of one or more credible witness or witnesses, (which oath such Justice is hereby empowered and required to administer) be levied by distress and sale of the goods and chattels of such offender, by warrant signed by such Justice or Justices of the Peace; and the overplus, after such penalties and charges of such distress and sale are deducted, shall be returned upon demand, to the owner of such goods and chattels; and one half of such penalties respectively, when paid and levied, shall belong to Her Majesty, and the other half to the person suing for the same.

Applications of penalties.

Money levied by this Act, and not granted to the said persons, and the several fines and penalties reserved and to be accounted for to Her Majesty.

XIV. And be it enacted, That the monies to be levied by virtue of this Act, and not hereinbefore granted to the said Pierre Vieau, Louis Lahaise, and Joseph Brien dit Desrochers, their heirs and assigns, and the several fines and penalties hereby inflicted shall be, and the same are hereby reserved to Her Majesty, Her Heirs and Successors, for the public uses of this Province and the support of the government thereof, in the manner hereinbefore set forth and contained; and the due application of such monies, fines and penalties 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.

Bridge to have a certain elevation under the principal arch.

The said persons to macadamize a certain Road.

XV. Provided always, and be it enacted, That the said bridge, hereby authorized to be built and erected over and upon the said River des Prairies, shall have an elevation under the principal arch thereof, of at least six feet above the level of the said river, at the time at which the waters thereof are usually at the highest; and that the said Pierre Vieau, Louis Lahaise and Joseph Brien dit Desrochers shall be obliged, as soon as the said bridge is erected, to cause the public road on the Isle Jesus, from the end of the said Bridge to that part of the same called *la Montée de Monnet dit Boismenu*, to be once macadamized at their own expence.

Public Act.

XVI. And be it enacted, That this Act shall be deemed a Public Act, and shall be judicially taken notice of as such by all Judges, Justices of the Peace, and all other persons whomsoever without being specially pleaded.



ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. XCVIII.

An Act to authorize Paschal Persillier dit Lachapelle to erect a Toll Bridge over the River des Prairies.

[28th July, 1847.]

WHEREAS the convenience and the facility of intercourse of the inhabitants of the adjacent parishes and concessions, and of the public in general, would be much promoted by the erection of a Toll Bridge over the River des Prairies, in the vicinity of Montreal, between the Village of the Parish of La Visitation du Sault-au-Récollet and Isle Jésus, in the Parish of St. Vincent de Paul; and whereas Paschal Persillier dit Lachapelle, the younger, of the said Parish of La Visitation du Sault-au-Récollet, Esquire, hath by his petition in this behalf, prayed for leave to build a Toll Bridge over the said river, at the aforesaid place: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council, and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall be lawful for the said Paschal Persillier, and he is hereby authorized and empowered, at his own costs and charges, to erect and build a good substantial Toll Bridge over the said River des Prairies, at some convenient point or place situate in the intermediate space between the Village of the said Parish of La Visitation du Sault-au-Récollet and the Isle Jésus, in the said Parish of St. Vincent de Paul, and to erect and build one Toll House and Turnpike, with approaches and other dependencies on or near the said Bridge, and also to do, perform, and execute all other matters and things requisite and necessary, useful or convenient, for erecting and building, maintaining and supporting the said intended Bridge, Toll House, Turnpike and other dependencies, according to the tenor and true meaning of this Act.

Preamble.

Paschal Persillier authorized to build a Toll Bridge over the River des Prairies, within certain limits.

II. And be it enacted, That for the purpose of erecting, building, maintaining and supporting the said Bridge, the said Paschal Persillier, his heirs, executors, curators and assigns, shall, from time to time, have full power and authority to take and use the land on either side the said river, and there to work up or cause to be worked up the materials and other things necessary for erecting, constructing or repairing the said Bridge accordingly; the said Paschal Persillier, his heirs, executors, curators and assigns, and the persons by him or them employed, doing as little damage as may be, and making

Paschal Persillier may use the land on either side of the River, and work up materials necessary for constructing the Bridge, making satisfaction to the

respective owners and occupiers of the lands.

making reasonable and just satisfaction to the respective owners and occupiers of all such lands and grounds as shall be altered, damaged or made use of, for the value of such land as well as for that of the alteration or of the damages which they may cause to the proprietors, by means of or for the purposes of erecting the said Bridge and the said house, as above designated; and in case of difference of opinion and dispute about the *quantum* of such satisfaction, the same shall be settled by Her Majesty's Court of Queen's Bench for the District of Montreal, after previous visitation, examination and estimation of the premises shall have been made by *Experts* to be named by the parties respectively, and in default of such nomination by them, or either of them, then by the said Court, in manner and form prescribed by law; and the said Court is hereby authorized and empowered to hear, settle and finally determine the amount of such compensation in consequence: Provided always, that the said Paschal Persillier, his heirs, executors, curators and assigns, shall not commence the erection of the said Bridge and other works, by which any person may be deprived of his land or part thereof, or may suffer damage, before the price or value of the said land and damages, estimated and settled in manner before prescribed, shall have been paid to such person, or such price or value shall have been offered to him, and that on his refusal thereof, the said Paschal Persillier shall have deposited it at the office of the Prothonotary of the Court of Queen's Bench for the District of Montreal: Provided always, that nothing herein contained shall be construed to prevent any number of inhabitants interested in the said Bridge from assuming at any time the possession and property of the said Bridge Toll House, Turnpike, and dependencies, and the ascents and approaches thereto, upon paying to the said Paschal Persillier, his heirs, executors, curators or assigns, the full and intrinsic value which the same shall at the time of such assumption bear or be worth, with an addition of twenty-five per cent upon such intrinsic value, and that after such assumption of the said Bridge, it shall become a free Bridge.

Proviso: Compensation to be paid or tendered before the lands is taken, &c.

Proviso: Inhabitants may assume the Bridge, at any time, on certain conditions

Bridge, &c. vested in the said Paschal Persillier, his heirs and assigns. At the expiration of fifty years, Her Majesty may assume the possession of the said Bridge &c. paying the full value thereof.

III. And be it enacted, That the said Bridge and the said Toll House, Turnpike, roads and dependencies to be erected thereon, or near thereto, and also the ascents or approaches to the said Bridge, and all materials which shall be, from time to time, found or provided, for erecting, building or maintaining and repairing the same, shall be vested in the said Paschal Persillier, his heirs and assigns for ever: Provided, that after the expiration of fifty years from the passing of this Act, it shall and may be lawful for Her Majesty, Her Heirs and Successors, to assume the possession and property of the said Bridge, Toll House, Turnpike, roads and dependencies, and the ascents and approaches thereto, upon paying to the said Paschal Persillier, his heirs, executors, curators or assigns, the full and entire value which the same shall, at the time of such assumption, bear and be worth.

An opening to be kept between the pillars for the passage of rafts.

IV. And be it enacted, That in erecting the said Bridge, there shall be left one opening between the pillars thereof, of at least one hundred and fifty feet in width, at the deepest part of the river, so that rafts floating down in the same may meet with no kind of obstruction, and it shall be the duty of the proprietors or conductors of every such raft to give two hours' previous notice to the Toll-gatherer, or person having charge of the said Bridge, of his or their intention to pass through the same with such raft: Provided always, that no more than one crib shall pass at the same time through the same opening, and all damage caused by any such raft as may come upon or against the said Bridge, without such notice as aforesaid having been given, or containing more than one crib, shall be made good by the proprietor of such raft to the said Paschal Persillier,

Only one crib to pass at the same time.

Persillier, his heirs, executors, curators or assigns, and shall be recoverable by suit at law, in any Court of Record taking cognizance of causes to the like amount.

V. And be it enacted, That when and so soon as the said Bridge shall be erected and built, and made fit and proper for the passage of travellers, cattle and carriages, and that the same shall have been certified by any two or more Justices of the Peace for the District of Montreal, after the examination thereof, by three *Experts* to be appointed and sworn by the said Justices, and shall have been advertised in one of the public newspapers published in the City of Montreal, in both languages, it shall be lawful for the said Paschal Persillier, his heirs, executors, curators and assigns, from time to time, and at all times, to ask, demand, receive, recover and take, to and for their own proper use, benefit and behoof for pontage, as or in the name of a Toll or Duty, before any passage over the said Bridge shall be permitted, the several sums following, that is to say :

When the bridge is built and convenient for the passage of travellers, Paschal Persillier entitled to certain Tolls for pontage.

The Rates and Tolls.

For every Coach or other four wheel Carriage, loaded or unloaded, with the driver and four persons or less, drawn by two or more horses, or other beasts of draught, one shilling and three pence currency.

For every Wagon or other four wheel Carriage, loaded or unloaded, drawn by one horse, seven pence half penny currency.

For every Chaise, Caleche, Chair with two wheels, or Cariole, or other such Carriage, loaded or unloaded, with the driver and two persons, or less, drawn by two horses or other beasts of draught, ten pence currency, and drawn by one horse or other beast of draught, six pence currency.

For every Cart, Sled or other such Carriage, loaded or unloaded, drawn by two horses, oxen or other beasts of draught, with the driver, seven pence half penny currency, and if drawn by one horse or other beast of draught, five pence currency.

For every person on foot, two pence currency.

For every Horse, Mare, Mule or other beast of draught, laden or unladen, three pence currency.

For every person on horseback, four pence currency.

For every Bull, Ox, Cow, and all other Horned and Neat Cattle, each two pence currency.

For every Hog, Goat, Sheep, Calf or Lamb, one penny currency.

VI. Provided always, and be it enacted, That no person, horse or carriage, employed in conveying a mail or letters under the authority of Her Majesty's Post Office, nor the horses or carriages, laden or unladen, and drivers, attending officers and soldiers of Her Majesty's Forces or of the Militia, whilst upon their march, or on duty, nor the said officers or soldiers, nor any of them, nor carriages and drivers or guards sent with prisoners of any description, as well going as coming, provided they are not otherwise loaded, shall be chargeable with any Toll or Rate whatsoever: Provided also, that it shall and may be lawful for the said Paschal Persillier, his heirs, executors, curators or assigns, to diminish the said Tolls, or any of them, and afterwards if he or they shall see fit, again to augment the same, or any of them, so as not to exceed in any case the rates hereinbefore authorized to be taken: Provided also, that the said Paschal Persillier, his heirs, executors, curators or assigns, shall affix or cause to be affixed in

Exemptions from Toll.

Proviso: Paschal Persillier may reduce and afterwards augment the tolls, to the amounts aforesaid.

some

Table of rates to be fixed in a conspicuous place at the toll gate.

some conspicuous place at or near such Toll Gate, a Table of the Rates payable for passing over the said Bridge; and so often as such Rates may be diminished or augmented, he or they shall cause such alteration to be affixed in manner aforesaid.

Tolls vested in Paschal Persillier, unless Her Majesty, at the end of fifty years, shall assume the possession of the bridge, &c. when the same shall be vested in Her Majesty.

VII. And be it enacted, That the said Tolls shall be and the same are hereby vested in the said Paschal Persillier, his heirs and assigns for ever: Provided, that if Her Majesty shall, in the manner hereinbefore mentioned, after the expiration of fifty years from the passing of this Act, assume the possession and property of the said Bridge, Toll House, Turnpike approaches, and dependencies, and the ascents and approaches thereto, then the said Tolls shall, from the time of such assumption, appertain and belong to Her Majesty, Her Heirs and Successors, who shall from thenceforward be substituted in the place and stead, of the said Paschal Persillier, his heirs and assigns, for all and every the purposes of this Act.

Penalty on persons forcibly passing the turnpike without paying toll, or who shall interrupt the said Paschal Persillier in building the said bridge, &c.

VIII. And be it enacted, That if any person shall forcibly pass through the said Turnpike, without paying the said Toll or any part thereof, or shall interrupt or disturb the said Paschal Persillier, his heirs, executors, curators or assigns, or any person or persons employed by him or them, for building or repairing the said Bridge, or making or repairing the way over the same, or any road or avenue leading thereto, or shall at any time drive faster than a walk on the said Bridge, every person so offending, in each of the cases aforesaid, shall, for every such offence, forfeit a sum not exceeding forty shillings currency.

As soon as the bridge is completed, no other bridge to be erected within certain limits.
Penalty for contravention.

IX. And be it enacted, That as soon as the said Bridge shall be passable and opened for the use of the public, no person or persons shall erect or cause to be erected, any bridge or bridges, or works, or use any ferry for the carriage of any persons, cattle or carriage whatsoever, for hire, across the said River des Prairies between the head of the Rapid in the said River des Prairies, called the Rapid du Gros Sault, and a point on the said River des Prairies opposite the house of the Honorable C. C. S. De Bleury, in the Parish of St. Vincent de Paul, about four miles below the said Bridge; and if any person or persons shall erect or use a Toll Bridge or Toll Bridges over the said River des Prairies within the said limits, he or they shall pay the said Paschal Persillier, his heirs, executors and assigns treble the tolls hereby imposed for the persons, cattle and carriages which shall pass over such Bridge or Bridges; and if any person or persons shall at any time, for hire or gain, pass or convey any person or persons, cattle or carriages, across the said River, within the limits aforesaid, such offender or offenders shall, for each carriage or person or animal so carried across, forfeit and pay a sum not exceeding forty shillings currency; Provided that nothing in this Act contained shall be construed to prevent the public from passing any of the fords in the said River, within the limits aforesaid, or in canoes or other water carriage, without gain or hire; Provided also, that nothing herein contained shall extend to or affect the Ferry now existing at the upper end of the Village of St. Vincent de Paul known as Sigouin's Ferry (*la traverse à Sigouin*), which shall remain open to the public, and at which Tolls may continue to be taken as before the passing of this Act, and that nothing herein contained shall apply to or affect any Toll Bridge which may be erected by Pierre Vieau, Louis Lahaise, and Joseph Brien dit Desrochers, their heirs and assigns or legal representatives, within the limits aforesaid, under any Act passed during the present Session.

Proviso as to fords.

Proviso as to Sigouin's Ferry.

X. And be it enacted, That if any person shall maliciously pull down, burn or destroy the said Bridge, or any part thereof, or the Toll House to be erected by virtue of this Act, every person so offending and thereof legally convicted, shall be deemed guilty of felony.

Penalty on persons pulling down the bridge or toll house, &c.

XI. And be it enacted, That the said Paschal Persillier, his heirs or assigns, to entitle themselves to the benefits and advantages to them by this Act granted, shall, and they are hereby required to erect and complete the said Bridge, Toll House, Turnpike and dependencies, within four years from the day of the passing of this Act; and if the same shall not be completed within the term last mentioned, so as to afford a convenient and safe passage over the said Bridge, he the said Paschal Persillier, his heirs, executors, curators and assigns, shall cease to have any right, title or claim of, in or to the Tolls hereby imposed, which shall from thenceforward belong to Her Majesty; and the said Paschal Persillier shall not, by the said Tolls or in any other manner or way, be entitled to any reimbursement of the expense he may have incurred in and about the building of the said Bridge; and in case the said Bridge, after it shall have been erected and completed, shall at any time become impassable or unsafe for travellers, cattle or carriages, the said Paschal Persillier, his heirs, executors, curators or assigns, shall, and they are hereby required, within two years from the time at which the said Bridge shall, by Her Majesty's Court of General Quarter Sessions of the Peace in and for the said District of Montreal, be ascertained to be impassable or unsafe, and notice thereof to them or any of them by the said Court given, to cause the same to be rebuilt or repaired, and made safe and commodious for the passage of travellers, cattle and carriages; and if within the time last mentioned, the said bridge be not repaired or rebuilt, as the case may require, then the said Bridge, or such parts thereof as shall be remaining, shall be, and be taken and considered to be the property of Her Majesty, and after such default to repair or rebuild the said Bridge, the said Paschal Persillier, his heirs, executors, curators or assigns shall cease to have any right, title or claim in or to the said Bridge, or the remaining parts thereof, and the Tolls hereby granted, and their and each and every of their rights in the premises shall be wholly and for ever determined.

Paschal Persillier required to erect the bridge within four years. Forfeiture if not completed.

Bridge to be kept in perfect repair, on pain of forfeiture of privileges.

XII. And be it enacted, That the present Act, or any of the dispositions therein contained, shall not extend, or be construed to extend, to weaken, diminish or extinguish the rights and privileges of Her Majesty the Queen, Her Heirs and Successors, nor of any person or persons, body politic or corporate, in any of the things therein mentioned, (except as to the power and authority hereby given to the said Paschal Persillier, his heirs and assigns, and except as to the rights which are hereby expressly altered and extinguished,) but that Her Majesty the Queen, Her Heirs and Successors, and all and every person or persons, body politic or corporate, their heirs and assigns, executors and administrators, shall have and exercise the same rights (with the exceptions aforesaid) as they and each of them had before the passing of this Act, to every effect and purpose whatsoever, and in as ample a manner as if this Act had never been passed.

This Act not to affect the rights of the Crown, or others not specially mentioned.

XIII. And be it enacted, That the penalties hereby inflicted, shall, upon proof of the offence, respectively, before any one or more of the Justices of the Peace for the said District of Montreal either by the confession of the offender, or by the oath of one or more credible witness or witnesses, (which oath such Justice is hereby empowered and

Penalties how recoverable.

Application of penalties.

and required to administer;) be levied by distress and sale of the goods and chattels of such offender, by Warrant signed by such Justice or Justices of the Peace, and the overplus, after such penalties and charges of such distress and sale are deducted, shall be returned, upon demand, to the owner of such goods and chattels; and one half of such penalties, respectively, when paid and levied, shall belong to Her Majesty, and the other half to the person suing for the same.

Money levied by this Act, and not granted to Paschal Persillier, and the several fines and penalties, to be accounted for to Her Majesty.

XIV. And be it enacted, That the monies to be levied by virtue of this Act, and not hereinbefore granted to the said Paschal Persillier, his heirs and assigns, and the several fines and penalties hereby inflicted, shall be, and the same are hereby reserved to Her Majesty, Her Heirs and Successors, for the public uses of this Province and the support of the Government thereof, in the manner hereinbefore set forth and contained; and the due application of such monies, fines and penalties 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.

Bridge to have a certain elevation under the principal Arch.

XV. Provided always, and be it enacted, That the said Bridge hereby authorized to be built and erected, over and upon the said River des Prairies, shall have an elevation under the principal Arch thereof, of at least six feet above the level of the said River, at the time at which the waters thereof are usually at the highest.

Public Act.

XVI. And be it enacted, That this Act shall be deemed a Public Act, and shall be judicially taken notice of as such by all Judges, Justices of the Peace, and all other persons whomsoever, without being specially pleaded.

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ANNO DECIMO ET UNDECIMO

VICTORIÆ REGINÆ.

CAP. XCIX.

An Act to authorize Edouard Martial Leprohon and Joseph Amable Berthelot, junior, of the City of Montreal, Esquires, to build a Toll Bridge over the River Jésus, at the Village of St. Eustache, between the Parishes of St. Eustache and St. Rose.

[28th July, 1847.]

WHEREAS the convenience and the facility of intercourse of the inhabitants of the adjacent Parishes and Concessions, and of the public in general, would be much promoted by the erection of a Toll Bridge over the River Jésus, at the Village of St. Eustache, in the vicinity of the ferry at the said Village of St. Eustache, between the Parishes of St. Eustache and of St. Rose, in the District of Montreal: And whereas Edouard Martial Leprohon and Joseph Amable Berthelot, junior, of the City of Montreal, Esquires, have, by their petition in that behalf, prayed for leave to build a Toll Bridge over the said River, at the aforesaid place: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and 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 said Edouard Martial Leprohon and Joseph Amable Berthelot, and they are hereby authorized and empowered at their own costs and charges, to erect and build a good and substantial Toll Bridge over the River Jésus, at some convenient point or place situate at the village of St. Eustache aforesaid, in the vicinity of the ferry of the said village, between the Parishes of St. Eustache and St. Rose aforesaid, and to erect and build one Toll House and Turnpike, with other dependencies on or near the said bridge, and also to do, perform and execute all other matters and things requisite and necessary, useful or convenient, for erecting and building, maintaining and supporting the said intended Bridge, Toll House, Turnpike and other dependencies, according to the tenor and true meaning of this Act.

Preamble.

E. M. Leprohon and J. A. Berthelot authorized to build a Bridge over the River Jésus within certain limits.

II. And be it enacted, That for the purpose of erecting, building, maintaining and supporting the said Bridge, the said Edouard Martial Leprohon and Joseph Amable Berthelot, their heirs, executors, curators and assigns, shall from time to time have full power and authority to take and use the land on either side of the said river, and there

E. M. Leprohon and J. A. Berthelot may use the land on either side of the River Jésus.

sus, &c. for the purpose of constructing the Bridge, making compensation.

Compensation to be fixed by experts in case of disagreement.

Proviso: compensation to be paid or tendered before land is taken, &c.

Bridge &c. vested in E. M. Leprohon and J. A. Berthelot, their heirs and assigns.

Proviso: after 50 years the Crown may assume possession, paying the value.

Proviso: the inhabitants may assume the Bridge at any time on certain conditions.

there to work up or cause to be worked up the materials and other things necessary for erecting, constructing or repairing the said Bridge accordingly; and also to take possession, for their use and as their property, of certain pieces of ground on each side of the said River Jésus, at the place where they will erect and build the said Bridge, to establish, make and open a road to communicate between the said Bridge and the public road or Queen's highway; the said Edouard Martial Leprohon and Joseph Amable Berthelot, their heirs, executors, curators and assigns, and the persons by them employed, doing as little damage as may be, and making reasonable and just satisfaction to the respective owners of all such lands and grounds as shall be altered, taken, damaged or made use of, for the value of such land as well as for that of the alteration or of the damages, which they may cause to the proprietors, by means of or for the purpose of erecting the said Bridge and the said Toll House, and the opening of the said road or roads as above designated; and in case of difference of opinion and dispute about the *quantum* of such satisfaction, the same shall be settled by Her Majesty's Court of Queen's Bench for the District of Montreal, after a previous visitation, examination and estimation of the premises shall have been made by *Experts* to be named by the parties respectively, and in default of such examination by them, or either of them, then by the said Court, in manner and form prescribed by law; and the said Court is hereby authorized and empowered to hear, settle and finally determine the amount of such compensation in consequence; Provided always, that the said Edouard Martial Leprohon and Joseph Amable Berthelot, their heirs, executors, curators and assigns, shall not commence the erection of the said Bridge and other works by which any person may be deprived of his land or part thereof, or may suffer damage, before the price or value of the said land and damages, estimated and settled in manner before prescribed, shall have been paid to such person, or such price or value shall have been offered to him, and that on his refusal thereof the said Edouard Martial Leprohon and Joseph Amable Berthelot, shall have deposited it at the Office of the Prothonotary of the Court of Queen's Bench for the said District of Montreal.

III. And be it enacted, That the said Bridge, and the said Toll House, Turnpike and dependencies to be erected thereon, or near thereto, and also the ascents or approaches to the said Bridge, and all materials which shall be from time to time found or provided for erecting, building or maintaining and repairing the same, shall be vested in the said Edouard Martial Leprohon and Joseph Amable Berthelot, their heirs and assigns for ever; Provided that after the expiration of fifty years from the passing of this Act, it shall and may be lawful for Her Majesty, Her Heirs and Successors, to assume the possession and property of the said Bridge, Toll House, Turnpike and dependencies, and the ascents and approaches thereto, upon paying to the said Edouard Martial Leprohon and Joseph Amable Berthelot, their heirs, executors, curators or assigns, the full and entire value which the same shall at the time of such assumption bear and be worth: Provided always, that nothing herein contained shall be construed to prevent any number of inhabitants interested in the said Bridge from assuming at any time the possession and property of the said Bridge, Toll House, Turnpike and dependencies, and the ascents and approaches thereto upon paying to the said Edouard Martial Leprohon and Joseph Amable Berthelot, their heirs, executors, curators and assigns, the full and intrinsic value which the same shall at the time of such assumption bear or be worth with an addition of twenty-five per cent. upon such intrinsic value; and that after such assumption of the said Bridge it shall become a free Bridge.

IV.

IV. And be it enacted, That in erecting the said Bridge, there shall be left one opening between the pillars thereof, of at least sixty feet in width, at the deepest part of the river, so that rafts floating down the same may meet with no kind of obstruction, and it shall be the duty of the proprietor or conductors of every such raft to give two hours previous notice to the toll-gatherer or person having charge of the said bridge, of his or their intention to pass through the same with such raft: Provided always, that no more than one crib shall pass at the same time through the same opening, and all damage caused by any such raft as may come upon or against the said Bridge, without such notice as aforesaid having been given, or containing more than one crib, shall be made good by the proprietors of such raft to the said Edouard Martial Leprohon and Joseph Amable Berthelot, their heirs, executors, curators or assigns, and shall be recoverable by suit at law, in any Court of Record taking cognizance of causes to the like amount.

An opening to be kept between the pillars for the passage of rafts.

Proviso.

V. And be it enacted, That when and so soon as the said Bridge shall be erected and built, and made fit and proper for the passage of travellers, cattle and carriages, and that the same shall have been certified by any two or more Justices of the Peace for the District of Montreal, after the examination thereof by three *Experts* to be appointed and sworn by the said Justices, and shall have been advertised in one of the public newspapers published in Montreal in both languages, it shall be lawful for the said Edouard Martial Leprohon and Joseph Amable Berthelot, their heirs, executors, curators and assigns, from time to time, and at all times, to ask, demand, receive, recover and take to and for their own proper use, benefit and behoof, for pontage, as or in the name of a Toll or Duty, before any passage over the said Bridge shall be permitted, the several sums following, that is to say:

When Bridge is built, certain Tolls may be exacted.

For every coach or other four wheeled carriage, loaded or unloaded, with the driver and four persons or less, drawn by two or more horses, or other beasts of draught, one shilling and six pence currency;

The Tolls.

For every wagon or other four wheeled carriage, loaded, and drawn by two horses, one shilling and three pence currency;

For every wagon, unloaded, with the driver and two persons, drawn by two horses, one shilling currency, and drawn by one single horse, ten pence currency;

For every chaise, caleche, chair with two wheels, or carriole or other such vehicle, loaded or unloaded, with the driver and two persons, drawn by two horses or other beasts of draught, ten pence currency, and drawn by one horse or other beast of draught, seven pence half penny currency;

For every cart or such other vehicle, loaded or unloaded, drawn by two horses, oxen or other beasts of draught, with the driver, six pence currency, and drawn by one horse or other beast of draught, five pence currency;

For every person on foot, one penny half penny currency;

For every horse, mare, or other beast of draught, loaded or unloaded, three pence half penny currency;

For every person on horseback, four pence currency;

For every bull, ox, cow and all other horned and neat cattle, each, two pence currency;

For every hog, goat, sheep, calf or lamb, a half penny currency.

Provided

Proviso.

Provided always, that if any vehicle drawn by one horse or other beast only, shall contain a load of more than ten hundred weight, it shall pay Toll as if drawn by two horses or other beasts, and so on, and if any vehicle drawn by two horses or other beasts shall contain a load of more than twenty hundred weight, it shall pay Toll as if drawn by three horses or other beasts, and so in proportion for vehicles drawn by more than two horses or other beasts, ten hundred weight of load being allowed for each horse, and additional Toll being chargeable for each additional ten hundred weight as for one horse, and any fraction of ten hundred weight being reckoned as ten hundred weight.

Exemptions from Toll.

VI. Provided always, and be it enacted, That no person, horse or carriage employed in conveying a mail or letters under the authority of Her Majesty's Post Office, nor the horses or carriages, laden or unladen, and drivers attending officers and soldiers of Her Majesty's Forces, or of the Militia whilst upon their march, or on duty, nor the said officers or soldiers, nor any of them, nor carriages, and drivers of guards sent with prisoners of any description, as well going as coming, provided they are not otherwise loaded, shall be chargeable with any Toll or rate whatsoever: Provided also, that it shall and may be lawful for the said Edouard Martial Leprohon and Joseph Amable Berthelot, their heirs, executors, curators or assigns, to diminish the said Tolls, or any of them, and afterwards if they shall see fit, again to augment the same, or any of them, so as not to exceed in any case the rates hereinbefore authorized to be taken: Provided also, that the said Edouard Martial Leprohon and Joseph Amable Berthelot, their heirs, executors, curators or assigns, shall affix or cause to be affixed, in some conspicuous place at or near such Toll Gate, a Table of the Rates payable for passing over the said Bridge; and so often as such rates may be diminished or augmented, they shall cause such alteration to be affixed in manner aforesaid.

Proviso: Tolls may be decreased and again augmented.

Proviso: Table of Tolls to be posted up.

Tolls vested in A. M. Leprohon and J. A. Berthelot.
Proviso.

VII. And be it enacted, That the said Tolls shall be, and the same are hereby vested in the said Edouard Martial Leprohon and Joseph Amable Berthelot, their heirs and assigns for ever: Provided that if Her Majesty shall, in the manner hereinbefore mentioned, after the expiration of fifty years from the passing of this Act, assume the possession and property of the said Bridge, Toll House, Turnpike and dependencies, and the ascents and approaches thereto, then the said Tolls shall, from the time of such assumption, appertain and belong to Her Majesty, Her Heirs and successors, who shall from thenceforward be substituted in the place and stead of the said Edouard Martial Leprohon and Joseph Amable Berthelot, their heirs and assigns, for all and every the purposes of this Act.

Penalty on persons forcibly passing without paying Toll.

VIII. And be it enacted, That if any person shall forcibly pass through the said Turnpike, without paying the said Toll or any part thereof, or shall interrupt or disturb the said Edouard Martial Leprohon and Joseph Amable Berthelot, their heirs, executors, curators or assigns, or any person or persons employed by him or them, for building or repairing the said Bridge, or making or repairing the way over the same, or any road or avenue leading thereto, or shall at any time drive faster than a walk on the said Bridge, every person so offending, in each of the cases aforesaid, shall for every such offence, forfeit a sum not exceeding forty shillings currency.

When the Bridge is completed, no

IX. And be it enacted, That so soon as the said Bridge shall be passable and opened for the use of the public, no person or persons shall erect or cause to be erected, any

any bridge or bridges, or works, or use any ferry for the carriage of any person, cattle or carriage whatsoever, for hire, across the said River Jésus, at a distance of one league above the said Bridge and below the same, to the limits of the privilege granted to James Porteous, to erect a Bridge over the said River Jésus, opposite the Village of St. Rose, and if any person or persons shall erect a Toll Bridge or Toll Bridges over the said River, within the said limits, he or they shall pay to the said Edouard Martial Leprohon and Joseph Amable Berthelot, their heirs, executors, curators and assigns, treble the Tolls hereby imposed, for the persons, cattle and carriages which shall pass over such Bridge or Bridges, and if any person or persons shall at any time, for hire or gain, pass or convey any person or persons, cattle or carriages, across the said river, within the limits aforesaid, such offender or offenders shall, for each carriage or person or animal so carried across, forfeit and pay a sum not exceeding forty shillings currency: Provided that nothing in this Act contained, shall be construed to prevent the public from passing any of the fords on the said River, within the limits aforesaid, or in canoes or other water carriages, without gain or hire.

other Bridge to be erected within certain limits.

Proviso as to fords, &c.

X. And be it enacted, That if any person shall maliciously pull down, burn, or destroy the said Bridge, or any part thereof, or the Toll House to be erected by virtue of this Act, every person so offending, and thereof legally convicted, shall be deemed guilty of felony.

Penalty on persons pulling down Bridge, &c.

XI. And be it enacted, That the said Edouard Martial Leprohon and Joseph Amable Berthelot, to entitle themselves to the benefits and advantages to them by this Act granted, shall and they are hereby required to erect and complete the said Bridge, Toll House, Turnpike and dependencies, within four years from the day of the passing of this Act: And if the same shall not be completed within the term last mentioned, so as to afford a convenient and safe passage over the said Bridge, the said Edouard Martial Leprohon and Joseph Amable Berthelot, their heirs, executors, curators and assigns, shall cease to have any right, title or claim of, in or * the tolls hereby imposed, which shall from thenceforward belong to Her Majesty; and the said Edouard Martial Leprohon and Joseph Amable Berthelot, shall not by the said Tolls or in any other manner or way, be entitled to any reimbursement of the expense they may have incurred in and about the building of the said Bridge; and in case the said Bridge after it shall have been erected and completed, shall, at any time, become impassable or unsafe for travellers, cattle or carriages, the said Edouard Martial Leprohon et Joseph Amable Berthelot, their heirs, executors, curators or assigns, shall and they are hereby required within two years from the time at which the said Bridge shall, by Her Majesty's Court of General Quarter Sessions of the Peace, in and for the said District of Montreal, be ascertained to be impassable or unsafe, and notice thereof to them or any of them, by the said Court given, to cause the same to be re-built or repaired, and made safe and commodious for the passage of travellers, cattle and carriages; and if within the time last mentioned, the said Bridge be not repaired or rebuilt as the case may require, then the said Bridge or such parts thereof as shall be remaining, shall be and be taken and considered to be the property of Her Majesty, and after such default to repair or re-build the said Bridge, the said Edouard Martial Leprohon and Joseph Amable Berthelot, their heirs, executors, curators and assigns, shall cease to have any right, title or claim of, in, or to the said Bridge, or the remaining parts thereof, and the Tolls hereby granted, and their and each and every of their rights in the premises shall be wholly and for ever determined.

Time limited for completion of Bridge.

Forfeiture on failure so to complete it.

* Sic—to omitted.

Bridge to be kept in good repair.

Forfeiture on failure so to keep it.

Rights of the
Crown and of
individuals,
&c. saved.

XII. And be it enacted, That the present Act, or any of the dispositions therein contained, shall not extend or be construed to extend to weaken, diminish, or extinguish the rights and privileges of Her Majesty the Queen, Her Heirs and Successors, nor any person or persons, body politic or corporate, in any of the things therein mentioned (except as to the power and authority hereby given to the said Edouard Martial Leprohon and Joseph Amable Berthelot, their heirs and assigns, and except as to the rights which are hereby expressly altered and extinguished,) but that Her Majesty the Queen, Her Heirs and Successors, and all and every person or persons, body politic or corporate, their heirs and assigns, executors and administrators, shall have and exercise the same rights (with the exceptions aforesaid) as they and each of them had before the passing of this Act, to every effect and purpose whatsoever, and in as ample a manner as if this Act had never been passed.

Penalties how
recoverable.

XIII. And be it enacted, That the penalties hereby inflicted, shall, upon proof of the offence, respectively before any one or more of the Justices of the Peace for the said District of Montreal, either by the confession of the offender, or by the oath of one or more credible witness or witnesses, (which oath such Justice is hereby empowered and required to administer,) be levied by distress and sale of the goods and chattels of such offender, by warrant signed by such Justice or Justices of the Peace, and the overplus, after such penalties and charges of such distress and sale are deducted, shall be returned, upon demand, to the owners of such goods and chattels; and one half of such penalties, respectively, when paid and levied, shall belong to Her Majesty, and the other half to the person suing for the same.

How divided.

Application of
fines, &c. to be
duly accounted
for.

XIV. And be it enacted, That the monies to be levied by virtue of this Act, and not hereinbefore granted to the said Edouard Martial Leprohon and Joseph Amable Berthelot, their heirs and assigns, and the several fines and penalties hereby inflicted, shall be and the same are hereby reserved to Her Majesty, Her Heirs and Successors, for the public uses of this Province and the support of the Government thereof, in the manner hereinbefore set forth and contained: and the due application of such monies, fines and penalties 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.

Bridge to have
a certain ele-
vation under
the principal
arch.

XV. Provided always, and be it enacted, That the said Bridge hereby authorized to be built and erected over and upon the said River Jésus, shall have an elevation under the principal arch thereof, of at least four feet above the level of the said river, at the time at which the waters thereof are usually at the highest.

Public Act.

XVI. And be it enacted, That this Act shall be deemed a Public Act, and shall be judicially taken notice of as such, by all Judges, Justices of the Peace, and all other persons whatsoever, without being specially pleaded.



ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

C A P. C.

An Act to amend the Act of Incorporation of the Montreal Building Society.

[28th July, 1847.]

WHEREAS in the tenth section of the Act passed in the Session held in the eighth year of Her Majesty's Reign, and intituled, *An Act for the Incorporation of certain individuals under the name and style of The Montreal Building Society*, it is among other things provided, "That it shall and may be lawful for the said Society to take and hold any real estate or securities thereon, *bonâ fide* mortgaged, assigned or hypothecated to the said Society, either to secure the payment of the shares subscribed for by its members, or to secure the payment of any advances made by or debts due to the said Society, and may also proceed on such mortgages, assignments or other securities for the recovery of the monies thereby secured, either at law or in equity or otherwise;" And whereas owing to the forms of procedure in the Courts in that part of this Province heretofore known as Lower Canada, and from the want of proper means to carry out the provisions of the said clause, difficulties may occur; and it is also expedient that no doubt should exist with respect to the power and legality of carrying into force the stipulations of the shareholders among themselves, or as to the power of the Society to loan money on property actually belonging to any member thereof, before and at the time at which any monies may be advanced, as well as for the actual purchase of such property and erection of buildings thereon: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, 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, whenever the said Society shall have received from any shareholder an assignment or transfer of any real estate belonging to him or her, to secure the payment of any advances, and containing an authority to the said Society to sell such real estate in case of non-payment of any stipulated number of instalments or sum of money, (as the said Society is hereby and by the said Act authorized to do,) and containing also authority and power to the said Society to apply the proceeds of such sale to the payment of the advances, interest and all other charges due to the said Society, and after perfect payment thereof and of all costs and expenses incident thereto, to pay over the balance to the owner of such estate; such stipulations

Preamble.
Act 8 Vict. c.
94, cited.

Certain stipulations between the Society and any Member declared valid, and action given to enforce the same.

stipulations and agreement shall be valid and effectual and binding to all intents and purposes whatsoever, and it shall be lawful for the said Society to cause the same to be enforced and executed by an action or proceeding in the usual course in any Court of Law within that part of this Province called Lower Canada having competent jurisdiction, and such action may be brought in the corporate name of the said Society.

What allegations shall be necessary in such action.

II. And be it enacted, That in any action or proceeding to be instituted by the Society for the purpose of realizing or bringing to sale any property or estate assigned to the said Society by any person or persons as aforesaid, it shall not be necessary to set forth the special matter in the declaration, but it shall be sufficient to allege that the defendant assigned the real estate (describing the same) to the said Society, and that the amount or a sufficient part of the amount stipulated by him to be paid has become and remains due and owing, whereby, by virtue of this Act and of the Act hereby amended, an action hath accrued to the Society, to have the said estate and property sold; and in order to maintain such action, it shall be sufficient, in addition to the customary evidence of the assignment of the said property or estate, to prove by any one witness (whether in the employment of the Society or not,) or by any other means, that the Defendant is in arrear and indebted to the said Society in or exceeding a sum on the accruing of which, by the terms of such assignment or agreement, the said Society may have the right to have the said property or estate sold; and thereupon the Court shall pass judgment for the said amount, and by such judgment order the property to be sold by the Sheriff of the District wherein it may lie, after three insertions, in the course of two months at least, in any newspaper published in the District where the lands or property may lie; and it shall not be necessary for the Sheriff to go through any formalities in seizing the said lands or otherwise; but all the laws of that part of this Province heretofore called Lower Canada with respect to the protection of lands under seizure, and with respect to the fying of oppositions to and after the sale of lands, to the payment, return and distribution of the monies, to the re-sale of such lands at the *folle enchère* of any purchaser, and to the obtaining possession of any such lands after sale, shall be applicable to the proceedings authorized by this Act; and the provisions of all Laws or Ordinances of Lower Canada or of this Province, regulating the sale of real estate, and the judicial proceedings relative thereto, are, in so far as applicable and not otherwise by this Act provided for, hereby extended to all proceedings to be had under this Act; and all such proceedings shall, in so far as may be and if it be not otherwise herein directed, be conducted in like manner as proceedings under ordinary writs of execution, and the deed to be given by the Sheriff shall have the like effect as a deed given under an ordinary writ of execution: Provided always, that the Sheriff of the District shall, in addition to his disbursements, be entitled to deduct only one per centum commission (instead of two and a half per centum, as in all other cases is allowed) from the gross proceeds of sale.

And what proof.

Mode of effecting the sale of the property.

Certain laws extended to such proceedings.

Proviso: Sheriff to have 2-5ths only of the usual percentage.

Society may forfeit shares in certain cases.

III. And be it enacted, That the said Society shall have power to forfeit and declare forfeited to the said Society, the shares of any member who may neglect or be in arrear to pay such number of instalments as may be or are fixed by any stipulation or By-Law.

Doubts recited.

IV. And whereas doubts have arisen as to the construction of the first and tenth clauses of the Act hereby amended, with respect to the right of the said Society to loan and advance monies on property and estate actually belonging to and acquired by the

the borrower at the time of such borrowing and advance; and it is expedient to remove such doubts: Be it therefore enacted and declared, and it is therefore declared to have been and to be the intention of the said Act, That the said Society should have the power to advance, and the said Society is hereby authorized to advance, in the usual manner, monies on any real estate whatsoever of any member of the said Society, as well for the actual purchase of the same and for the erection of buildings thereon, as generally upon the security of any real estate belonging to any such member at the time of his borrowing such monies, and to take and receive an assignment of all such real estate whatsoever, in security for such advances, on the same conditions and with the same privileges in all respects as any other real estate by the said Act and by this Act authorized and required to be assigned.

Societies may advance monies on property to be acquired or already acquired

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

Public Act.

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ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. CI.

An Act to incorporate *The Montreal Firemen's Benevolent Association.*

[9th July, 1847.]

WHEREAS an Association hath been formed in the City of Montreal, in this Province by divers persons connected with the Fire Department of the said City, under the name of *The Montreal Firemen's Benevolent Association*, for the purpose of affording relief to those Firemen who may be injured in health or in limb, in the discharge of their duties as Firemen; and of allowing a funeral benefit to the relatives of those Firemen who may die from injuries received whilst engaged in their duties as Firemen; And whereas the persons hereinafter named, Office-bearers of the said Association, and acting on behalf of the members thereof, have, by their petition to the Legislature, represented that they have formed themselves into an Association, and acquired considerable funds for the purposes aforesaid, and have further represented that the benefits derivable from such an Association, to that class of the community of which they form part, would not only be secured, but be greatly enhanced by the incorporation of the members thereof, and have prayed to be so incorporated; And whereas it is expedient to grant the prayer of the said petitioners, subject to the provisions and enactments hereinafter set forth and made in that behalf: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That Wm. Spears, M. Moses, David Brown, John Fletcher, Norton B. Corse, John Orr, Alex. Bertram, Wm. Muir, Norman S. Frost, Olivier Rodier, W. Ewan, D. McNeven, James Morrison, Philip Groux, Abraham Wilson, John Ferguson, George Rogers, Robert Wright, John Perrigo, John R. Cameron, James Ruthven, Wm. Watson, Wm. Stewart, H. Colquhon, John Ranson, J. B. Tison, Arthur Samuels, S. Robinson, S. McConkey, Thomas Hood, and ——— Brouiette, with all such other persons as now are, or being duly competent, may hereafter be associated with them for the purposes hereinbefore mentioned, and their successors for ever, shall be one body politic and corporate, in deed and in name, by the name and style of *The Montreal Firemen's Benevolent Association*, and shall by that name have perpetual succession and a common seal, and shall have power, from time to time, to alter, renew or change such common seal at their pleasure, and shall by the same name, from time to time, and at all times hereafter be able and capable to have, take, receive, purchase, acquire, hold, possess and enjoy, to them and their successors as aforesaid, to and for the uses and purposes of the said Corporation, without any further authorization or letters of mortmain, all land or property moveable or immoveable, which may hereafter be acquired,

Preamble.

Certain persons incorporated.

Corporate name and powers.

Rents and Profits of real estate, &c. not to exceed annual sum of £1000 currency.

Corporation may sue and be sued, &c.

What shall be valid.

Service of Process on the Corporation.

Majority of Corporation may make By-laws for the Government of the Corporation.

Ten members of Corporation may call a General Meeting.

Powers of such Meeting.

Present Board of Management to continue as such until another shall be elected.

Liability of members limited.

This Act to be Public.

acquired, ceded, exchanged, given, bequeathed or granted to the said Corporation, or to sell, alienate, convey, let, or lease the same, if need be: Provided always, that the rents, issues and profits arising from the immoveable property of the said Corporation, shall not at any time exceed the annual sum of one thousand pounds, current money of this Province; and shall and may, by the same name, be able and capable to sue and be sued, implead and be impleaded, answer and be answered unto in all Courts of Law and places, in as large, ample and beneficial a manner and form as any other body politic and corporate, or any persons able and capable in law, may or can sue, implead, or answer, or be sued, impleaded or answered in any manner whatsoever.

II. And be it enacted, That in all and every suit or suits in law which may hereafter be instituted against the said Corporation, service of process at the residence of the President, Secretary, or Treasurer, shall be sufficient to compel the said Corporation to appear and plead to such suit or suits; any law, custom or usage to the contrary in anywise notwithstanding.

III. And be it enacted, That the members of the said Corporation, or the major part of those who shall be present at any General Meeting of the said Corporation, held according to the requirements and provisions of this Act, shall have power and authority to frame and make By-laws, Rules and Regulations (not being contrary to the laws of this Province or to this Act) touching and concerning the admission of members, the conditions upon which any person shall remain a member of the said Corporation, the immunities and privileges such member or his heirs shall receive from the said Corporation, and for appointing such officers for managing the affairs thereof, and investing them with such powers, and granting them such tenure of office as the Corporation may deem expedient, and for the good government of the said Corporation and the income and property thereof, and any other matter or thing relative to the same, which to them may seem fit or expedient for the effectual attainment of the objects of the said Corporation, and the administration of its concerns.

IV. And be it enacted, That at any time after the passing of this Act, it shall be lawful for any ten members of the said Corporation, by a notice to be published at least ten days previously, in one or more newspapers published in the City of Montreal, to call a General Meeting of the members of the Corporation, to be held at some certain place in the said City, to be named in such notice, on a day and at an hour to be also named therein; and at such meeting, or at any adjournment thereof, the majority of the members present (the whole members present not being less than twenty, except for the purpose of choosing a Chairman and adjourning, for which any number shall suffice) shall have power to make any such By-laws as aforesaid.

V. And be it enacted, That until the first election of a Board of Management shall take place under the By-laws to be passed as aforesaid, the present Board of Management of the said Association shall be, and continue to be, the Board of Management of the Corporation hereby created.

VI. And be it enacted, That no member of the said Corporation shall, in his private or natural capacity, be liable for any debts or obligations of the said Corporation.

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



ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. CII.

An Act to incorporate the Mechanics' Institute of the City of Toronto.

[28th July, 1847.]

WHEREAS an Association hath been formed in the City of Toronto in this Province, by divers persons engaged as Mechanics and otherwise, resident in that City and in the neighbourhood thereof, under the name of *The Toronto Mechanics' Institute*, for the purpose of forming a Library and Reading Room, and of organizing a system of instruction by means of Lectures and Classes, for the use and benefit of those who are or may hereafter become members of the said Association; And whereas the persons hereinafter named, Office-bearers and Members of the said Association, and acting in behalf thereof, have, by their Petition to the Legislature, represented that the benefits derivable from the said Association would not only be secured but be greatly enhanced by the incorporation of the members thereof, and have prayed that they may be so incorporated; And whereas it is expedient to grant the prayer of the said Petitioners, subject to the provisions and enactments hereinafter 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, 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 Robert Baldwin Sullivan, Thomas G. Ridout, William Edwards, J. B. Harrison, A. Christie, J. C. Bell, R. G. Anderson, William Atkinson, Peter Freeland, Charles Sewell, Hugh Miller, Francis Thomas, Thomas Storm, H. Piper, John McLean, John Riddel, Robert Hay, Richard French and Henry Parry, with all such other persons as are now, or, being duly competent, may hereafter be associated for the purposes hereinbefore mentioned, and their successors for ever, shall be one body politic and corporate, in deed and in name, by the name and style of *The Toronto Mechanics' Institute*, and shall by that name have perpetual Succession and a Common Seal, and shall have power, from time to time to alter, renew, or change such common seal at their pleasure, and shall by the same name, from time to time, and at all times hereafter, be able and capable to have, take, receive, purchase, acquire, hold, possess and enjoy, to them and their successors as aforesaid, to and for the uses and purposes of the said Corporation, any messuages, lands, tenements, and hereditaments of what nature, kind or quality soever, situate, lying and being within this Province, not exceeding in yearly value the sum of one thousand pounds, currency, and also to take, receive, purchase, acquire, have,

Preamble.

Certain persons incorporated.

Corporate name and powers.
Seal.

Property.

Being and
being sued.

have, hold and possess (provided the same do not exceed a like sum in yearly value) to and for the same uses and purposes, any goods, chattels, gifts, benefactions whatsoever, and shall and may, by the same name, be able and capable to sue and be sued, implead and be impleaded, answer and be answered unto, in all Courts of Law and places whatsoever, in all and singular actions, causes, pleas, suits, matters and demands whatsoever, in as large, ample and beneficial a manner and form as any other body politic and corporate, or any persons able and capable in law, may or can sue, implead, or answer, or be sued, impleaded or answered, in any manner whatsoever.

How process
shall be served
on Corpora-
tion.

II. And be it enacted, That in all and every suit or suits in law, which may hereafter be instituted against the said Corporation, service of process at the residence of the President or either of the Secretaries shall be sufficient to compel the said Corporation to appear and plead to such suit or suits; any law, custom or usage to the contrary in any wise notwithstanding.

Officers of
Corporation

III. And be it enacted, That for the management of the affairs of the said Corporation, there shall be elected by the members of the said Corporation, and by a majority of the votes of the members present at the special or annual meetings hereafter provided for, the following officers: a President, a First Vice-President, and a Second Vice-President, a Corresponding Secretary, a Recording Secretary and Treasurer, a Librarian and Cabinet-keeper, as also twelve other members, who, together with the officers hereinbefore named, shall constitute and form the General Committee of the said Corporation, and at least one half of the said General Committee shall be elected from among the operative Mechanics the members of the Corporation.

Part to be op-
eratives.

Annual meet-
ings for elec-
tion of offi-
cers.

Proviso.

Period of
service.

Proviso for
failure of any
election.

IV. And be it enacted, That the Annual Meeting for the election of the said officers and members to compose the said General Committee of the said Corporation, shall be held at the place at which the usual meetings of the said Corporation are held, on the first Monday of November in each and every year; Provided always, that whenever the said first Monday in November shall happen on a holiday, the said Annual Meeting shall take place in the manner hereinafter provided; and the said officers and members thereat elected, shall serve in the said offices during the year then next ensuing, and until others being elected in their stead shall enter upon the discharge of the duties of their office as hereinafter provided; and if by reason of any matter or thing soever, the election so to be had and made on the first Monday of November as aforesaid, shall be prevented, or shall not be had or made, and in every such case, it shall be competent to the members of the said Corporation and their successors, or to the major part of such of them as may be present at a meeting to be called by the President or Vice-President for the time being, in the manner hereinafter prescribed, and held as soon after as shall be convenient, to proceed to, and make the election of a President, Vice-Presidents, Secretaries, a Treasurer, a Librarian and Cabinet-keeper, and twelve of the members who, with the officers aforesaid, shall constitute and form the General Committee as aforesaid, and the election so made shall be as valid and effectual as if it had been made on such first Monday in November: Provided always, that the President, Vice-Presidents, Secretaries, Treasurer, Librarian, and Cabinet-keepers, with the other twelve members aforesaid to be elected at any general election of officers, under and by virtue of the provisions of this Act, shall not enter upon nor act in the discharge of their respective offices until the Monday next ensuing after such general election.

Proviso: when
the persons
elected shall
enter upon
their offices.

V. And be it enacted, That until the first election of officers shall take place as hereinafter provided, the present officers of the said Association shall be and continue to be the officers of the Corporation hereby created, and that the President, or in his absence from the City of Toronto, the first Vice-President of the said Corporation, shall, within three months after the passing of this Act, cause notice to be given to such of the members of the said Corporation as shall be then resident in the said City of Toronto (by public advertisement, to be published ten days at least previously in one or more newspapers at Toronto) to meet at the place in which the usual meetings of the said Corporation are held, at such time as he shall in and by such notice appoint; and the said members or the major part of such of them as shall be then present, shall at the time so appointed proceed to the election of a President, a First Vice-President, a Second Vice-President, a Corresponding Secretary, a Recording Secretary, a Treasurer, a Librarian and Cabinet-keeper, as also twelve other members to form with the officers aforesaid the General Committee of the said Corporation, and of such other officers and servants as to them shall seem meet; which said officers shall from the time of their election to their respective offices, continue therein until the first Monday of November then next ensuing, and from thenceforth until others be chosen in their place, and shall enter upon the duties of their offices in the manner aforesaid.

Present officers of Association to remain in office for a certain time.

First election of officers.

Period of service.

VI. And be it enacted, That if at any time or times it shall happen that any of the persons chosen to fill the said offices, respectively, or to be members of the General Committee, shall die or be removed from the said offices, or resign during the period for which they shall have been respectively elected, then in every such case it shall be lawful and competent for the remaining officers and members of the Committee or the major part of such of them as may be present at any duly appointed meeting, to choose a member or members of the Corporation to fill the office or offices so vacated to be a member or members of the Committee; Provided always, that the person or persons who may be thus elected, shall retain the said office or offices, and be a member or members of the Committee only until the officer or officers, member or members, in whose place he or they shall have been appointed would have gone out of office.

Mode of filling casual vacancies in the offices or Committee.

Proviso as to period of service.

VII. And be it enacted, That the said Corporation shall consist of an indefinite number of ordinary, corresponding, and honorary members, all of whom shall be chosen according to the form and under the restrictions and conditions hereinafter prescribed: The ordinary members being those who shall pay and contribute to the funds of the said Corporation such annual subscription as may, from time to time, be enacted by the By-laws, rules and regulations of the said Corporation; the corresponding members being those who reside at a distance from the City of Toronto, but who shall have no vote at any of the meetings of the said Corporation, and shall not be eligible to any of the offices thereof; and honorary members being those only who, being distinguished for scientific attainment, shall be admitted without payment to all the privileges enjoyed by ordinary members, except the right of voting at the election of the said General Committee.

Who shall be Members of the Corporation.

Ordinary members.

Corresponding members.

Honorary members.

VIII. And be it enacted, That all propositions for the election of new members of the said Corporation, whether ordinary, corresponding or honorary members, shall be made in writing, at an ordinary meeting of the General Committee, or by a member thereof, and seconded in writing by another member thereof; and the name of the person so proposed, together with those of the proposer and seconder, shall be placed in

How members shall be proposed and admitted.

some

Proviso: proportion of votes requisite for an election, &c.

some conspicuous part of the room or place where the meetings of the said Corporation are usually held, and shall there remain till the next ordinary general or annual meeting of the said Corporation, at which time the election on the said proposal shall take place; Provided always, that the affirmative votes of three fourth of the members present at any such meeting of the Corporation shall be requisite for the due election of any such member, and the quorum necessary at any such meeting to render it competent to proceed to the election of any ordinary member shall be ten, for a corresponding member twelve, and for an honorary member sixteen.

Quorum of Committee.

IX. And be it enacted, That at all ordinary meetings of the said General Committee, seven members shall be a competent *Quorum* to proceed to all the usual business of the said Committee, except in such cases as are herein otherwise specially provided for, and whatever question, matter or thing, shall be proposed, discussed or considered at any such meeting or any other meeting of the said Committee or of the said Corporation, shall be finally determined by the majority of votes of the members present at such meeting, except as herein otherwise provided for.

Majority to decide.

Extraordinary meetings.

X. And be it enacted, That the said Corporation and the said General Committee of the said Corporation may hold extraordinary meetings to be called and summoned in manner and form as may be fixed by the By-laws of the Corporation; Provided always, that such extraordinary meetings of the Corporation shall not be competent to proceed to the business to be submitted to the said meetings unless fifteen members thereof are present, nor such extraordinary meetings of the Committee unless there be seven members present.

Proviso: Quorum for such meetings.

Corporation may make By-laws for certain purposes.

XI. And be it enacted, That the said Corporation shall, from time to time, forever hereafter, have power to make, constitute, ordain and establish, repeal, alter or amend, such By-laws, Rules and Regulations (not being contrary to this Act or to law) as they shall judge proper for the mode of election of the said General Committee—for prescribing their functions and the mode of discharging the same—for the admission of new members—for the government of the officers and members of the Corporation—for prescribing the amount, collecting and appointing the time of payment of the annual contributions of the ordinary members, to the funds thereof—for regulating the times and places and mode of summoning of the ordinary and extraordinary meetings of the said Corporation or of the General Committee—for suspending or expelling such members as shall neglect to refuse to comply with the By-laws and Regulations, and generally for the managing or directing of the affairs and concerns of the said Corporation: Provided always, that no such By-law, Rule or Regulation, or any repeal, amendment or alteration thereof, shall have effect unless the same shall have been announced and read at a meeting of the General Committee at least fourteen days previous to its being submitted for the adoption thereof by the said Corporation at a meeting at which at least fifteen members shall be present, nor unless the same shall be adopted at such last mentioned meeting by at least three fourths of the members then present.

Proviso: conditions required before they shall effect.

Corporation may be required to give statements of its receipts expenditure, and property.

XII. And be it enacted, That it shall and may be lawful for the Governor or person administering the Government of the Province for the time being, or for any or either Branch of the Provincial Parliament, from time to time, to require from the said Corporation or from the General Committee thereof, true statements under oath (which

(which oath any Justice of the Peace is hereby authorized to administer) of the receipts and expenditure of the said Corporation, and a statement of the real and personal estate held and enjoyed by the said Corporation shall be laid before each Branch of the Provincial Legislature within fifteen days after the opening of each Session thereof.

XIII. And be it enacted, That the property, real and personal, now held by the Association hereby incorporated, or by any party in trust for them, shall be and is hereby vested in the said Corporation, which shall be responsible for all debts and obligations of the said Association, and may recover and enforce all claims and obligations in favor thereof.

Property, &c.
of the existing
Association
transferred to
Corporation.

XIV. And be it enacted, That no member of the said Corporation shall, in his private or natural capacity, be liable for any debt or obligation contracted by the said Corporation.

Members not
individually
liable.

XV. And be it enacted, That nothing in the present Act 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 body politic or corporate such only excepted as are herein mentioned.

Reservation
of rights of
Her Majesty,
&c.

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

Public Act.



ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. CIII.

An Act to incorporate the Managers of the Ministers' Widows' and Orphans' Fund of the Synod of the Presbyterian Church of Canada, in connection with the Church of Scotland.

[28th July, 1847.]

WHEREAS it hath been represented to the Legislature of this Province, that it is highly expedient and desirable that provision should be made for the establishment of a fund for the support of the Widows and Orphans of Ministers of the Presbyterian Church of Canada, in connection with the Church of Scotland; and whereas the due and proper collection, administration, investment, application, and management of such a fund will be best secured by the erection of a Corporation for that purpose, composed of members of the said Church: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and 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 Reverend Alexander Mathieson, Doctor in Divinity, the Reverend John Cook, Doctor in Divinity, the Reverend Walter Roach, the Reverend Robert McGill, Alexander Simpson, Esquire, Hew Ramsay, Esquire, Thomas Wilson, Esquire, William Whiteford, Esquire, William Edmonstone, Esquire, Hugh Montgomery, Esquire, John Greenshields, Esquire, and Andrew Shaw, Esquire, and their successors, to be elected in the manner hereinafter provided, shall be, and they are hereby declared to be a Body Corporate and Politic in name and in deed, by the name of *The Managers of the Ministers' Widows' and Orphans' Fund of the Synod of the Presbyterian Church of Canada, in connection with the Church of Scotland*, and by that name shall have perpetual succession and a common seal, with power to change, alter, break, or make new the same as often as they shall judge expedient; and that they and their successors by the same name, may sue and be sued, implead and be impleaded, answer and be answered unto, in any Court of Record or place of Judicature in this Province; and that they and their successors, by the name aforesaid, shall be able and capable in law to purchase, take, have, hold, receive, enjoy, possess and retain, without license in mortmain, or *lettres d'amortissement*, all messuages, lands, tenements, and immoveable property, money, goods, chattels, and moveable property which have been, or hereafter shall be, paid, given, granted, purchased, appropriated, devised or bequeathed in any manner or way whatsoever to,

for,

Preamble.

Board of Managers incorporated.

Corporate Name and powers.

Corporate Powers.

Property.

for, and in favor of the said *The Managers of the Ministers' Widows' and Orphans' Fund of the Synod of the Presbyterian Church of Canada, in connection with the Church of Scotland*, to and for the use and purpose aforesaid, provided the same shall not exceed at any time in yearly value the sum of one thousand five hundred pounds currency.

Limitation of amount.

Members of the Corporation to retire in annual rotation, and how their places are to be supplied. Other Vacancies how filled.

II. And be it enacted, That one Minister and two Laymen shall retire from the said Corporation annually, in rotation, on the second day of the annual meeting of the said Synod, and their places shall be supplied by one Minister and two Laymen who shall be then and there chosen for that purpose by the said Synod, the retiring members being eligible for re-election; and whenever a vacancy shall occur by the death, removal, resignation or secession from the said Church of any member of the said Corporation, his place shall be supplied by a Minister or Layman as the case may be, chosen by the rest of the Members thereof, or the major part of them who shall be present at a general meeting duly convened for that purpose, (subject however to the approval of the said Synod at its then next meeting,) so that the said Corporation shall always consist of twelve Members, of whom four shall be Ministers and eight shall be Laymen, all being Members of the said Presbyterian Church of Canada in connection with the Church of Scotland.

Order of retirement prescribed.

III. And be it enacted, That the retirement of the first Members of the said Corporation shall take place in the inverse order to that in which they are named in this Act, so that the Minister and the two Laymen who are last above named shall be the first to retire, and the Minister and the two Laymen who are first above named shall be the last to retire; and when there shall no longer be one of the Ministers above named in the said Corporation who shall not have once retired in annual rotation, that Minister shall retire therefrom each year as above directed, who shall have been longest a Member thereof without having been re-elected; and in like manner, when there shall no longer be any of the Laymen above named in the said Corporation, who shall not have once retired in annual rotation, those two Laymen shall retire therefrom each year as above directed, who shall have been longest Members thereof without having been re-elected; and if it should happen that there should remain at last, from any cause, but one of the said Laymen above named who shall not have once retired in annual rotation, and two or more Laymen who shall have been longest Members without having been re-elected, shall have so been Members during an equal time, or if at any time, from any cause, it shall become a question which of two or more Lay Members of the said Corporation, having been equally long Members thereof, without having been re-elected, should retire therefrom in rotation, that one or those two of such Members shall so retire who shall have been elected at his or their last election by the fewest votes, in the said Synod.

Provision for a certain case.

First meeting for the election of officers.

IV. And be it enacted, That the said Reverend Alexander Mathieson may call a meeting of the Members of the said Corporation at such time within twelve months from the passing of this Act, and at such place as he may see fit to appoint, at which meeting the Members of the said Corporation, or the major part of such of them as shall be then and there present, shall choose from among the Members of the said Corporation, one Chairman, one Treasurer, and one Secretary, who shall hold their respective offices during the pleasure of the said Corporation, and whose places shall be filled by new elections from among the Members of the said Corporation, as often as occasion shall require.

V. And be it enacted, That the Members of the said Corporation, or the major part of such of them as shall be present at any General Meeting of the said Corporation duly convened, shall have power and authority to frame and make Statutes, By-laws, Rules and Orders, touching and concerning the good government of the said Corporation, and the income and property thereof, and the collection, administration, investment, application, and management of the fund aforesaid, and any other matter or thing which to them may seem fit or expedient for the effectual attainment of the objects of the said Corporation, and the administration of its concerns, and for fixing, ascertaining, and establishing the scale or rate of contribution to the said Fund by the Ministers or others entitled to contribute thereto under the provisions of this Act, and the scale or rate of annuities payable to the Widows and Orphans of such contributors; and also, from time to time, by such new Statutes, By-laws, Rules and Orders as to them shall seem meet, to alter or repeal those so made as aforesaid: Provided always, that no such Statutes, By-laws, Rules or Orders shall be repugnant to the Laws of this Province or to this Act.

Power to make By-Laws, &c. for certain purposes.

Proviso.

VI. And be it enacted, That the Professors of Queen's College, at Kingston, for the time being, whether Ministers or Laymen, shall, at all times, be entitled to the benefit of the said fund on the same terms and conditions as any Minister of the Synod of the said Presbyterian Church of Canada, in connection with the Church of Scotland.

Professors of Queen's College at Kingston to be treated as Ministers.

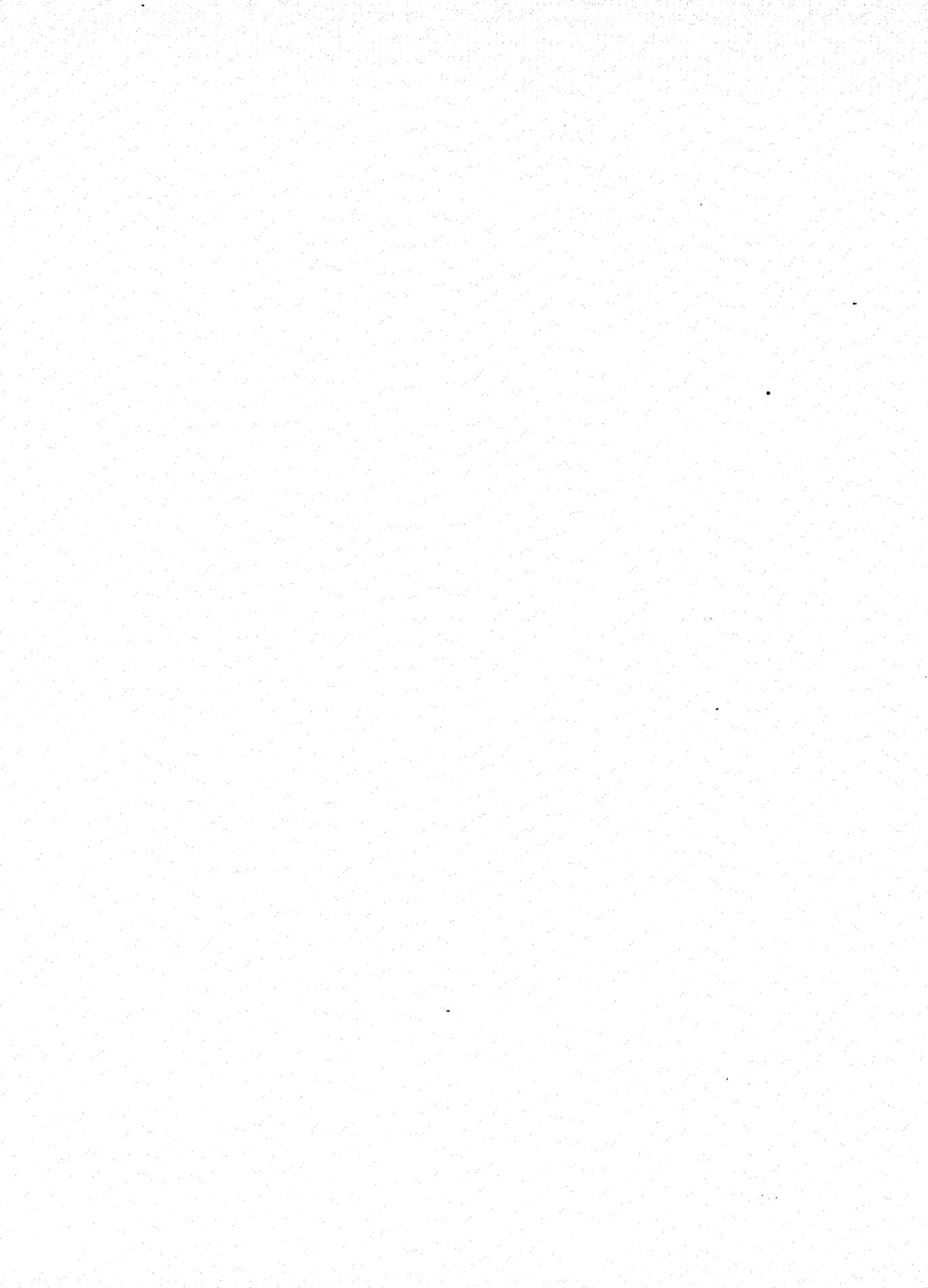
VII. And be it enacted, That it shall be the duty of the Officers and Members of the said Corporation for the time being, to prepare annually, and to cause to be laid before the said Synod at its yearly meeting, a full account of the receipts and disbursements of the said Corporation during the year next preceding such meeting.

Annual statement to be laid before Synod.

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

Public Act.

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





ANNO DECIMO ET UNDECIMO

VICTORIÆ REGINÆ.

CAP. CIV.

An Act to incorporate The Trustees of *The Friends' or Quakers' Seminary*, in the Township of Hallowell, in the District of Prince Edward.

[28th July, 1847.]

WHEREAS there now exists in the Township of Hallowell, in the District of Prince Edward, an Institution known as *The Friends' or Quaker School*, having for its design to afford a course of instruction in the Greek, Latin, French and English languages, Writing, Arithmetic and Mathematics, and such other branches of science and general literature as it may be deemed proper from time to time to introduce; And whereas Jonathan Ferris, William Garrett, Philip A. Dorland, Arnoldi Dorland, Vincent Bowerman, Edward B. Cronk, Moses White, Joseph Waring, Thomas Clark, Levi Varney, Israel Terrill, Stephen Garrett, William McTaggart, John Cronkrite, Ruby Purdy, Thomas Waring, Daniel D. Haight, Benjamin Dunham, Marmaduke Hutchinson, and Amos Bowerman, members of the Religious Society of Friends, commonly called Quakers, living in this Province, have by their petition represented that it would be beneficial to the interests of the community, and would tend to the success and prosperity of the said Institution that it should be incorporated; And whereas it is expedient to grant the prayer of the said Petition: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That Jonathan Ferris, William Garrett, Philip A. Dorland, Arnoldi Dorland, Vincent Bowerman, Edward B. Cronk, Moses White, Joseph Waring, Levi Varney, Stephen Garrett, Amos Bowerman and Thomas Clark, and their successors in office, to be appointed as hereinafter mentioned, shall be and are hereby constituted and appointed Trustees for the said Institution on behalf of the members of the Society of Friends, commonly called Quakers, who are, or may be at any time hereafter, residents in this Province, and shall be a body politic and corporate by the name of *The Trustees of the Friends' or Quakers' Seminary*, and shall by that name have perpetual succession and a common seal, with power to alter, renew or change the same at pleasure, and shall by the said name, at all times hereafter, have power to purchase, acquire, hold, possess and enjoy, take, accept and receive for the uses and purposes of said Institution, without any further authority, license, or letters of mortmain, any lands, immoveable property or hereditaments, or any personal property of what nature soever within this Province, not exceeding in

yearly

Preamble.

Certain persons incorporated.

Corporate powers.

Common Seal.

May acquire real property to a certain amount.

May sue and
be sued.

Make By-
laws.

Quorum of
Trustees.

First Trust-
tees appointed,
and provision
made for the
election of
their Success-
ors.

Property, &c.
of the Institu-
tion vested in
the Trustees.

Proviso:
Accounts to be
submitted to
the Legisla-
ture.

Rights of Her
Majesty, &c.
saved.

Public Act.

yearly value the sum of one thousand pounds currency, and the same to sell, alienate and dispose of, and others in their stead to purchase, acquire and hold for the use and purposes aforesaid; and the said Corporation may, by the said name, sue and be sued in all Courts of Law or Equity, or other places whatever, in as large, ample and beneficial a manner as any other body politic and corporate in this Province, and shall have power and authority to make By-laws, Rules and Regulations, not being contrary to this Act, or to the laws of this Province, or to any By-laws, Rules and Regulations now or hereafter to be made by the aforesaid Society of Friends, residents of the said Province, in the manner hereinafter mentioned, for the government and management of the said Institution, and of the affairs and property thereof, and for all other purposes relating to the well-being and interests of the said Institution, and the same to annul, alter or repeal from time to time, in such manner as shall be deemed necessary or expedient; and any seven of the said Trustees or of the survivors of them, if any of them shall die while in office, shall and may, for all intents and purposes, exercise all the powers of the said Trustees.

II. And be it enacted, That the affairs of the said institution shall be under the management of the said Trustees and those now in office, that is to say, the said Jonathan Ferris, William Garrett, Philip A. Dorland, Arnoldi Dorland, Vincent Bowerman, Edward B. Cronk, Moses White, Joseph Waring, Levi Varney, Stephen Garrett, Amos Bowerman and Thos. Clark, shall hold office until their successors shall be appointed by the aforesaid Society of Friends or Quakers, and such Trustees shall be elected yearly at the principal meeting of the said Society to be held in each year in the District of Prince Edward, according to the By-laws, Rules and Regulations of the said Society, consisting of the resident members of the Society residing in this Province, and the said Trustees and their successors shall respectively remain in office as Trustees during such time as shall be provided by the said By-laws, Rules and Regulations of the said Society.

III. And be it enacted, That all and every the estate and property, real or personal, of the said Institution at the time of the passing of this Act, and all debts due to, or rights or claims possessed by the said Institution at the said time, shall be, and are hereby transferred to, and vested in the said Trustees hereby constituted and appointed, and their successors in office, who shall in like manner be liable to and for all debts due by, or claims upon the said Institution: Provided always, that a detailed account of the property to be holden by the said Institution, under the authority of this Act, and of the revenues arising therefrom, shall be submitted every year to each of the three Branches of the Legislature during the first fifteen days of each Session thereof.

IV. And be it enacted, That nothing herein contained shall affect, or 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.

V. And be it enacted, That this Act 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 whatsoever, without being specially pleaded.



ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. CV.

An Act to enable the Church Wardens of St. Peter's Church, at Brockville, to sell a certain Lot of Land therein mentioned, and to apply the proceeds towards the erection of a Parsonage House for the Minister of such Church, on a Lot to be hereafter conveyed to the Bishop of Toronto, for that purpose.

[28th July, 1847.]

WHEREAS the late Honorable Charles Jones, in his lifetime of the Township of Elizabethtown, in the District of Johnstown, in that part of this Province called Upper Canada, Esquire, deceased, did, in and by a certain Indenture, made on the third day of December, which was in the year of our Lord, one thousand eight hundred and twelve, for the consideration therein mentioned, give, grant, bargain, sell, alien, and confirm unto certain persons by the name and description of the Town and Church Wardens of Elizabethtown aforesaid, and their successors, for ever, all and singular that tract and parcel of Land situate on lot number ten, in the first concession of Elizabethtown aforesaid, containing, by admeasurement, twelve thousand square feet, being laid down on a Town Plot surveyed in the year one thousand eight hundred and ten, by J. Kilborn, Deputy Provincial Surveyor, as Town Lot number nineteen, and marked Parsonage, butted and bounded, or otherwise known as follows, that is to say : commencing on the north-west corner of the said Town, Lot number nineteen, eleven hundred and eighty feet more or less, north fifty-six degrees east from the west corner of the house commonly called the Wright House, thence north fifty-six degrees east eighty feet, thence south thirty-four degrees east one hundred and fifty feet, thence south fifty-six degrees west eighty feet, thence north thirty-four degrees west one hundred and fifty feet to the place of beginning, together with all houses, out-houses, woods and waters thereon erected, lying and being, to have and to hold the same unto the said Town and Church Wardens and their Successors for ever, in trust for the use and benefit of a clergyman of the Established Church of England, and in default of such Clergyman as aforesaid then to the use of such a Protestant Clergyman as should be approved of by the Justices in Quarter Sessions assembled, or the majority of them, till such time as the same should be wanted by a Clergyman of the Established Church as aforesaid ; and whereas it may be doubtful who are in law the successors of the said Town and Church Wardens of Elizabethtown in the trust aforesaid ; but the Minister, Church Wardens and Parishioners of St. Peter's Church in communion with the Established Church of England, at Brockville, in Elizabethtown aforesaid, have, by their Petition represented that it has become desirable to the Congregation of

Preamble.
Recital of the
case.

said

said Church to erect a new Parsonage therefor, on a site in the Town of Brockville, and convenient to the said Church, presented for that purpose by the Honorable Jonas Jones, and that in order to raise the requisite funds, it will be necessary to sell the old Parsonage and Lot, to wit, the Lot above described, which will no longer be required, and have prayed the sanction and authority of the Provincial Parliament for that purpose, and it is advisable 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, intituled, *An Act to re-unite the 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 present or any future Church Wardens of Saint Peter's Church aforesaid, appointed or to be appointed under and in virtue of the provisions of a certain Act of the Legislature of the late Province of Upper Canada, passed in the third year of Her Majesty's Reign, intituled, *An Act to make provision for the management of the Temporalities of the United Church of England and Ireland, in this Province, and for other purposes therein mentioned*, and they are hereby empowered and authorized, by deed of conveyance under their hands and seals, to grant, bargain, sell, and convey in fee simple the said lot and premises above described, to such person or persons as may be disposed to purchase the same.

Power given to Church Wardens of St. Peter's Church at Brockville to sell the present Parsonage.

And to apply the proceeds towards the erection of a new one.

Upon such as may be conveyed to the Bishop for the purpose.

II. And be it enacted, That the Church Wardens aforesaid shall and may, and they are hereby empowered and required to apply the proceeds accruing from the sale of the Lot of Land and premises above described, towards the erection of a Parsonage House and such out-houses as may be required for the residence of the Minister or other incumbent of the said Church, and for the use and benefit of such Minister or other incumbent, upon any lot of land in the Town of Brockville aforesaid, which may be conveyed for that purpose to the Lord Bishop of Toronto, or to any Bishop of the said United Church of England and Ireland, administering the Diocese in which the said Town of Brockville may be included for the time being, by the said Honorable Jonas Jones, or by any other person.



ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. CVI.

An Act to enable the Trustees of the Calvinistic Baptist Church in the Town of Perth, to sell and convey certain portions of the Land now holden by them.

[28th July, 1847.]

WHEREAS on the sixth day of May, in the year of Our Lord, one thousand eight hundred and forty-four, in pursuance of an agreement theretofore made, a Deed of Bargain and Sale was made and duly executed by James Boulton, of the Town of Niagara, in the Province of Canada, Esquire, whereby he conveyed and confirmed unto certain persons as the Trustees of the Calvinistic Baptist Congregation of the Town of Perth, and their successors in office but without the power of alienation, a certain parcel or tract of land, situate, lying and being in the Township of Drummond, in the County of Lanark, in the District of Bathurst, containing about one acre and three quarters of land, and being composed of a part of Park Lot Number One, in the south-west half of Lot Number Two, in the second Concession of the said Township of Drummond: And whereas previous to the said date of the confirmation of the title to the said Trustees by the said James Boulton, he the said James Boulton, had agreed to sell a certain piece of the said land to Murdoch McDonnell, of the Town of Perth, Merchant, and which said piece of land so sold to the said Murdoch McDonnell is embraced within the boundaries and limits of the land conveyed as aforesaid to the said Trustees; and it was understood and agreed between the said James Boulton and the said Trustees, that they should thereafter convey the said piece of land to the said Murdoch McDonnell, according to the agreement aforesaid between him and the said James Boulton; and whereas also the said Trustees, acting under the belief that they possessed the power to sell and dispose of any part of the said piece of land included in the deed of bargain and sale made by the said James Boulton to them, and not necessary for the uses of the Congregation of the said Church, did sell and dispose of a part thereof to the Congregation in Perth in connection with the Presbyterian Church in Canada: And whereas in consequence of an error or oversight, and contrary to the intentions either of the grantor or the grantees, the said Deed of Bargain and Sale made by the said James Boulton to the said Trustees contains or confers no powers or right to them to grant, bargain, sell, alien, transfer, convey or confirm any portion of the said parcel or piece of land, (contrary to the express stipulation made and agreed to by and between the said parties at the time of making the purchase thereof,) and therefore the successors in office of the said Trustees are unable to execute valid deeds to the said Murdoch McDonnell, and to the Congregation in Perth in connection with the Presbyterian Church in Canada, for their respective portions of the said piece of land:

Preamble.
Case of the
Trustees re-
cited.

And

The said Trustees empowered to convey a portion of the said land to M. McDonnell, and another portion thereof to the congregation in connection with the Presbyterian Church, or their Trustees.

And whereas the Trustees for the time being of the said Calvinistic Baptist Church in Perth, have by their petition, after setting forth the peculiar circumstances in which they are placed by reason of the omission made in the said deed, prayed to be relieved from their disability to do justice to the parties, and to be empowered to execute conveyances of the said portions of land, and it is expedient and reasonable to grant their request; For remedy thereof, Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall and may be lawful for any body of the successors in office of the Trustees in the said Deed of Bargain and Sale mentioned, or a majority of any body of such successors, at any time hereafter, to sell, grant and convey to the said Murdoch McDonnell, the fee simple of the piece of land aforesaid which the said James Boulton agreed to sell to him as aforesaid, and which is embraced within the boundaries described in the deed now held by them, for a consideration to be named by him,—and also to grant, bargain, sell and convey to the Congregation in Perth, in connection with the Presbyterian Church in Canada, or to Trustees or other persons appointed by such Congregation, the portion of the piece of land heretofore agreed to be purchased by them, for such a price or sum as was between the said parties originally agreed on, anything in the said Deed of Bargain and Sale made and executed by the said James Boulton to the said Trustees of the Calvinistic Baptist Church in Perth, or in any Act or Law to the contrary notwithstanding.

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



ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. CVII.

An Act to facilitate the proof of the Charter and Act of Incorporation
of the British American Land Company.

[28th July, 1847.]

WHEREAS in the fourth year of the Reign of His late Majesty King William the Fourth, an Act was passed by the Parliament of the United Kingdom of Great Britain and Ireland in the following words, that is to say :

Preamble.
Imperial Act
of 4 Will. IV.
recited.

“ WHEREAS His present Majesty by Letters Patent, bearing date at Westminster, the Twentieth day of March, in the Fourth year of His reign, hath granted, ordained and appointed, That George Richard Robinson, Nathaniel Gould, John Peter Boileau, the younger, William Petrie Craufurd, Alexander Gillespie, the younger, William Inglis, John Kirkland, Edward Wheler Mills, John Shuter, Patrick Maxwell Stewart, Lewis Stride, James Wilson, George Wildes, Robert Carter, William Pemberton, Peter McGill, George Moffatt, Russell Ellice, William Robert Keith Douglas, and all and every such other persons and person as had become or should thereafter become Proprietors, Shareholders or Subscribers of or for the capital stock of the Company thereafter mentioned, in manner thereafter provided, and their respective executors, administrators and assigns, should be one body politic and corporate in name and in deed, by the name of “The British American Land Company,” and by that name have perpetual succession and a Common Seal, with power to break or alter such Seal, and by that name should and might sue and be sued, plead and be impleaded in all Courts, whether of Law or Equity ; and in and by the said Letters Patent it is declared, that the said Corporation was and should be established for the purpose of purchasing, holding, improving, clearing, settling, cultivating, alienating, selling, exchanging, leasing and disposing of Waste Lands, and other lands, tenements and hereditaments within His said Majesty’s Provinces and Colonies of Lower Canada, Upper Canada, Nova Scotia, New Brunswick, Prince Edward’s Island and the Island of Newfoundland, in North America, and the Dependencies of the said several Provinces and Colonies; and that for such purposes it should and might be lawful for the said Company to lay out and invest their capital, or so much thereof as might be necessary, in purchasing, surveying, clearing, improving and preparing for occupation such lands, tenements and hereditaments as might be granted by His Majesty, His Heirs and Successors, to them or their Successors, or which might be purchased or acquired by them or their Successors within the said Provinces and Colonies in North America and their dependencies, and in or upon any such land, to make, form, erect, and build Roads,
Drains,

The Act.

Drains, Bridges, and other internal Communications, Houses, Schools, Chapels, Mills, Wharves and other Buildings and Works necessary or expedient for the occupation, planting and profitable cultivation or improvement of any such lands, and also to contract for, purchase and export, sell and dispose of all such merchandize matters and things as might be necessary for the cultivation, clearing, improving or occupation of the said lands, and to import and receive, sell and dispose of all goods and merchandize which might be consigned or remitted to them from such their lands, or in payment or satisfaction of any Rent or Purchase-money arising from the occupation or sale of any such lands, and to purchase, hold, hire, build and charter Ships and other Vessels, for the purpose of carrying and transporting persons willing and desirous to emigrate to His Majesty's said Provinces and Colonies and their dependencies, and also of exporting such merchandize, matters and things, and importing such goods, merchandize and produce from or to His Majesty's said Provinces and Colonies and their dependencies, to or from any other place or places; and His Majesty did thereby further declare and grant, that it should be lawful for the said Company to open, search for, win and work in or under any of their said lands any mines, pits, beds, veins and seams of copper, tin, lead, iron, iron ore, stones, clay and all other ores, minerals, metals, metallic substances, matters and products (other than and except gold and silver, and also other than and except coal and culm, unless such coal and culm should be granted or demised to them at any time or times hereafter by His Majesty, His Heirs or Successors, or should be by them acquired from any person or persons who should have lawfully consented thereto; in which cases it should be lawful for the said Company to open, search for, win and work any such coal or culm, in the manner authorized by such Grants and Demises respectively, the said Company paying the rent or rents, royalty or royalties, and performing and fulfilling the covenants, agreements and conditions in such Grants or Demises reserved and contained, and which on their part or behalf ought to be paid, observed and kept, and for the several purposes aforesaid, to do all such acts, deeds, matters and things as might be necessary for effectually opening, carrying on and working all or any of such mines or the works connected therewith, according to their rights and interests under such Grants and Demises respectively; and that it should be lawful for the said Company to receive money and other deposits of emigrants, settlers and other persons in or proceeding to or from His Majesty's said Provinces and Colonies and their dependencies, for the purpose of transmitting the same from or to His Majesty's said United Kingdom, to or from His Majesty's said Provinces and Colonies and their dependencies, or from or to any of His Majesty's said Provinces and Colonies and their dependencies, to or from any other or others of His Majesty's said Provinces and Colonies and their dependencies; and also that it should be lawful for the said Company to make loans and advances of money to emigrants, settlers and others resident within His Majesty's said Provinces and Colonies in North America, and their dependencies, upon the security of lands, tenements and hereditaments situate within the said Provinces or Colonies and their dependencies, or upon such other legal securities within His Majesty's said Provinces and Colonies and their dependencies as to the said Company should appear satisfactory, and that the said Company should and might contract for the performance of, and if accepted, to undertake and execute any Public Works which might be undertaken by His Majesty, His Heirs or Successors, or by the Governor, Lieutenant-Governor or person administering the government, or by any person or persons duly authorized in that behalf in any of His Majesty's said Provinces and Colonies and their dependencies, and to do all such things and enter into all such agreements as might be necessary for the purpose of executing

executing such works and undertakings as aforesaid; and His said Majesty did thereby give and grant to the said Company His Royal License to purchase and take, have and hold to them and their successors, any lands, tenements and hereditaments whatsoever within His Majesty's said Provinces and Colonies and their dependencies, as well of His Majesty, His Heirs and Successors, or of His Majesty's grantees, tenants or any other person or persons who then or thereafter might hold of His Majesty, or His Heirs or Successors, or who held *à titre de fief et seigneurie, à titre de fief en arrière fief, à titre de cens in franc-aleu*, or in any other manner, or by any other title, and also to purchase and take, have and hold to them and their successors any freehold, copyhold or leasehold lands and tenements within His Majesty's United Kingdom, any rights, penalties or forfeitures which might otherwise by the statutes of mortmain, or any other statute, law, custom or usage, accrue to His Majesty, or His Heirs or Successors, or to be incurred by the said Company notwithstanding: And it was thereby provided, that the whole quantity of Lands which the said Company should hold and possess within all of His Majesty's said Colonies or Provinces and their dependencies should not * any one time exceed Three millions of Acres, and that the whole of the Lands and Tenements which the said Company should hold and possess within His Majesty's said United Kingdom should not at any one time exceed the yearly value of One thousand pounds: And in and by the said Charter it is declared and ordained, that the present capital or joint stock of the said Company to be used and applied in establishing and carrying on the said Undertaking, and for the purposes aforesaid, should be a sum not exceeding Three hundred thousand pounds sterling, to be raised in shares of Fifty pounds each: And in the said Letters Patent are contained divers other clauses, regulations, powers and authorities for the better management and carrying into effect the business, purposes and objects of the said Company, and for increasing the capital of the said Company (if deemed advisable) by raising the further sum of Three hundred thousand pounds in shares:”

*Sic—at omitted.

“ And whereas the objects for which the said Company is established will, it is considered, tend to the public benefit, as well by promoting Emigration as by bringing into cultivation large tracts of Waste Land in the said Provinces and Colonies and their dependencies:”

“ And whereas additional powers and provisions are necessary to enable the said Company to carry into full effect the several purposes declared in the said Charter: But which cannot be obtained without the aid of Parliament:”

“ May it therefore please Your Majesty, that it may be enacted, and Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Charter, with the several clauses, powers, provisos, authorities, matters and things therein contained shall be and the same is hereby Ratified and Confirmed. ”

“ And be it further enacted, That all and every the shares of the subscribers for or proprietors of as well the said original capital stock of the said Company, as also the shares of the subscribers for or proprietors of the said additional capital of the said Company, in case the same or any part thereof shall be raised by virtue of the power or authority for such purpose contained in the said Charter, and all the profits and advantages of such shares respectively, shall be deemed and considered to be of the nature of and shall be personal estate, and be transmissible as such accordingly. ”

“ And

“ And whereas in and by the said Charter it is declared and ordained, That the several persons who had subscribed or should subscribe for and towards the said capital, or who should at any time thereafter have or hold any share or shares in the same, or should have become Members and Proprietors of the said Company, should and they were thereby required to pay the sum or sums of money by them respectively subscribed, or such parts or portions thereof as should from time to time be called for, pursuant to or by virtue of the powers and directions of the said Charter, at such times and places, to such person or persons, and in such manner as should be ordered and directed by any Court of Directors for the time being of the said Company : Be it therefore further enacted, That in case any person or persons shall neglect or refuse to pay any such sum or sums of money, at such times and in such manner as shall be ordered and directed by the Court of Directors as aforesaid, it shall be lawful for the said Company to sue for and recover the same, together with lawful interest, from such appointed time of payment, from such person or persons, or in case where two or more persons shall have jointly subscribed for or be jointly possessed of any share or shares of the said Capital Stock of the said Company, then from all any or either of such persons.”

“ And be it further enacted, That whenever two or more persons shall be jointly possessed of or entitled to any share or shares in the capital stock of the said Company, the person whose name shall stand first in the books of the said Company as proprietor of such share or shares shall, for all the purposes of the said Company and of the said Charter (except for the purpose of transfer), be deemed and taken to be proprietor of such share or shares ; and all notices required to be given to the members or proprietors of any share or shares in the capital stock of the said Company shall and may be given to or served upon such person whose name shall so stand first in the books of the said Company, and such service upon such person shall be deemed and taken to be a service upon all the members or proprietors of such share or shares for all the purposes for which such service is intended to be made upon the members or proprietors of such share or shares, and all such proprietors shall be entitled to give their votes in respect thereof by the person whose name shall stand first in the books of the Company as proprietor of such share or shares, and his vote shall on all occasions be deemed and allowed to be the vote for or in respect of the whole property in such share or shares, without proof of the concurrence of the other proprietor or proprietors of such share or shares.”

“ And whereas in and by the said Charter it is further declared and ordained, That whenever any of the several members or proprietors of the said Company, their executors, administrators and assigns, should sell and transfer any share or shares in the capital stock of the said Company of which they should respectively be possessed, every such transfer should be registered by the Clerk or other authorized officer of the Company, in a book to be kept by the said Company for that purpose ; and that the registry thereof should specify the dates, names of parties and number of shares transferred : and that until such transfer should be registered in the books of the said Company in manner aforesaid, no person or persons claiming any interest in any such share or shares of and in the said capital stock, by purchase or otherwise, should be deemed the proprietor or proprietors of such share or shares, or should be entitled to any franchise, dividend or beneficial interest in the said capital stock in respect thereof, nor until six calendar months after such transfer should have been registered as aforesaid, be entitled to vote at any meeting or meetings as member or proprietor of the said Company in respect of such share or shares : Be it therefore further enacted, That every such transfer shall or may be in the form and to the effect following, that is to say :

and in two of such daily papers as the said Directors should nominate ; and that if any subscriber, member, proprietor or shareholder of the said Company, his, her or their executors, administrators and assigns, should refuse or neglect to pay any instalment on his said share or shares which should be called for by the said Court of Directors as aforesaid, for the space of six calendar months next after the time appointed for the payment thereof, together with lawful interest from the time appointed for the payment of such instalment ; then and in every such case such respective members or proprietors member or proprietor, subscriber or subscribers, should be subject and liable absolutely to forfeit his, her or their respective share or shares for the benefit of the remaining members or proprietors in the capital of the said Company, and all franchise and interest therein, and all the profit, advantage and title of in and to the same, and of in and to any money theretofore advanced or belonging to the said Company, and should and might, by order of any general or special meeting of the Proprietors or Members of the said Company, be declared to be disfranchised and removed from the said Company, and such shares so forfeited should and might thereupon, by order of any Court of Directors, be sold or otherwise disposed of for the use of the said Company, and the purchaser or person to whom such shares should be so sold, (the same being transferred under the common seal of the said Company,) should be and become a Member and Proprietor of the said Company in respect of such share or shares and should succeed to all the rights and franchise of the Proprietor so making such default of and in the share or shares so forfeited, sold and transferred ; and the person so disfranchised, and whose share or shares should have been so declared forfeited and sold, should thereafter be discharged from all actions, demands and liabilities of and to the said Company in respect of such share or shares ; but that no advantage should be taken of any such forfeiture until after thirty days' notice in writing should have been given by order of the Court of Directors to such Member or Proprietor, Members or Proprietors so neglecting to pay as aforesaid, which notice should either be personally served upon him, her or them, or be left at his, her or their usual or last known place of abode : Be it therefore further enacted, That after any such call or calls shall have been so made as aforesaid and until the money so called for in respect of the share or shares of any person or persons in the capital stock of the said Company shall be paid, any sale or transfer of any such share or shares shall be of no effect."

“ And whereas in and by the said Charter it is further declared and ordained, That when any person or persons should claim any part or share in the capital or joint stock of the said Company, or the profits thereof, under or by virtue of any will or bequest, or in a course of administration, the probate, copy of the will, or the letters of administration, in case the proprietor should have died intestate, should be produced and shown to the Clerk or other proper officer for the time being of the said Company appointed for that purpose, who should make an entry in the book or books to be kept for the registry of transfers of shares in the said Company of such will or of so much thereof as should relate to the disposition of the share or shares of the testator or of in such stock, or of the letters of administration in case the proprietor should have died intestate, before any person or persons should be entitled to sell and assign such share or shares, or to claim payment of any dividend or dividends in respect thereof, or to vote as the proprietor of such share or shares : Be it therefore further enacted, That no bequest, clause, matter or thing contained in any will under or by virtue of which any person or persons shall claim any part or share in the capital or joint stock of the said Company, or the profits thereof, shall bind or affect the said Company with notice
of

of any trust or disposition of any share or shares in the capital or joint stock of the said Company, or the gains and profits thereof, but the registry of every share or shares of any deceased proprietor shall be in the name or names of the executor or executors who shall prove the will of such proprietor, or if he shall die intestate, then of the administrator or administrators of his or her effects, and that the receipt or receipts of such executor or executors, administrator or administrators to the said Company for the gains and profits arising and accruing upon any such share or shares, and to any purchaser or purchasers for the amount of the purchase money paid upon the sale and conveyance of such share or shares, shall be good and effectual acquittances and discharges for the monies therein expressed or acknowledged to be received, and shall bind the *cestui que trusts* and all other persons in anywise claiming under such deceased proprietor."

"And be it further enacted, That it shall be competent to the Directors for the time being, under the common seal of the said Company, to appoint any person or persons to be the Commissioner or Commissioners, Agent or Agents of the said Company, in any of the said Provinces and Colonies and their dependencies, for the purpose of purchasing or taking on lease, or of selling, leasing or disposing of, or contracting to purchase, sell, or take on lease, or dispose of, under the direction and control of the Court of Directors in England, any lands or hereditaments of and for the said Company in the said Provinces and Colonies and their dependencies, and also from time to time to appoint the same or any other person or persons to be the Commissioner or Commissioners, Agent or Agents of the said Company in the said Provinces and Colonies and their dependencies or any of them, under the like direction and control of the said Court of Directors in England, for generally conducting and managing the business and affairs of the said Company in the said Provinces and Colonies and their dependencies or any of them, with the power of entering into such contracts for or in behalf of the said Company as the Directors for the time being lawfully may or can do; and every such respective appointment from time to time to revoke and recall as occasion may require, and also to appoint and commit to the custody of such Commissioner or Commissioners, Agent or Agents so appointed for the purpose of purchasing, taking on lease, selling and disposing of Lands in the said Provinces and Colonies and their dependencies as aforesaid, a seal to be approved by the said Directors, and specially used for the purpose of such purchases, sales, leases and contracts in the said Provinces and Colonies and their dependencies, as the said Commissioner or Commissioners, Agent or Agents may be directed to make for the said Company; and the same seal, at their will and pleasure to break, change, alter or make new, as to them shall seem expedient; and such Commissioner or Commissioners, Agent or Agents, shall have power in the said Provinces and Colonies and their dependencies, to make, take, accept and execute under the said seal so to be committed to him or them respectively as aforesaid, all manner of conveyances, purchases, leases, grants, contracts, deeds, or other instruments in writing, of or concerning any lands in the said Provinces and Colonies and their dependencies, and all memorials for the registration or enrolment of conveyances, purchases, leases, grants, contracts, deeds or other instruments in writing, relating to the said lands, in the name of and for the said Company; and such conveyances, purchases, leases, grants, contracts, deeds or other instruments in writing, and memorials, shall be signed by the said Commissioner or Commissioners, Agent or Agents, to whom such seal shall be so entrusted as aforesaid and sealed with such seal; and shall, when so signed

signed and such seal affixed, in all cases bind the said Company as their own act and deed in all respects as if the same were executed under the common seal of the said Company in England, and the said seal affixed to any conveyance, purchase, lease, grant, contract, deed or instrument in writing, or to any memorial or memorials thereof, for the purpose of registration in the proper office for registering the same, shall of itself be sufficient evidence of the due execution of such conveyance, purchase, lease, grant, contract, deed or instrument in writing, or the memorial thereof, by the said Commissioner or Commissioners, Agent or Agents of the said Company for all purposes respecting the said registration, and no further evidence or verification of such execution of such conveyance, purchase, lease, grant, contract, deed or instrument in writing, or the memorial thereof, shall be required for the purpose of such registry ; any law or custom now in force to the contrary notwithstanding.”

“ And be it further enacted, That all conveyances which shall be made by the said Commissioner or Commissioners, Agent or Agents of the said Company, appointed as aforesaid, to any individual or individuals of any part of the lands of the said Company in the said Provinces and Colonies and their dependencies, shall and may be according to the form following, or as near thereto as the circumstances of the case will admit of, that is to say :

“ I (or We,) the Commissioner (or Commissioners, Agent or Agents, as the case may be) of *The British American Land Company*, incorporated and established under and by virtue of a Charter of Incorporation, granted in the Fourth year of the reign of His Majesty King William the Fourth, and of an Act made and passed in the Fourth year of the reign of His said Majesty, intituled, (*here insert the title of this Act,*) being duly authorized, constituted and appointed for this purpose, in consideration of the sum of _____ to me (or us) paid by _____ do hereby grant, bargain, sell, release and convey and confirm unto the said _____ all (*here insert description of Property*), and all the right, title and interest of the said *British American Land Company* to and in the same and every part thereof: save always and except (*here insert reservations, if any*) ; To have and to hold unto the said _____ and to his (her or their) heirs and assigns, and to his and their use for ever.”

And every such conveyance shall be valid and effectual in law to all intents and purposes.”

“ And be it further enacted, That in case any lands, tenements and hereditaments, situate in Lower Canada, or the dependencies thereof, holden *à titre de fief et seigneurie*, *à titre de fief en arrière-fief*, or, *à titre de cens*, shall or may be granted to or contracted for and purchased or acquired by the said Company, it shall be lawful for the said Company to apply for, obtain and take a commutation and release from the feudal and seigniorial rights and burthens due upon and from such lands, tenements and hereditaments, and to apply for, obtain and take a change of the tenure by which the said lands, tenements and hereditaments are holden into the tenure of free and common soccage, in like manner as may be done by any person or persons whomsoever not being a body corporate ; and that all lands, tenements and hereditaments which shall or may be granted by His Majesty, His Heirs or Successors, to the said Company in the said Province of Lower Canada, or the dependencies thereof, to be holden in free and

and common soccage, may and shall after the sale, grant, bargain or alienation thereof by the said Company, be by any and all person or persons, grantees of the said Company, their heirs and assigns, held, granted, bargained, sold, aliened, conveyed and disposed of, and may and shall pass by descent in such manner and form and upon and under such rules and restrictions in all respects as would have been the case if such lands, tenements and hereditaments had been granted direct by His said Majesty, His Heirs and Successors, to any such person or persons, their heirs and assigns, to be holden in free and common soccage; and the said Company may do all other acts and things in relation to the affairs and business of the said Company in all respects as beneficially as any other body politic or corporate, or any subject of this realm is by law entitled to do."

"And be it further enacted, That it shall be lawful for any artificer, handicraftsman, clerk, mechanic, gardener, servant in husbandry or other labourer, not being under the age of Sixteen years, by Indenture duly executed, to contract with the said Company faithfully to serve or to proceed to and faithfully serve the said Company in any of the said Provinces and Colonies or their dependencies for any period not exceeding the full term of Seven years, to be computed from the day of the date of such Indenture."

"And be it further enacted, That when judgment shall at any time be obtained in any action, in any Court or Courts of Law within the United Kingdom of Great Britian and Ireland, at the suit of any person or persons, bodies politic or corporate, against the said Company or their Successors, an office copy of any such judgment, signed by the proper Officer of the Court in which the same shall be obtained, shall be received and registered in any Court or Courts of Law in the said Provinces of Lower Canada, Upper Canada, New Brunswick, Nova Scotia, Prince Edward's Island and the Island of Newfoundland, in North America, or their dependencies, as full and conclusive evidence of such judgment; and that such writ or writs of execution may thereupon issue out of such Court or Courts in North America, at the suit of the plaintiff, against the said Company, and their assets be taken in execution, and such other proceedings be had under the said judgment in like manner as if judgment had been obtained against the said Company at the suit of such plaintiff, in the Court or Courts of Law in which such office copy shall be so received and registered."

"And be it further enacted, That a Copy of His Majesty's Charter of Incorporation, being duly verified on oath before one of the Masters in Ordinary of the High Court of Chancery at Westminster, shall be transmitted to the Governor, Lieutenant-Governor, or person administering the Government of each and every of the said Provinces and Colonies of Lower Canada, Upper Canada, New Brunswick, Nova Scotia, Prince Edward's Island and the Island of Newfoundland, in North America, in which the said Company shall purchase or acquire any lands, tenements or hereditaments, and shall thereupon be enrolled in the Supreme Court and Courts of such Province and Provinces and Colony and Colonies respectively; or in the office of the Secretary or Registrar of the said Provinces or Colonies respectively; or in such other office in such respective Provinces or Colonies, as grants or patents from the Crown usually are or may or ought to be enrolled or registered; and such Copy of His Majesty's said Charter shall, within each such respective Province and Colony, be and be deemed and taken

taken to be good and sufficient evidence of the contents of such Charter of Incorporation to all intents and purposes.”

Doubts recited.

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

A copy of this Act to be evidence of the said Act and Charter, &c.

And whereas some difficulty hath arisen with regard to the mode of proving the said Act and the Charter therein contained in the Courts in this Province, which it is expedient to remove : Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That a copy of this Act printed by Her Majesty's Printer for this Province, shall be evidence in all Courts and places whatsoever, not only of this Act but also of the Imperial Act recited in the Preamble to this Act, and of the tenor thereof, and of the Charter therein mentioned, and of every matter and thing therein alleged and set forth ; and any copy of this Act purporting to be printed by Her Majesty's Printer for this Province, shall be held to be so printed unless the contrary be proved.

Public Act.

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

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



ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. CVIII.

An Act to authorize the Court of Queen's Bench and the High Court of Chancery, in their discretion, to admit Frederic Fraser Carruthers to practise as an Attorney and Solicitor thereof, respectively.

[9th July, 1847.]

WHEREAS Frederic Fraser Carruthers, of the City of Toronto, Barrister at Law, hath by his Petition represented, that he was called to the Bar by the Honorable The Society of Lincoln's Inn, in England, and hath been duly admitted as a Barrister in all the Courts of Upper Canada, and hath served under Articles of Clerkship for two years and six months to a practitioner in this Province; and the said Petitioner hath prayed that the High Court of Chancery, and also the Court of Queen's Bench for that part of this Province formerly Upper Canada, may be authorized in their discretion to admit him to practise as a Solicitor and as an Attorney in the said Courts respectively; And whereas it is expedient to grant the prayer of the said Petition: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall be lawful for the High Court of Chancery for Upper Canada, in its discretion, to admit the said Frederic Fraser Carruthers to practise as a Solicitor in the said Court, and for the Court of Queen's Bench for Upper Canada, in its discretion, to admit him as an Attorney of the last named Court; any law, usage or custom to the contrary notwithstanding.

Preamble.
Case of F. F.
Carruthers,
recited.

Courts of
Chancery and
Queen's
Bench in U.
C. may ad-
mit F. F.
Carruthers to
practise there-
in as Solicitor
and Attorney.

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





ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. CIX.

An Act to authorize the Courts of Queen's Bench and of Chancery, in their discretion, to admit Archibald Gilkison to practise as an Attorney and Solicitor therein.

[28th July, 1847.]

WHEREAS by an Act of the Legislature of Upper Canada, passed in the second year of the Reign of His Majesty King George the Fourth, and intituled, *An Act to repeal part of and amend an Act passed in the thirty-seventh year of His late Majesty's Reign, intituled, 'An Act for the better regulating the practice of the Law,' and to extend the provisions of the same,* it is among other things enacted, That from and after the passing of the said Act, no person shall be admitted by the Court of King's Bench to practise as an Attorney, unless upon an actual service under Articles for five years with some practising Attorney; And whereas it appears by the petition of Archibald Gilkison, of the City of Hamilton, Esquire, Barrister at Law, and the affidavits and certificates annexed thereto, that the said Archibald Gilkison faithfully served under Articles of Clerkship with Charles Richardson, of Niagara, Esquire, a practising Attorney, for the space of three years and upwards, and that he did also serve as Clerk with the Honorable William Henry Draper, then agent of the said Charles Richardson, and with the consent of the said Charles Richardson, for the further term of two years: And whereas the said Archibald Gilkison, by virtue of a Commission under the Great Seal of Canada, hath since filled a Judicial office in this Province for the space of five years past, and is now desirous to be admitted to practise the Law as an Attorney and Solicitor: And whereas it is reasonable, under the circumstances of the case that the Courts of Law and Equity in Upper Canada should be authorized, in their discretion, to admit the said Archibald Gilkison to practise as an Attorney and Solicitor, and it is therefore expedient to grant the prayer of his petition: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada,* and it is hereby enacted by the authority of the same, That it shall and may be lawful for the Court of Queen's Bench in and for that part of this Province which formerly constituted Upper Canada, in its discretion, to admit the said Archibald Gilkison as an Attorney of that Court; and that it shall also be lawful for the Court of Chancery in that part of this Province last aforesaid, in its discretion, to admit him to practise as a Solicitor in the Court of Chancery; any law or usage to the contrary notwithstanding.

Preamble.

Act of U. C.
2 Geo. 4. c. 5.
cited.

Case of A.
Gilkison re-
cited.

Courts of
Queen's
Bench and of
Chancery in
U. C. may in
their discretion
admit A. Gil-
kison to prac-
tise therein.





ANNO DECIMO ET UNDECIMO

VICTORIÆ REGINÆ.

C A P. C X.

An Act to authorize the Courts of Queen's Bench and of Chancery, in their discretion, to admit Edward Gilman to practise as an Attorney and Solicitor therein.

[28th July, 1847.]

WHEREAS Edward Gilman, of the City of Kingston, hath, by his Petition, set forth that he, the said Edward Gilman, hath been duly admitted as an Attorney and Solicitor in Her Majesty's Superior Courts of Common Law and Equity at Westminster, and hath produced his admissions therein: And whereas the said Edward Gilman, by virtue of a Commission under the Great Seal of Canada, hath since filled a Judicial office in this Province for upwards of four years, and is now desirous to be admitted to practise the Law as an Attorney and Solicitor; And whereas it is reasonable, under the circumstances of the case, that the Courts of Law and Equity in Upper Canada should be authorized, in their discretion, to admit the said Edward Gilman to practise as an Attorney and Solicitor, and it is therefore expedient to grant the prayer of his petition: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the Court of Queen's Bench in and for that part of this Province which formerly constituted the Province of Upper Canada, in its discretion, to admit the said Edward Gilman as an Attorney of that Court, and that it shall also be lawful for the Court of Chancery in that part of this Province last aforesaid, in its discretion, to admit him to practise as a Solicitor in the Court of Chancery; any law or usage to the contrary notwithstanding.

Preamble.
Case of E.
Gilman recit-
ed.

Courts of
Queen's
Bench and of
Chancery in
U. C. may, in
their discretion,
admit E. Gil-
man to practise
therein.

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Law Printer to the Queen's Most Excellent Majesty.



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.*"

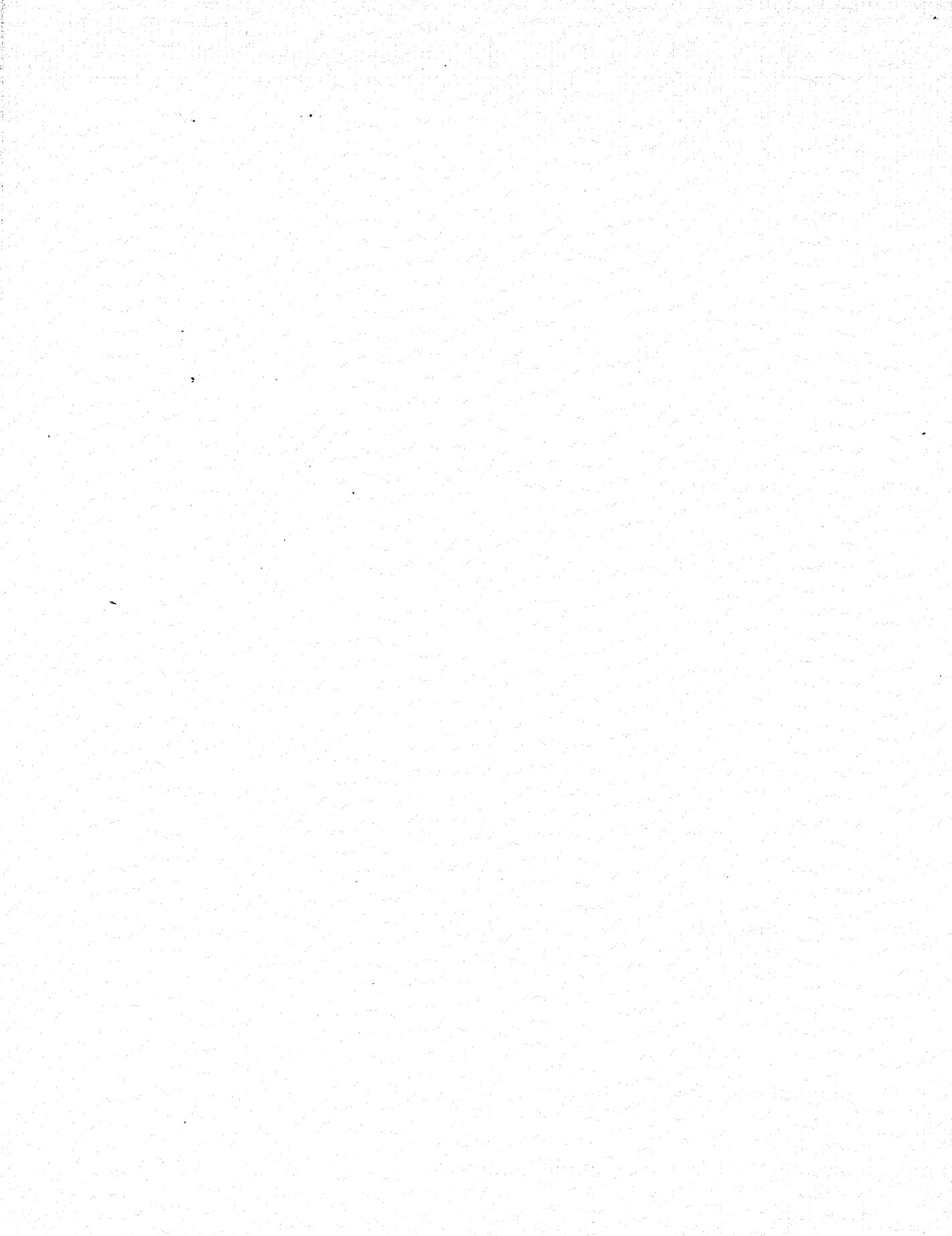
VOL. II. 3rd Sess. 2nd Part. Continued.
RESERVED ACTS.



MONTREAL:

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

Anno Domini, 1847.



PROVINCIAL STATUTES

OF

CANADA.

ANNO REGNI DECIMO ET UNDECIMO

VICTORIÆ,

DEI GRATIÂ BRITANNIARUM REGINÆ.

HIS EXCELLENCY THE RIGHT HONORABLE

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

GOVERNOR GENERAL.

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

RESERVED ACTS

To which the ROYAL ASSENT was subsequently promulgated by His Excellency JAMES,
EARL OF ELGIN AND KINCARDINE, K. T., &c. &c. &c. Governor General.





ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. CXI.

An Act to facilitate commutation of the tenure of lands *en roture* in the Queen's domain into that of free and common soccage, and to avoid the unnecessary delays and expense heretofore incidental to such commutations.

Reserved for the signification of Her Majesty's pleasure 28th July, 1847.

The Royal Assent given by Her Majesty in Council, on the 30th October, 1847; and Proclamation made thereof by His Excellency JAMES, EARL OF ELGIN AND KINCARDINE, in the Canada Gazette of the 11th December, 1847.

WHEREAS the process heretofore followed in commuting the tenure of land held *à titre de cens* or *en roture* of the Crōwn in Lower Canada into the tenure in free and common soccage, pursuant to an Act of the Imperial Parliament, passed in the third year of the Reign of His late Majesty King George the Fourth, intituled, *An Act to regulate the Trade of Lower and Upper Canada, and for other purposes relating to the said Provinces*, has been found, by reason of the various references to the different public functionaries whose ministry it has been in such cases customary to require, exceedingly dilatory, expensive and onerous insomuch as to be an obstacle to the commutation of tenure which by the said Act it was intended to promote; To remedy all which, and to facilitate the working of the said Act, by introducing a summary and less expensive process of commutation than heretofore practised: Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of An Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That whenever, pursuant to the aforesaid Act, passed in the third year of the Reign of His late Majesty King George the Fourth, by the Imperial Parliament, intituled, *An Act to regulate the Trade of the Provinces of Lower and Upper Canada, and for other purposes relating to the said Provinces*, any person, holding land, real or immoveable property *à titre de cens et rentes*, within the censive of any Fief or Seigniority of Her Majesty in this Province, or in any of the Estates of the late Order of Jesuits, shall be desirous to obtain a release from Her Majesty of all feudal or seigniorial rights arising therefrom, and to commute the tenure of such land, real or immoveable property, from that *en roture* into free and common soccage, and shall apply for this purpose to the proper Officer or Agent thereunto as hereinafter mentioned, specially appointed and duly authorized by the

Preamble.

Imperial Act
3 Geo. 4. c.
119, recited.

Persons desirous of commuting, may apply to the proper local Agent, stating certain particulars, exhibiting titles, &c.

the Governor or person administering the Government of the Province for the time being, on the part of the Crown, for the Fief or Seigniority in which such land, real or immoveable property is situate, setting forth in his application by writing the description, according to his titles, of the land, real or immoveable property, the tenure whereof he is desirous of commuting, exhibiting also therewith his titles, and requesting commutation of the tenure of such land, real or immoveable property, and shall have made payment of the sum that shall have been mutually agreed upon by such Officer or Agent on the part of the Crown and the applicant, as the commutation fine, indemnity or consideration in that behalf, to be paid to Her Majesty on the intended commutation, or that shall have been fixed, ascertained and determined in manner hereinafter provided, and have also duly paid or secured the payment of all arrears of seigniorial rights, dues and duties which he, she or they owed or may owe Her Majesty thereupon, or with which the said land, real or immoveable property in respect whereof such commutation, release and extinguishment may be sought or required, had been, was or may then be chargeable in favor of Her Majesty, such Officer or Agent shall be and he is hereby authorized to execute a release by *Acte* duly executed before Notaries as nearly as may be in the form prescribed in the Schedule of this Act (and for which the Notary shall be entitled to a fee of twenty shillings and no more from the applicant) in the name of Her Majesty, of the said land or real property, from all feudal or seigniorial rights, dues and incumbrances arising and accruing thereupon to Her Majesty by reason of the tenure thereof *à titres de cens et rentes* or *en roture*, declaring also the tenure of the said land to be in virtue of such release for ever thereafter commuted into that of free and common soccage, and which release and *Acte* or Deed of Commutation shall be deemed, held and taken to be to all intents and purposes tantamount and equivalent to a grant of such land from Her Majesty, Her Heirs and Successors, as provided by the above recited Act of the Imperial Parliament of the third year of the Reign of His late Majesty George the Fourth, and the commutation of tenure of the said land or real property shall thereby be perfect and accomplished, and the land to which such commutation shall relate be for ever thereafter held in free and common soccage, according to the true intent and meaning of the said Act.

And paying the commutation money, paying or securing arrears, &c.

Such Agent to execute a deed commuting the tenure.

Effect of such deed.

Governor to appoint proper Agents, and make rules for their guidance, &c.

Fees to be taken by such Agents.

Rates of commutation.

II. And be it enacted, That the Governor, or person administering the government of the Province for the time being, shall have power to nominate and appoint in and for each and every Fief and Seigniority in this Province, appertaining to Her Majesty, a fit and proper person to be Agent for the purposes of this Act, and to give such directions for his or their guidance in the performance of his or their duties respectively under this Act, as by and with the advice of Her Majesty's Executive Council he shall deem expedient and conducive to the purposes thereof.

III. And be it enacted, That for all the duties which any such Officer or Agent on the part of the Crown shall perform with respect to any such commutation, he shall be entitled to a fee of thirty shillings currency, and no more, from the person or party applying for the commutation, but for whom he shall not in any case of commutation act as agent.

IV. And be it enacted, That the commutation fine, indemnity and consideration to be paid by any *Censitaire*, person, body politic or corporate for such commutation, release and extinguishment with regard to his or their land, real or immoveable property situate within any Fief or Seigniority appertaining to Her Majesty, shall be at and

and after the rates following, that is to say: that the said commutation of all *cens et rentes* within all and every the said Fiefs and Seigniories shall be had and obtained on the payment of such capital or sum of money as the said *cens et rentes* reckoned at the legal rate of interest shall or may represent; that the said commutation of the *droit de lods et ventes* upon or in respect of any lot, piece or parcel of land in any such Fief or Seigniority, included in whole or in part in the City of Quebec, the Town of Three Rivers or in the Borough of William Henry, having buildings upon it, and being with such buildings of the value of five hundred pounds currency, or upwards, shall be had and obtained for and during the first seven years which shall elapse after the passing of this Act upon payment of not more than one twentieth part of the value of such lot, piece or parcel of land and buildings, and at any time at and after the expiration of seven years subsequent to the passing of this Act, and before the expiration of fourteen years from the said time, upon payment of not more than one eighteenth part of the value of such lot, piece or parcel of land and buildings, and at any time after the expiration of fourteen years from the said time upon payment of not more than one sixteenth part of the value of such lot, piece or parcel of land and buildings; and that the said commutation of the said *droit de lods et ventes* upon or in respect of any lot, piece or parcel of land in any such Fief or Seigniority whereupon there may be buildings of which the value shall be less than five hundred pounds and more than one hundred pounds currency, shall be had and obtained during the said first period above mentioned of seven years after the passing of this Act, upon payment of not more than one sixteenth part of the value of such lot, piece or parcel of land and buildings, and at any time after the expiration of the said seven years subsequent to the passing of this Act, and before the expiration of fourteen years from the said time, upon payment of not more than one fourteenth part of the value of such lot, piece or parcel of land and buildings; and at any time after the expiration of the fourteen years from the said time, upon payment of not more than one twelfth part of the value of such lot, piece or parcel of land and buildings; that the said commutation of the said *droit de lods et ventes* upon, for or in respect of any lot, piece or parcel of land situate in any of Her Majesty's Fiefs or Seigniories and without the limits of the said City of Quebec, Town of Three Rivers or Borough of William Henry, or for or in respect of any lot, piece or parcel of land within the said City of Quebec, Town of Three Rivers or Borough of William Henry, upon which there shall be no buildings of the value of one hundred pounds, shall be had and obtained for and during the said first period of seven years after the passing of this Act, upon payment of not more than one twelfth part of the value thereof, and at any time after the expiration of this period of seven years subsequently to the passing hereof, and before the expiration of fourteen years from the said time, upon payment of not more than one tenth part of the said value; and at any time after the expiration of fourteen years from the said time, on the payment of not more than one eighth part of the value of such lot, piece or parcel of land or buildings.

*Cens et rentes.**Lods et ventes.*In Quebec,
Three Rivers
or William
Henry.

In other places.

V. And be it enacted, That in all cases where the said Officer or Agent on the part of the Crown and any of the *Censitaires* of Her Majesty, or other person or persons, body corporate or politic so requiring a commutation, release and extinguishment in manner aforesaid, of and from all *droits de lods et ventes, cens et rentes*, and all other feudal or seigniorial burthens to which any land or immoveable property he or they respectively may hold in any Fief or Seigniority appertaining to Her Majesty may be subject, shall not by voluntary agreement settle and determine the value of any such lots, pieces or parcels of land and property with reference to which the said price, consideration

If the Agent
and the pro-
prietor cannot
agree, the
value of the
property to be
fixed by arbi-
tration.

consideration money and indemnity according to the rates hereinbefore established shall be reckoned, such value thereof shall be fixed, ascertained and determined by the award of Arbitrators in manner following, that is to say: the said Agent shall, on the behalf of Her Majesty, nominate an Arbitrator, being an indifferent and disinterested person, and the said *Censitaire*, person or persons, or body corporate or politic, respectively, shall and may on his or their behalf also nominate and appoint one other Arbitrator, being also an indifferent and disinterested person, and the Court of Queen's Bench for the District in Term, or any two Judges thereof in Vacation, upon a petition or summary application to it or them made in that behalf, shall and may nominate one other Arbitrator, being also an indifferent and disinterested person, which said three Arbitrators, after having been previously sworn before any one of the Justices of the said Court of Queen's Bench (who is hereby authorized to administer such oath) well, truly and honestly to execute the trust and duty of Arbitrators as aforesaid, and after notice to the parties respectively of the time and place of their meeting, shall proceed to fix, ascertain and determine the value of the lots, pieces or parcels of land and property in respect whereof such commutation, release and extinguishment shall be required: Provided always, that the costs and expenses of such arbitration, which shall not in any case exceed Ten pounds currency, shall be borne by the parties in equal shares, and that the arbitrament and award of the said Arbitrators to be named and appointed as aforesaid, or any two of them, in and respecting the premises, shall be final, and the same shall be duly returned into, filed and enrolled in the said Court of Queen's Bench for the District, and shall by such Court be duly confirmed, and for the fying thereof the Prothonotary shall be entitled to a fee of Two shillings and six pence, and for enrolling the same in a register to be kept for the purpose, at the rate of six pence per hundred words.

Mode of appointing the Arbitrators.

Proceedings of Arbitrators.

Costs of Arbitration limited, and by whom paid.

Award of two Arbitrators to be valid.

Fying of award.

All seigniorial rights to be extinguished after payment, of commutation or declaration of option that the same form the capital of a *rente constituée*, and the execution of the deed release.

VI. And be it enacted, That from and after the voluntary settlement or adjustment as aforesaid, touching the said commutation fine, price, consideration money and indemnity, and payment thereof (or tender of the same) to the proper Officer, reckoned according to such award in that behalf, or from and after a declaration signified to the Agent of such Seigniority, by the said *Censitaire*, person or persons, body politic or corporate, of his, her or their option, that such commutation fine, price, consideration money and indemnity, mutually agreed upon, as aforesaid, or reckoned according to such award, shall be and remain upon and charge and affect such lot, piece or parcel of Land and Property at and for a redeemable quit rent (*à rente constituée et rachetable*) in manner aforesaid, and execution conformably thereto of the release by *Acte* before Notary as hereinabove provided, all and every the *droits de cens et rentes, lods et ventes, droit de banalité de moulin, droit de retrait, exhibition de titres*, and all other feudal or seigniorial rights whatever of Her Majesty upon, for or in respect of the lot, piece or parcel of Land or Property, as to, and concerning which such commutation, release and extinguishment may be sought and required, shall accordingly be and be held to be taken and considered for ever commuted, released and extinguished; and such lot, piece or parcel of Land shall be holden and be deemed and considered as holden thenceforth for ever by the tenure of free and common soccage according to the above recited Act of the Imperial Parliament, and shall never again be granted, surrendered or holden by any *seigneurial* or feudal tenure whatsoever: Provided always, That nothing hereinbefore contained shall extend or be construed to extend to discharge the lots, pieces or parcels of Land, the tenure whereof may be so converted into that of free and common soccage, from the rights, hypothecs, privileges, reservations and demands

Proviso: Saving of hypothecs to the Crown, for commutation money, &c.

demands of Her Majesty, charged in and upon the same for the security and recovery of the commutation fine, price, consideration money and indemnity, which, by reason of the adjustment with the *Censitaire*, or person or corporation who required such commutation, release and extinguishment, may remain as a charge and incumbrance on such Land or Property at a redeemable quit rent as aforesaid, (for the security and recovery of which commutation fine, price, consideration money and indemnity, Her Majesty shall have the same legal recourse, privilege and priority of hypothec as Her Majesty would have had for any right extinguished by such commutation, or for the security and recovery of any arrears of seigniorial dues accrued before such commutation, release and extinguishment may have been required) or in any wise to destroy, alter or affect the remedies and recourse at law which Her Majesty, Her Heirs and Successors might lawfully have had or have taken for the recovery of the same if such commutation, release and extinguishment had not been made and obtained, but that all and every the lawful rights, hypothèques, privileges, actions, demands, recourse and remedies in that behalf of Her Majesty, Her Heirs and Successors, be and the same are hereby saved and maintained.

Priority of such hypothec.

Remedies saved to the Crown.

VII. And be it enacted, That there shall not, for arrears of *lods et ventes* accrued and due to Her Majesty at the time of the passing hereof, or hereafter to become due according to law for each mutation in the ownership of any lands and tenements situated within the City of Quebec, and of which, with the buildings thereon erected, the value shall be or exceed the sum of Five hundred pounds, be demanded or exacted more than one twentieth of the price and consideration for each sale or conveyance of any such lands and tenements; nor for each and every mutation in the ownership of any lands or tenements in any censive of the Crown out of the limits of the said City, shall there be exacted or demanded more than one sixteenth part of the price and consideration of the sale and conveyance of such last mentioned lands and tenements; nor for each and every mutation in ownership in any lands or tenements situated within the limits of said City of Quebec, of which with the buildings thereon erected the value shall be less than Five hundred pounds currency, shall *then* be exacted or demanded more than one sixteenth part of the price and consideration for each sale or conveyance thereof; and further, that all and every such arrears of *lods et ventes* accrued and due within the said City to Her Majesty at the time of the passing of this Act, according to the respective rates aforesaid, shall not be demandable from any person or persons owing the same personally, or hypothecarily, nor shall any such person or persons indebted as aforesaid to a greater amount than Forty pounds currency be compellable to pay the same except within seven years from the day when this Act shall come into effect, in seven equal and annual instalments: Provided always, that in default of any person or persons to pay any such instalment or instalments after the same shall become due, the whole of such arrears of *lods et ventes*, according to the rates aforesaid, or the remaining unpaid instalments thereof, shall become and be immediately payable to, and demandable on the part of Her Majesty by the proper Officer, from the person or persons who shall owe the same.

Rate of *lods et ventes* past and future limited.

In Quebec.

Out of Quebec.

Time allowed for the payment of *lods et ventes* in Quebec, and exceeding £10.

Proviso as to default in payment of instalments.

VIII. And be it enacted, That all monies arising from commutations pursuant to this Act shall go to and constitute a separate fund to be called "The Commutation of Tenures Fund" (those arising from the Jesuits Estates being kept always apart and distinct) and accounted for, and funded in such manner as may be provided; and that an annual report of all such commutations in detail shall annually be laid before both Houses of

Commutation monies to form a separate fund: accounts to be laid before the legislature.

the Legislature at each Session thereof, and that the first report shall be made at the now next ensuing Session of the same.

Lands commuted into free and common soccage to be subject to the same provisions of laws in certain cases as if held in *franc aleu roturier*.

IX. And be it enacted, That all Lands, real and immoveable Property, the tenure of which shall have been so as aforesaid commuted under this Act, or any other law in force in this Province, into the tenure in free and common soccage, shall be subject to the laws heretofore in force in that part of the Province formerly Lower Canada with respect to testamentary dispositions, and to the grant, bargain, sale, alienation, conveyance, disposal of, and descent of Lands therein, and to the partitioning thereof among co-heirs, when the same are not devised by last will and testament, dower and other rights of married Women in such Lands, in the same manner and to all intents and purposes as if held *en franc aleu roturier*; any law heretofore to the contrary in anywise notwithstanding.

Rights of the Crown and of other parties not to be affected, unless specially mentioned.

X. And be it enacted, That nothing herein contained shall apply to or affect, or be construed to affect in any manner the rights of Her Majesty, Her Heirs or Successors, or of any person or persons, body corporate or politic, other than such as are specially mentioned in this Act, it not being thereby intended to alter or disturb any incumbrance, charge or liability of any kind other than such as are hereinabove specified, to which the land or real property, the tenure whereof shall have been so as aforesaid commuted, may, previous to and at the time of commutation, have been subject.

SCHEDULE.

FORM OF THE *Acte* OR DEED OF COMMUTATION REFERRED TO IN THIS ACT.

BEFORE us, the undersigned Notaries Public for that part of the Province of Canada heretofore Lower Canada, residing at _____ in the said Province, came and appeared _____ residing in the _____ the Officer duly appointed for the purposes hereinafter mentioned (or the Agent for the Fief and Seigniority of _____ appertaining to Her Majesty (as the case may be) _____ who, on the request to him made by (name, occupation and residence,) a party to these presents, and appearing also before us the said Notaries, to grant him (or them) in conformity with the Act hereinafter mentioned of the Imperial Parliament, and of the Act of the Legislature of this Province, passed in the _____ year of Her Majesty's Reign, and intituled, (title of this Act) a commutation, release and extinguishment of and from the *droits de lods et ventes, cens et ventes*, and all feudal and Seigniorial burthens whatsoever to which } he } may be subjected in respect of a lot of land (or the several lots of land) whereof he is (or they are) proprietor and possessor (or proprietors and possessors) situate in the Seigniority of _____ and described in the Title Deed of him (or them) the said _____ as follows: (Take in a description of the lot or lots.) The said } lot } appertaining to the said A by whom } they were } acquired from B by Deed, &c., and free from arrears of Seigniorial dues up to this date, (or being charged with the sum of £ _____ for arrears of *cens et ventes* and *lods et ventes* according to account this day adjusted) by these presents acting for and in the name of and on behalf of Her Majesty pursuant to the aforesaid Act of the Legislature of this Province, hath, from this day for ever acquitted, released and discharged the

the said $\left\{ \begin{array}{l} \text{lot} \\ \text{lots} \end{array} \right\}$ of land of and from all *droits de lods et ventes, cens et rentes, droit de banalité de moulin de retrait*, and all the feudal and Seigniorial rights whatsoever, to which the said $\left\{ \begin{array}{l} \text{lot} \\ \text{lots} \end{array} \right\}$ may be subject or liable, so that by these presents the tenure of the said $\left\{ \begin{array}{l} \text{lot} \\ \text{lots} \end{array} \right\}$ of land is from this day for ever converted into that of free and common soccage, in conformity with the Act passed by the Parliament of the United Kingdom in the Third year of the Reign of His late Majesty King George the Fourth, intituled, *An Act to regulate the Trade of the Provinces of Lower and Upper Canada, and for other purposes relating to the said Provinces*, and shall never again be held and possessed by the said A $\left\{ \begin{array}{l} \text{his} \\ \text{their} \end{array} \right\}$ heirs and assigns under any other tenure whatsoever.

The said commutation, release and discharge were thus made and granted for and in consideration of the sum of (for instance one hundred and eight pounds, six shillings and eight pence) lawful current money aforesaid, to wit: (Eight pounds, six shillings and eight pence) current money aforesaid the principal sum representing the sum of ten shillings current money aforesaid, the amount of the *cens et rentes* payable in respect of the said lot or lots by virtue of and under the deed of concession, and the sum of (one hundred pounds) current money aforesaid, being the proportion due to the Crown of the sum of (two thousand pounds) current money aforesaid, at which the said lot was (*or* lots were) estimated by private agreement sanctioned by His Excellency the Governor General, (or person administering the Government of this Province for the time being) or according to estimate of C. and D. Arbitrators chosen by the parties as will appear by their Report, dated _____ filed and of record in the Office of the Prothonotary of Her Majesty's Court of Queen's Bench for the District of _____ which said sum of (one hundred and eight pounds, six shillings and eight pence) was forthwith paid and the receipt whereof is hereby acknowledged, (*or* is to remain at a quit rent *rente constituée rachetable à toujours*,) redeemable in payments of not less than (twenty-five pounds) or (fifty pounds) each (*or* is payable at the end of two, three, four, &c., years) with legal interest to be paid thereon annually.

As to the arrears above mentioned, the said A obliges himself (or obliges themselves) to pay them (describe the terms of payment) with legal interest or without interest (*as the case may be*.)

For the security of the payment of the said arrears and commutation money to Her Majesty, Her Heirs or Successors, reserve is hereby made, without any novation or derogation whatever, of the same legal recourse, privileges and priority of hypothec as Her Majesty, Her Heirs and Successors would have had for any *droits de lods et ventes, et cens et rentes*, or other rights extinguished by the present commutation and represented by the said sum.

Done and passed in the year one thousand eight hundred and _____ on the _____ day of the month of _____

The said _____ having signed with us Notaries, these presents being first duly read.



ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. CXII.

An Act to extend the time for taking the Oath, and making the Declaration required of persons naturalized in this Province.

Reserved for the signification of Her Majesty's pleasure, 28th July, 1847.

The Royal Assent given by Her Majesty in Council, on the 30th October, 1847; and Proclamation made thereof by His Excellency JAMES, EARL OF ELGIN AND KINCARDINE, in the Canada Gazette of the 11th December, 1847.

WHEREAS the time for taking the Oath and making the Declaration to be taken and made by certain persons, by the Act passed in the Session held in the fourth and fifth years of Her Majesty's Reign, intituled, *An Act to secure to and confer upon certain inhabitants of this Province the Civil and Political Rights of Natural Born British Subjects*, has expired with regard to many persons otherwise entitled to the benefit of the said Act; and many such persons have, for want of sufficient notice of the provisions of the said Act, lost the benefit thereof; And whereas it is desirable to amend the said Act, so as to afford relief to such persons, and also to other persons of the class of those for whose benefit the said Act was passed, but who have not yet completed a residence of seven years in this Province, or are not yet sixteen years of age: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, 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 each and every person who, before or after the passing of this Act, would have been or may hereafter be entitled to the benefit of the Act above cited, if he had taken or should take the Oath or Affirmation, or have made or should make the Declaration thereby required, within the period prescribed in his case by the provisions of the said Act, but was at the time of the passing of this Act, or would, without this Act, hereafter become precluded from obtaining such benefit by reason of the expiration of such period, may take the said oath or affirmation, and make the said declaration at any time, not exceeding three years, hereafter or thereafter as the case may be, and shall thereby become entitled to all the benefits of the said Act as fully and effectually as if he had taken and made, or should take and make the same within the period prescribed in the said Act in his case; and so much of the said Act as may be inconsistent with this Act is hereby repealed.

Preamble.

Act of Canada 4 & 5 V. c. 7, recited.

Period within which persons having neglected to take the oath, &c. under the said Act, may take the same and obtain the benefits of the Act.

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. 3rd Sess. 2nd Parlt. Continued.

RESERVED ACTS.



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Anno Domini, 1848.

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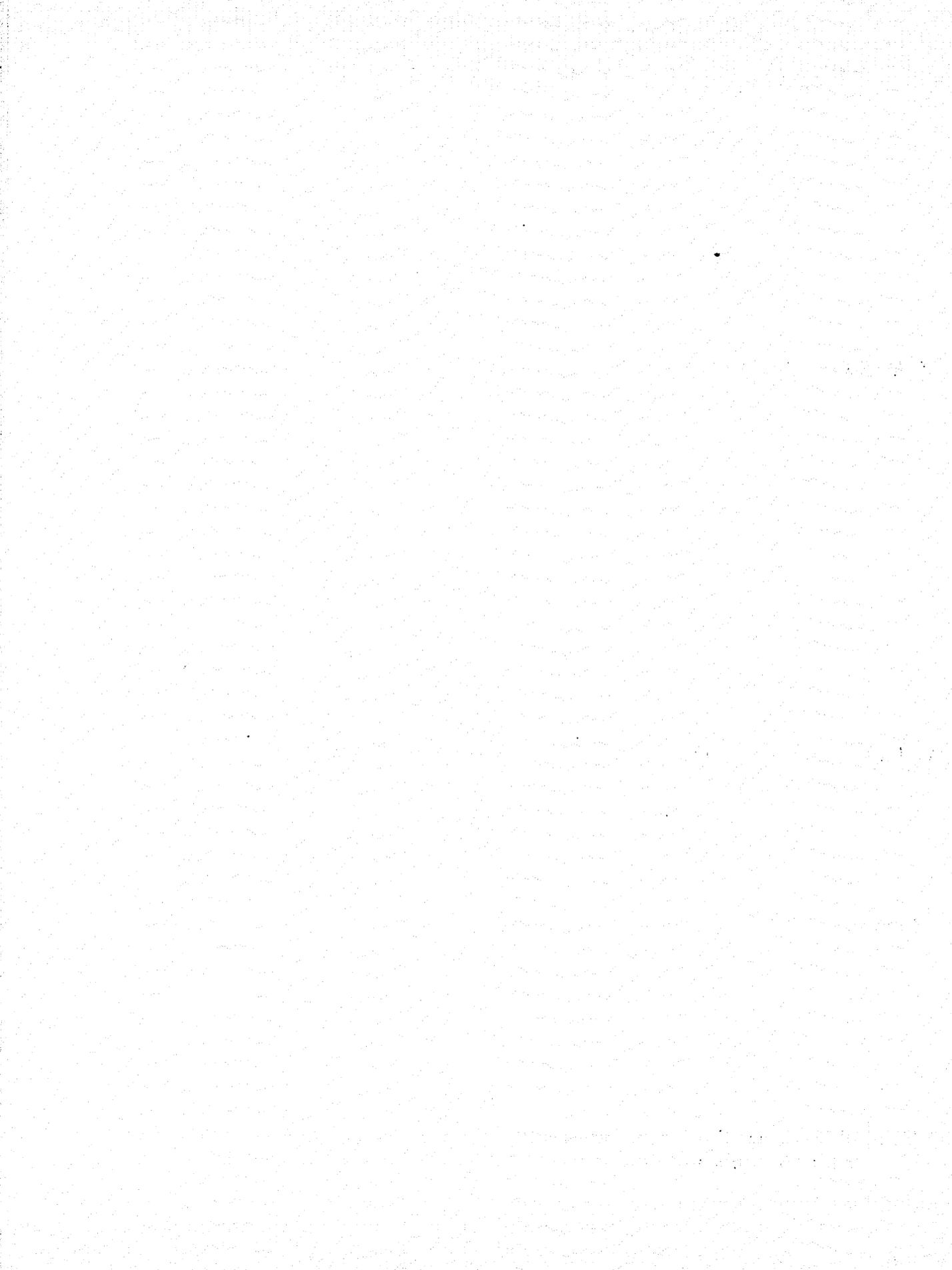
JAMES, EARL OF ELGIN AND KINCARDINE, K. T.

GOVERNOR GENERAL.

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

RESERVED ACTS

To which the ROYAL ASSENT was subsequently promulgated by His Excellency JAMES,
EARL OF ELGIN AND KINCARDINE, K. T. &c. &c. &c. Governor General.





ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. CXIII.

An Act to incorporate the District Bank of Québec.

Reserved for the signification of Her Majesty's pleasure 23th July, 1847.

The Royal Assent given by Her Majesty in Council on the 22d November, 1847; and Proclamation made thereof by His Excellency JAMES, EARL OF ELGIN AND KINCARDINE, in the Canada Gazette of the 8th January, 1848.

WHEREAS the incorporation of a Bank in the District of Quebec would contribute to the prosperity of the agriculture and commerce of the Province; and whereas divers persons, by their petition in this behalf, have represented that an Association has been formed for establishing a Bank in the City of Quebec, in which they have become Subscribers and Stockholders, the Capital Stock of which shall be limited to three hundred thousand pounds, to be divided into twelve thousand shares of twenty-five pounds each, of which said Capital Stock there has been subscribed and taken up the sum of one hundred thousand pounds, and have prayed that, for the purposes of the said Association and the carrying on of the business of the said Bank, they may be incorporated; and whereas it is expedient to grant the prayer of the said petition: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Honorable René Edouard Caron, the Honorable Louis Massue, Christian Wurtele, Peter Langlois, Junr., John Bonner, George O'Kill Stuart, Vital Tétu, Charles F. Pratt, A. Laurie, R. May, James Douglass, John Musson, John McLeod, Henry S. Scott, William S. Henderson, Joseph Morrin, C. Montizambert, John Campbell, J. Chabôt, John Campbell, Thomas W. Lloyd, E. Chinic, Geo. H. Simard, J. A. Pirrie, T. Blanchet, James A. Sewell, C. Fremont, James G. Baird, P. Gingras, Thomas H. Oliver, T. H. Dunn, W. Henry, François DeFoy, Narcisse C. Faucher, Julien Chouinard, F. J. Parant, J. B. Hardy, A. Joseph, William Sewell, Joseph Carrier and William Ramsay, all of the said City of Québec, and such other persons as now are or hereafter shall be Shareholders or Subscribers of the Capital Stock of the said Association, and their respective heirs, executors, administrators and assigns, shall be and they are hereby constituted a Body Corporate and Politic, in fact and in name, by and under the name, style and title of *The District Bank of Québec*, and as such shall, during the continuance of 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

Preamble.

Certain persons incorporated.

Corporate Name.
Corporate powers.

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 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.

Real estate.

Amount of Capital Stock of Corporation.

Proviso: the Stock to be subscribed for and paid up within certain periods.

Books of subscription to be opened.

Proviso: ten per cent. to be paid on subscribing.

Directors may make calls, at certain intervals, on Shareholders for sums subscribed by them.

Indemnification of Executors, &c.

Shareholders in default to be liable for interest.

Corporation may receive monies beyond the calls.

II. And be it enacted, That the Capital Stock of the said Corporation hereby created shall be the sum of three hundred thousand pounds, current money of Canada, divided into twelve thousand shares of twenty-five pounds each, the same being the Capital Stock of the said Association subscribed and that may be subscribed, and so much of which shares as are now and shall be at the time of the passing of this Act subscribed for, are hereby vested in the holders or proprietors thereof, according to their respective interest in the same, and the number of shares which shall then remain to complete the said sum of three hundred thousand pounds shall be vested in the future subscribers thereof, according to the respective interest they may have in the same: Provided always, that the said shares be subscribed for within eighteen months, and be wholly paid up within three years after the passing of this Act.

III. And be it enacted, That a Book or Books of Subscription for so much of the said Capital Stock as shall not be subscribed at the passing of this Act, may 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: Provided always, that no share or shares shall be held to be lawfully subscribed for, after the passing of this Act, unless a sum equal to ten pounds per centum on the amount subscribed for be actually paid at the time of subscribing.

IV. And be it enacted, That from time to time the said Directors may make such calls of money upon the respective Shareholders in respect of the amount of capital subscribed or owing, and hereafter to be subscribed or owing, as they shall think fit, provided that thirty-one days' notice at the least be given of each call, and that no call exceed the amount of five pounds per share, and that successive calls be not made at less than the interval of three months, and that the aggregate amount of calls made in any one year do not exceed the amount of twelve pounds and ten shillings per share, and every Shareholder shall be liable to pay the amount of the calls so made in respect of the shares held by him, to the persons and at the times and places from time to time appointed by the said Corporation: And all executors, administrators and curators, paying instalments upon the shares of deceased Shareholders, shall be and they are hereby respectively indemnified for paying the same.

V. And be it enacted, That if before or on the day appointed for payment, any Shareholder do not pay the amount of any call to which he may be liable, then such Shareholder shall be liable to pay interest on the same, at the rate of six pounds per centum per annum, from the day appointed for the payment thereof, to the time of the actual payment; and the said Corporation may, if they think fit, receive from any of the Shareholders willing to advance the same, all or any part of the monies due upon their respective shares held and to be held by them beyond the sums actually called for.

VI. And be it enacted, That if at the time appointed by the said Corporation for the payment of any call, the holder of any share fail to pay the amount of such call, the Corporation may sue such Shareholder for the amount thereof in any Court of Law or Equity having competent jurisdiction, and may recover the same with interest at the rate of six pounds per centum per annum, from the day on which such call may have been made payable.

Corporation may sue Shareholders failing to pay amount of their shares.

VII. And be it enacted, That in any action to be brought by the Company against any Shareholder, to recover any money due for any call, it shall not be necessary to set forth the special matter, but it shall be sufficient for the Company to declare that the defendant is a holder of one share or more in the Company, stating the number of shares, and is indebted to the Company in the sum of money to which the calls in arrears shall amount in respect of one call or more upon one share or more, (stating the number and the amount of each of such calls,) whereby an action hath accrued to the Company by virtue of this Act.

In actions brought by the Corporation, it shall not be necessary to set forth special matter.

VIII. And be it enacted, That on the trial of such action it shall be sufficient to prove that the defendant, at the time of making such call, was a holder of one share or more in the said Corporation, and that such call was in fact made, and such notice thereof given as is directed by this Act; and it shall not be necessary to prove the appointment of the Directors who made such call, nor any other matter whatsoever; and thereupon the said Corporation shall be entitled to recover what shall be due on such call with interest thereon, unless it shall appear either that any such call exceeds the amount of five pounds per share, or that due notice of such call was not given, or that the interval of three months between two successive calls had not elapsed, or that calls, amounting to more than the sum of twelve pounds and ten shillings in one year, had been made.

What proof shall be sufficient on trial of action.

IX. And be it enacted, That the production of the Register Book of Shareholders of the Company shall be sufficient evidence of such defendant being a Shareholder, and of the number and amount of his shares, and of the sums paid in respect thereof; And if the evidence be taken in writing at an *enquête*, it shall be sufficient that the register be produced without being left of record, and the verbal evidence of a witness of the purport thereof shall be taken and held to be evidence as aforesaid.

Production of Register Book of Shareholders to be evidence of Defendant's being a Shareholder, &c.

X. 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 subscribed or to be subscribed 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, while the same remain unpaid, concurrently with the remedy aforesaid (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

Penalty on Shareholders failing to pay the amount called for.

Proviso: forfeiture may be remitted.

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.

Chief seat of business appointed: Branches may be established elsewhere.

XI. And be it enacted, That the Chief place or Seat of Business of the said Corporation shall be in the City of Quebec 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 By-laws of the said Corporation.

Election of Directors, &c.

Notice.

Period of service.

Election of President and Vice-President.

Vacancies between Elections.

Proviso: Qualification of Directors.

Re-election of a portion of the Directors.

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

XII. And be it enacted, That for the management of the affairs of the said Corporation, there shall be thirteen 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 when and so soon after the passing of this Act as ten of the said Shareholders shall have called a meeting for such election, whereof notice shall have been given in at least two of the newspapers published in the said City of Quebec, and at least two weeks previous to such election, at which meeting the said Directors shall be chosen to act until the First Monday in June next thereafter, when the next election shall take place, and so annually on the First Monday in June in every year, 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 thirteen Directors, the remaining Directors shall fill the same by election from among the Shareholders, and the Directors so elected shall be capable of serving as Directors until the next Annual General Meeting of the Shareholders; and if the vacancy occurring in the said number of thirteen Directors shall also cause a 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 shall have resided seven years in Canada, and shall for three consecutive years have been, and be actually domiciled in the said City of Quebec, or within seven miles thereof; And provided also, that seven of the Directors in office at the period of each annual election, shall be re-elected for the next ensuing twelve months.

XIII. 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.

XIV. 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.

Power of Directors to inspect accounts, &c.

XV. 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 have a casting vote.

Quorum of Directors.

Who shall preside.

Casting vote.

XVI. And be it enacted, That it shall and may be lawful for the Directors of the Corporation hereby constituted, from time to time, to make and enact By-laws, Rules and Regulations, (the same not being repugnant to this Act, or to the laws of this Province,) for the proper management of the affairs of the said Corporation, and from time to time to alter or repeal the same, and others to make and enact in their stead; Provided always, that no By-law, Rule or Regulation so made by the Directors, shall have force or effect until the same shall, after six weeks' public notice, have been confirmed by the Shareholders at an Annual General Meeting, or at a Special General Meeting called for that purpose.

By-Laws how made.

proviso: such By-laws subject to confirmation.

XVII. And be it enacted, That no Director of the Corporation hereby constituted 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 Director shall be paid except the President.

Remuneration of President.

XVIII. 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 By-laws thereof: Provided always, that before permitting any Cashier, Officer, Clerk, or Servant of the Corporation, to enter upon the duties of his office; the Directors shall require every such Cashier, Officer, Clerk or Servant to give bond, to the satisfaction of the Directors, 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 consider adequate to the trust to be reposed, with conditions for good and faithful behaviour.

Directors to appoint Officers of the Bank.

Cashiers, and Officers to give security.

Amount.

XIX. And be it enacted, That it shall be the duty of the Directors to make half-yearly dividends of so much of the profits of the Corporation as to them shall appear advisable;

Directors to declare Dividends.

Proviso: Capital not to be impaired.

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.

Particulars in such statement.

XX. And be it enacted, That a general meeting of the Shareholders of the Corporation shall be held in the City of Quebec on the First Monday in 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 Hypotheques, 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.

XXI. 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 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 with a written authority from his constituent or constituents, in such form as shall be established by a By-law, and which authority shall be lodged in the Bank: Provided always, that a share or shares of the Capital Stock of the said Corporation that shall have been held for a less period than three calendar months immediately prior to any meeting of the Shareholders, 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,

Stockholders may vote by proxy.

Proviso.

How Joint owners of Stock shall vote

Aliens not to vote.

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.

XXII. 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 Cashier, or Officer to vote.

XXIII. 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 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 Quebec, 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 a Director or Directors of the Corporation, for mal-administration or other specified and apparently just cause, then and in such cases, the person or persons whom it shall be so proposed to remove, shall, from the day on which the notice shall first be published, be suspended from the duties of his or their office or offices, and if it be the President or Vice-President whose removal shall be proposed as aforesaid, his office shall be filled up by the remaining Directors, (in the manner hereinbefore provided in the case of a vacancy occurring in the office of President 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 meetings how called.

Provision if the object of the meeting be to consider any alleged malversation, &c.

XXIV. 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.

Stock to be personal property. How transferable.

Sale of Stock under execution provided for.

In what the
business of the
Corporation
shall consist.

XXV. And be it enacted, That the said Corporation hereby constituted shall not, either directly or indirecly, hold any lands or tenements, (save and except such as by the first section of this Act they are specially authorized to acquire and hold,) or any ships or other vessels, or any share or shares of the Capital Stock of the Corporation, nor in any other Bank in this Province; nor shall the said Corporation, either directly or indirectly, lend money or make advances upon the security, mortgage or hypothecation (*hypothèque*) of any lands or tenements, or of any ships or other vessels, nor upon the security or pledge of any share or shares of the Capital Stock of the Corporation, or of any goods, wares or merchandize, nor shall the said Corporation, either directly or indirectly, raise loans of money, or deal in the buying, selling or bartering of goods, wares or merchandize, or 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 securities, 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 estate and property in this Province, by way of additional security for debts contracted to the Corporation in the course of their dealings.

Proviso as to
hypothecs and
mortgages.

Discounts and
advances to
Directors li-
mited.

XXVI. 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 co-partnership 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.

Interest to be
taken or allow-
ed by the
Bank.

Discount.

XXVII. 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 in this Province,) upon monies 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.

How Bonds,
Bills, &c. of
the Corpora-
tion shall be
assignable, &c.

Signification
not required.

Certain Bills
and Notes valid
though not
under seal.

Proviso:
Directors may
empower any
Officers to

XXVIII. And be it enacted, That the Bonds, Obligations and Bills Obligatory and of Credit of the said Corporation, under the 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 or any Director from authorizing or deputing from time to time any Cashier or Officer of the Corporation, or any

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.

sign or countersign notes, &c.

XXIX. 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 Quebec, 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.

Notes and Bills to be payable in specie, and where.

XXX. 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 Quebec, 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 all and every the privileges hereby granted.

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

XXXI. 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 or re-issued by the said Corporation be held to be any infringement upon the privilege hereby granted.

Amount of Notes under £1 each, limited.

None to be under 5s.

Legislature may impose further limitation.

XXXII. 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 actual paid up Capital Stock of 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 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

Liabilities of the Corporation not to exceed a certain amount.

Forfeiture of charter for excess: And liability of Directors.

Directors giving public notice of excess not to be liable.

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 Quebec, 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.

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

XXXIII. And be it enacted, That in the event of the property and assets of the Corporation hereby constituted becoming insufficient to liquidate the liabilities and engagements or debts thereof, the Shareholders of the Corporation, in their private or natural capacities, shall be liable and responsible for the deficiency, but to no greater extent than to double the amount of the paid up Capital, 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 as to Directors.

Statements of the affairs of the Corporation to be published half-yearly in the form of the Schedule B. Particulars in statement.

XXXIV. 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 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 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 whatsoever having dealings with the Corporation.

Copies of such statements to be submitted to the Governor.

Governor may require further information.

Such information to be confidential.

Proviso as to private accounts.

XXXV. And be it enacted, That it shall not be lawful for the Corporation hereby constituted, at any time whatever, directly or indirectly, to advance or lend to, or for the use of or on account of any foreign Prince, Power or State, any sum or sums of money, or any securities for money; and if such unlawful advance or loan be made, then and from thenceforth the said Corporation shall be dissolved, and all the powers, authorities, rights, privileges and advantages hereby granted shall cease and determine; any thing in this Act to the contrary notwithstanding.

Corporation not to lend to any Foreign Power.

Forfeiture of charter for contravention.

XXXVI. And be it enacted, That the several public notices by this Act required to be given, shall be given by advertisements in two or more of the newspapers published in the City of Quebec, and the Quebec 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.

In what papers notices shall be published.

XXXVII. And be it enacted, That if any Officer, Cashier, Manager, Clerk or Servant of the Corporation hereby constituted, 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 monies or effects entrusted 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 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.

Officers of the Bank embezzling Bills, &c. to be guilty of felony.

XXXVIII. 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, or 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 Corporation.

XXXIX. 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 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,

Punishment of persons engraving plates, &c.

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 convicted of felony under this Act.

XL. 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 seven years, or by imprisonment in any other gaol or place of confinement for any term not exceeding two years.

Power of searching for counterfeit bills, plates, tools, &c.

XLI. 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, out-house or other building, yard, garden, or other place belonging to such suspected person or persons, or where any such person or persons shall be suspected of carrying on any such making or counterfeiting, to be searched; and if any such false bills of exchange, promissory notes, undertakings or orders, or any such plates, rolling-presses or other tools, instruments or other 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 and 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.

Destruction of such tools, plates, &c.

Provisions of 4 & 5 Vict. c. 91, to be applicable to the Corporation.

XLII. And be it enacted, That the provisions of an Act of the Legislature of this Province passed in the Session held in the fourth and fifth years of Her Majesty's Reign, intituled, *An Act to authorize the Banks heretofore chartered by Acts of the late Province of Upper or Lower Canada, to carry on their Business throughout this Province*, shall be applicable to the said Corporation, in the same manner and to the same extent as to the Chartered Banks therein mentioned, and the powers and advantages thereby conferred shall in a like degree enure to the benefit of the said Corporation; Provided also, that it shall be in the power of the said Corporation of the District Bank of Quebec to receive in Deposits or Loans from any person or persons, body or bodies corporate, and other Banking Institutions or Savings Banks, any sums of money for any period of time, and at a rate not exceeding six per centum per annum, as may be agreed upon by the parties, and generally to be engaged in such trade as legitimately appertains to the business of Banking.

Proviso: Deposits may be received at interest: General business of the Bank.

Rights not specially affected to be saved.

XLIII. 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.

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

XLV. And be it enacted, That this Act shall be and remain in force until the First Duration of this Act. 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 next Session of the Parliament of this Province, and no longer.

FORM OF SCHEDULE A

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

For value received from I (or we,) of
do hereby assign and transfer unto the said shares,
(on each of which has been paid, pounds, shillings,
Currency, amounting to the sum of pounds, shillings)
in the Capital Stock of the District Bank of Quebec, 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 District Bank of Quebec assigned to me (or us) as above mentioned,
at the Bank; this day of one thousand eight hundred and

(Signatures.)

FORM OF SCHEDULE B

REFERRED TO IN THE THIRTY-FOURTH SECTION OF THE FOREGOING ACT.

RETURN of the Average Amount of LIABILITIES and ASSETS of *The District Bank of Quebec.*
during the period from 1st to 18

LIABILITIES.	MONTH ENDING					
	30th Sep. 18	31st Oct. 18	30th Nov. 18	31st Dec. 18	31st Jan. 18	28th Feb. 18
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Promissory Notes in circulation not bearing interest.....						
Bills of Exchange in circulation not bearing interest.....						
Bills and Notes in circulation bearing interest.....						
Balance 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.....£						

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Law Printer to the Queen's Most Excellent Majesty.



ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. CXIV.

An Act to increase the Capital Stock of the Quebec Bank, and to amend in part the Act to extend the Charter of the said Bank.

Reserved for the signification of Her Majesty's pleasure 28th July, 1847.

The Royal Assent given by Her Majesty in Council on the 22d November, 1847; and Proclamation made thereof by His Excellency JAMES, EARL OF ELGIN AND KINCARDINE, in the Canada Gazette of the 5th January, 1848.

WHEREAS under the Royal Charter or Letters Patent of His late Majesty King William the Fourth, bearing date at Westminster, the thirty-first day of May, in the seventh year of His Reign, and the Ordinance of the Legislature of the late Province of Lower Canada, passed in the second year of Her Majesty's Reign, and intituled, *An Ordinance to prolong the term of the Royal Charter incorporating the Quebec Bank, and to make further provision for the government and management of the said Bank*, as well as under the Statute passed by the Legislature of this Province in the fourth and fifth years of Her Majesty's Reign, intituled, *An Act to extend the Charter of the Quebec Bank*, the Capital Stock of the said Quebec Bank consists of the sum of one hundred thousand pounds, current money of this Province, divided into four thousand shares of twenty-five pounds each, which said sum has been found insufficient for the convenience and accommodation of the public, and it is expedient to permit the augmentation thereof, and in other respects to amend the said last 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 in addition to the said sum of one hundred thousand pounds, it shall be lawful for the said Quebec Bank, to increase the Capital Stock of the said Quebec Bank by a further sum not exceeding two hundred thousand pounds, current money aforesaid, divided into eight thousand shares of twenty-five pounds each; Provided always, that the said eight thousand shares shall be subscribed for within eighteen months, and be wholly paid up within three years from and after the passing of this Act, and every person subscribing for, or taking any share or shares in the said additional Capital Stock of two hundred thousand pounds, shall have the same rights and be subject to the same rules and regulations as the original subscribers and shareholders in the said Quebec Bank: Provided however, that the several persons who shall hold any share or any number of shares of the additional Capital Stock which the said Quebec Bank is hereby empowered to raise, shall only have a vote or votes at any general meeting of the said Quebec Bank, according to the number of such shares on which the full amount of twenty-five pounds currency, in specie, shall have been paid in by them respectively; nor shall any such person be elected to act as one of the Directors of the said Bank until he shall have paid in the full amount of twenty such shares, that is to say, a sum not less than five hundred pounds, current money aforesaid,

Preamble.

Ordinance, 2
 Vict., (3) c.
 24, cited.

Act 4 & 5
 Vict., c. 94,
 cited.

The capital
 of the Bank
 may be in-
 creased by
 £200,000.

Proviso:
 Capital to be
 subscribed and
 paid up within
 certain
 periods.

Rights and
 liabilities of
 holders of new
 Stock.

Proviso
 as to their
 right of voting

Or of being
 Directors.

aforsaid, and shall be otherwise qualified to be so elected, and to act under the provisions in the said Ordinance contained.

Books of Subscription for new Stock, to be opened, instalments paid, &c. as may be ordered by the Directors.

II. And be it enacted, That the Books of Subscription for the Capital Stock authorized to be added to the Capital Stock of the said Quebec Bank, shall be opened by such persons, at such times and places, and under such regulations as to the Directors of the said Quebec Bank 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.

Proviso: ten per cent. to be paid on subscribing.

Directors may open books of subscription for such number of shares as they may deem advisable

III. Provided always, and be it enacted, That the Directors of the said Quebec Bank shall not be compelled to open Books of Subscription for the whole number of shares authorized by this Act, at one and the same time, but it shall and may be lawful for the said Directors, and they are hereby authorized, from time to time, to limit the number of shares for which the Books of Subscription shall be opened as aforesaid at any one time, as they in their discretion may deem most advisable.

Payment of Stock subscribed for may be enforced by forfeiture of shares, &c.

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

Proviso: Forfeiture may be remitted.

Certain Notes and Bills to bear date and be payable in specie at place of issue.

Notwithstanding any thing in 4 & 5 V. c. 91.

V. And be it enacted, That the Notes or Bills of the said Quebec Bank 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 said Bank in the City of Quebec, or from any of the Branches or Offices of Deposit of the said Quebec Bank, in any other place in this 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: Provided always, that so much of the fourth section of the said Act to extend the Charter of the said Bank as may be inconsistent with or repugnant to the provisions hereinbefore contained, shall be and is hereby repealed and made wholly void.

Public Act.

VI. 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 or proved.



ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. CXV.

An Act to enable the Bank of Montreal to increase their Capital Stock.

Reserved for the signification of Her Majesty's pleasure 23th July, 1847.

The Royal Assent given by Her Majesty in Council on the 22d November, 1847; and Proclamation made thereof by His Excellency JAMES, EARL OF ELGIN AND KINCARDINE, in the Canada Gazette of the 8th January, 1848.

WHEREAS the Corporation of the Bank of Montreal have, by Petition to the Legislature, prayed for authority to increase their Capital Stock, and it is expedient to grant their prayer: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the Bank of Montreal, constituted and incorporated by the Act of the Parliament of this Province, passed in the fourth and fifth years of Her Majesty's Reign, and intituled, *An Act to renew the Charter of the Bank of Montreal, and to increase its Capital Stock*, to add to the present Capital Stock of the said Bank, the sum of two hundred and fifty thousand pounds, currency of this Province, divided into five thousand shares of fifty pounds each: Provided always, that the said five thousand shares be subscribed for within eighteen months, and be wholly paid up within three years from and after the passing of this Act.

Preamble.

The Capital of the Bank may be increased by £250,000.

Proviso: Stock to be taken and paid up within certain periods.

II. And be it enacted, That the Books of Subscription for the said additional Capital Stock shall be opened by such persons, and at such times and places, and under such regulations as to the Directors of the said Bank shall seem meet; and the shares of the said additional 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 currency *per centum* on the amount subscribed for be actually paid at the time of subscribing.

Books of Subscription to be opened, instalments paid, &c. as the Directors may order.

Indemnification of executors, &c. Proviso: ten per cent. on the new Stock to be paid on subscribing.

III. And be it enacted, That all and every the enactments and provisions in the fifth Section of the said Act incorporating the Bank of Montreal, and all other the enactments

Enactments of 4 & 5 V. c. 98, to apply to new Stock.

enactments and provisions in the said Act contained, touching or relating to the addition to the Capital Stock authorized by the third Section of the said Act to be raised, shall be in all respects deemed and held applicable to the additional stock by this Act authorized to be raised.

Public Act.

IV. 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.

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



ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. CXVI.

An Act to enable the City Bank to increase its Capital Stock.

Reserved for the signification of Her Majesty's pleasure 28th July, 1847.

The Royal Assent given by Her Majesty in Council on the 22d November, 1847; and Proclamation made thereof by His Excellency JAMES, EARL OF ELGIN AND KINCARDINE, in the Canada Gazette of the 8th January, 1848.

WHEREAS the President and Directors of the Corporation created and constituted by and under and in virtue of an Act of the Legislature of this Province, passed in the Session held in the fourth and fifth years of Her Majesty's Reign, intituled: *An Act to extend the Charter of the City Bank, and to increase the Capital Stock thereof*, have, by their Petition, prayed, on behalf of the said Corporation, that power be given to the said Directors to increase the Capital Stock of the said Bank, and it is expedient that the prayer of the said Petition should be granted: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the Directors of the said Corporation, and their successors in office, at such time as they shall deem it expedient, to add to the present Capital Stock of the said Corporation the further sum of Two Hundred Thousand Pounds, current money of Canada, to be divided into eight thousand shares, of the value of twenty-five pounds currency each, in addition to the present Capital thereof; and every person subscribing for, or taking any share or shares in the said additional Capital Stock, shall have the same right and be subject to all and every the liabilities as the original subscribers and shareholders in the said Bank.

Preamble.

Act 4 & 5
Vict., c. 97,
cited.

£200,000 may
be added to the
Capital of the
City Bank.

Rights and li-
abilities of the
holders of the
New Stock.

II. And be it enacted, That the Books of Subscription to the Capital Stock by the first Section of this Act authorized to be added to the Capital Stock of the said Corporation, shall be opened by such persons and at such times and places, and under such regulations as to the Directors of the said Corporation for the time being 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, and under such conditions, and subject to such penalties as the said Directors shall appoint; and executors, administrators, tutors and curators paying Instalments upon the shares of deceased shareholders, shall be, and they are hereby respectively indemnified for payment of the same: Provided always,

Books of sub-
scription to be
opened, instal-
ments paid, &c.
as may be or-
dered by the
Directors.

Indemnifica-
tion of execu-
tors, &c.

Proviso.
Ten per cent.
to be paid on
subscribing.
Proviso: Stock
to be sub-
scribed and
paid up within
certain periods.

Mode of en-
forcing pay-
ment of this
instalment on
forfeiture of
Shares, &c.

Proviso:
Forfeiture may
be remitted.

Provisions of
Act 4 & 5
Vict, c. 97, to
apply to the
New Stock.

Public Act.

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: And provided also, that the said eight thousand shares be subscribed for within eighteen months, and be wholly paid up within three years from and after the passing of this Act.

III. 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, to be given by advertisement in one or more newspapers published in the City of Montreal, 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 giving thirty days of public notice of their intention) to sell at public auction the said shares, or so many of the said shares as shall, after deducting the reasonable expenses of the sale, yield a sum of money sufficient to pay the unpaid instalments due on the remainder of the said shares and the amount of forfeiture 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.

IV. And be it enacted, That in all matters not hereinbefore otherwise provided for, reference shall be had to the provisions contained in the said Act hereinbefore referred to, intituled, *An Act to extend the Charter of the City Bank, and to increase the Capital Stock thereof*, and all the clauses, enactments, and provisions of the said Act are hereby accordingly extended and made applicable to the subscribers of the additional Stock hereby created, and their assigns, in so far as special provision is not hereinbefore otherwise made.

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

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. 3rd Sess. 2d Parlt. Continued.

RESERVED ACTS.



MONTREAL:

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

Anno Domini, 1848.

PHYSICS DEPARTMENT

PHYSICS 435

PROBLEM SET 1

Due: Monday, September 10, 2012

PHYSICS 435

PHYSICS DEPARTMENT

PROVINCIAL STATUTES

OF

CANADA.

ANNO REGNI DECIMO ET UNDECIMO

VICTORIÆ,

DEI GRATIÂ BRITANNIARUM REGINÆ.

HIS EXCELLENCY THE RIGHT HONORABLE

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

GOVERNOR GENERAL.

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

RESERVED ACTS

To which the ROYAL ASSENT was subsequently promulgated by His Excellency JAMES,
EARL OF ELGIN AND KINCARDINE, K. T. &c. &c. &c. Governor General.

1948

1948

1948

1948

1948

1948

1948

1948

1948



ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. CXVII.

An Act to incorporate *The Woodstock and Lake Erie Rail-way and Harbour Company.*

Reserved for the signification of Her Majesty's pleasure 28th July, 1847.

The Royal Assent given by Her Majesty in Council on the 15th April, 1848; and Proclamation made thereof by His Excellency JAMES, EARL OF ELGIN AND KINCARDINE, in the Canada Gazette of the 24th June, 1848.

WHEREAS it is desirable for the benefit of the country that a Rail-road or Way should be constructed, extending from Woodstock in the District of Brock to the shores of Lake Erie, and that the same should extend in as direct a line as practicable from Woodstock aforesaid to some harbour or harbours on the said Lake between Port Dover and Port Burwell inclusive: And whereas it is expedient to incorporate a Joint Stock Company for the said purpose and others hereinafter mentioned: And whereas A. W. Light, John Vansittart, P. Graham, S. F. Robertson, Henry Finkle, John Arnold, James Carrol, Edmund Deedes, Henry Vansittart, Thomas Cottle, William Lapenotière, H. C. Barwick, and others, Her Majesty's subjects residing in this Province of Canada, have petitioned for the passing of an Act incorporating a Company for the purpose of constructing a single or double track wooden or iron Rail-road or Way from the said Town of Woodstock to such harbour or harbours 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 said A. W. Light, John Vansittart, P. Graham, S. F. Robertson, Henry Finkle, John Arnold, James Carroll, Edmund Deedes, Henry Vansittart, Thomas Cottle, William Lapenotière, H. C. Barwick, with all such other persons as shall become Stockholders in such Joint Stock Company as is hereinafter mentioned, shall be and are hereby ordained, constituted and declared to be a body corporate and politic in fact, and under the name and style of *The Woodstock and Lake Erie Rail-way and Harbour Company*, and by that name they and their successors shall and may have continued succession, and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto in all Courts and places whatsoever, in all manner of actions, suits, complaints, matters and concerns whatsoever; and they and their successors may and shall have a common seal, and may change and alter the same at their will and pleasure, and also that they and their successors by the same name

Preamble.

Certain persons incorporated as a Company.

Corporate name and powers.

Common Seal.

Holding property.

name of *The Woodstock and Lake Erie Rail-way and Harbour Company*, shall be by law capable of purchasing, having and holding to them and their successors, any estate, real, personal or mixed, to and for the use of the said Company, and of letting, conveying, and otherwise departing therewith, for the benefit and on account of the said Company from time to time as they shall deem necessary and expedient: Provided always, nevertheless, that the real estate to be held by the said Company shall be only such as shall be required to be held by them for the purpose of making, using and preserving the Rail-way and Harbours they are hereby empowered to construct, and for the objects immediately connected therewith.

Proviso: Real Estate limited.

Company may construct a Rail-way from Woodstock to certain points on Lake Erie;

II. And be it enacted, That the said Company and their agents or servants and workmen shall have full power under this Act, to lay out, construct, make and finish a double or single iron or wooden Rail-road or Way at their own costs and charges on and over any part of the country lying between the Town of Woodstock and the harbours of Port Dover and Port Burwell inclusive, on Lake Erie aforesaid, and to take, carry and transport thereon passengers, goods, merchandize and property of any kind, sort or description, either in carriages used and propelled by the force of steam or by any other power whether of animals or mechanical or by any combination of power which the said Company may choose to employ; and also full power and authority to construct one or more vessel or vessels whether propelled by steam, sails, or any other power, for the means of conveying (for the purposes of the said Road only) the said passengers, goods, merchandize and property from all or any of the said ports on the said lake to any port or place necessary, and also to construct, complete and finish commodious Harbours, Wharves and Piers for the use and accommodation of the said vessels, goods, wares and merchandize.

May build Vessels;

And construct Harbours, Wharves, &c.

Company may agree, &c. with owners of Lands for the same.

III. And be it enacted, That the said Company are hereby empowered to contract, compound, compromise and agree with the owners or occupiers of any lands upon which they may determine to construct the said Rail-road, Harbours and Wharves either by purchase of so much of the said land and privileges as they shall require for the purposes of the said Company, or for the damages which he, she or they shall and may be entitled to receive of and from the said Company in consequence of the said intended Rail-road, Harbours and Wharves being made and constructed in and upon his or their respective lands; and in case of any disagreement between the said Company and the owner or owners, occupier or occupiers as aforesaid, it shall and may be lawful from time to time for each owner or occupier so disagreeing with the said Company, either upon the value of the lands and tenements or private privileges proposed to be purchased, or upon the amount of damages to be paid to them as aforesaid, to nominate and appoint one indifferent person, and for the said Company to nominate one other indifferent person, who, together with one other indifferent person to be chosen by the persons so named, before proceeding to business, or, in the event of their differing as to the choice of such other person, to be appointed by the Judge of the District Court for the District in which the lands are situate before the others proceed to business, shall be Arbitrators to award, determine, adjudge and order the respective sums of money which the said Company shall pay to the respective persons entitled to receive the same, the award of the majority of whom shall be final; and the said Arbitrators shall be, and they are hereby required to attend at some convenient place in the vicinity of the said intended Rail-road, to be appointed by the said Company after eight days' notice for that purpose given by the said Company, then and there to arbitrate, award, adjudge and determine such

Case of disagreement provided for.

Appointment of Arbitrators.

Third Arbitrator how appointed.

Award to be final.

Meetings of the Arbitrators.

such matters and things as shall be submitted to their consideration by the several parties interested; and that each Arbitrator shall be sworn (before some one of Her Majesty's Justices of the Peace, in and for the District in which the subject matter of the said disagreement shall originate, any of whom may be required to attend the said meeting for that purpose) well and truly to assess the damages between the parties according to the best of his judgment; Provided always, that any award made under this Act, shall be subject to be set aside on application to the Court of Queen's Bench, in the same manner and on the same grounds as in ordinary cases of submission by the parties, in which case a reference may be again made to arbitration as hereinbefore provided.

Arbitrators to be sworn.

Proviso. Award may be set aside by Queen's Bench for cause.

IV. And be it enacted, That whatever sum of money may be lawfully awarded to any person or persons for compensation for property required to be occupied, or for damages occasioned by the interference of the said Company with his or their property, rights or privileges, shall be paid within three months from the time of the same being awarded, and in case the said Company shall fail to pay the same within that period, then their right to assume any such property or commit any act in respect of which such sum of money was awarded, shall wholly cease, and it shall be lawful for the proprietor or proprietors to resume his, her or their occupation of such property, and to possess fully his rights and privileges in respect thereof, free from any claim or interference from the said Company.

All sums awarded to be paid within three months on pain of forfeiting the right to take possession.

V. And be it enacted, That when an award shall be made for more money as an indemnification or satisfaction for any lands, grounds, hereditaments or property, or for any damage done to any lands, tenements, hereditaments or property, of any person or persons whatsoever, than had previously been offered by or on behalf of the said Company, then all the expenses of holding the said arbitration shall be defrayed by the said Company; but if any award shall be given for the same or a less sum than had been previously offered by or on behalf of the said Company, or in case no damages shall be awarded (when the dispute is for damages only) then and in every such case the costs and expenses shall be settled in like manner by the Arbitrators and paid by the party or parties with whom the said Company shall have had such dispute, which said costs and expenses having been so settled, shall and may be deducted out of the money so awarded when the same shall exceed such costs and expenses, as so much money advanced to and for the use of such person or persons, and the payment or tender of the remainder of such money shall be deemed and taken to all intents and purposes to be a payment or tender of the whole sum so awarded to be paid by the said Company to such person or persons as aforesaid.

When award is made for more than offered by Company, expenses of arbitration to be defrayed by Company; but if otherwise, then by the party, and deducted from the compensation.

VI. And be it enacted, That whenever any lands or grounds required by the said Company for the purpose of the said Rail-road, Harbours, Wharves and Piers are held and owned by any person or persons, bodies politic or corporate or collegiate, whose residence may not be within this Province or unknown to the said Company, or when the title to any such lands or grounds may be in dispute, or when the owner or owners of such lands or grounds are unwilling or unable to treat with the said Company for the sale thereof or to appoint Arbitrators as aforesaid, or refuse or neglect to do so for the space of one calendar month after having been thereto required by the said Company, it shall and may be lawful for the said Company to nominate one indifferent person and for the Judge of the District Court for the District in which the lands are situate,

Proceedings to be adopted when the parties are unknown, or out of the Province, or refuse to appoint Arbitrators.

on the application of the said Company, to nominate and appoint one other indifferent person, who, together with one other person to be chosen by the persons so named before proceeding to business, or, in the event of their differing as to the choice of such other person, to be appointed by the said Judge before the others proceed to business, shall be Arbitrators to award, determine, and adjudge and order the respective sums of money which the said Company shall pay to the respective persons entitled to receive the same for the said lands or grounds or damages as aforesaid, and the decision of the majority of such Arbitrators shall be final; which said amount so awarded the said Company are to pay or cause to be paid to the several parties entitled to receive the same when demanded, and also that a record of such award or arbitration shall be made up and signed by the said Arbitrators or a majority of them, specifying the amount of such award and the costs of such arbitration, which may be settled by the said Arbitrators or a majority of them, which record shall be deposited in the Registry Office of the County in which such lands are situated; and also that the expenses of the said arbitration shall be paid by the said Company, and by them be deducted from the amount of such award on payment thereof to the parties entitled to receive the same.

Proceedings to be adopted when lands are under mortgage.

VII. And be it enacted, That whenever any lands or grounds required to be used by the said Company shall be held under mortgage, it shall and may be lawful to and for the said Company to nominate one indifferent person, and for the Judge of the District Court for the District in which such lands are situate, on the application of the said Company, to appoint one other indifferent person, who, together with one other person to be chosen by the persons so named before proceeding to business, or, in the event of their differing as to the choice of such other person, to be appointed by the said Judge before the others proceed to business, shall be Arbitrators to decide on and assess the value of the said lands and grounds or the amount of damages to be paid to the owners thereof as aforesaid, and upon such decision or award being made, the said Company shall pay or cause to be paid the amount of such award to the mortgagee as a payment for or on account of such mortgage, and upon such payment being so made the mortgagor and mortgagee are hereby required and compelled to join in conveying the said lands and grounds to the said Company and their successors; Provided always, that when the amount of such award shall exceed the amount secured and paid on such mortgage, the said Company, after the amount due on such mortgage, shall pay or cause to be paid the balance of the said award to the mortgagor or other party entitled to receive the same.

Proviso: when the award exceeds the mortgage.

Crown Lands, or lands held for the defence of Province, not to be taken without permission.

VIII. And be it enacted, That whenever it shall be necessary for the said Company to occupy any part or parts of the lands or grounds belonging to the Queen's Majesty, or which have been at any time heretofore specially set apart and reserved, or which are designated or commonly known as Crown Lands, or lands reserved for Military purposes, they shall first apply for and obtain a license and consent of Her said Majesty, Her Heirs and Successors, under the hand and seal of the Governor or Person administering the Government of this Province for the time being, and having obtained such consent and license, it shall and may be lawful for them at any time to enter into and upon, have, hold, use, occupy and enjoy any part or parts of the said lands and grounds, for the purposes of this Act or for any other purposes connected therewith.

IX. And be it enacted, That after any lands or grounds shall be set out and taken as aforesaid by the said Company, for the purpose of making and completing the said double or single Wooden or Iron Rail-road or Way, Harbours, Wharves, or Piers, or for other the purposes and conveniences aforesaid, it shall and may be lawful for all bodies politic, corporate or collegiate, corporations, communities, guardians, executors, administrators, tenants in tail in possession, and all other trustees or persons whatsoever, not only for and on behalf of those whom they represent, whether infants, issue unborn, lunatics, idiots, *femes-covert*, or other person or persons who are or shall be seized, possessed or interested in any lands or grounds which shall be so required as aforesaid, or any part thereof, to contract for, sell and convey unto the said Company, their successors and assigns, all or any part of such lands or grounds which may from time to time be required as aforesaid; and that all contracts, agreements, sales, conveyances and assurances so to be made shall be valid and effectual in law, to all intents and purposes whatsoever; any law, statute, usage or custom to the contrary thereof in any wise notwithstanding: and all bodies politic, corporate or collegiate, and all persons whatsoever so conveying as aforesaid, are hereby indemnified for what he, she or they or any of them shall respectively do by virtue of or in pursuance of this Act, and that the conveyance executed to the said Company of any lands by a tenant in tail in possession, shall operate as a conveyance of the fee both in possession and reversion.

After lands have been set out and taken, all bodies corporate, and parties who could not otherwise alienate, may sell their property therein to the Company.

X. And be it enacted, That all deeds or conveyances for lands, to be conveyed to the said Company for the purposes of this Act, shall and may, as far as the title to the said lands or the circumstances of the party making such conveyance will admit, be made in the form given in the Schedule marked A, to this Act annexed; and all Registrars are hereby authorized to enter in their Register Books such deeds, on the production and proof of execution thereof, without any memorial, and to minute such entry on the said deed, and the said Company are to pay the said Registrar for so doing the sum of two shillings and six pence for each deed so registered, and no more.

Deeds and Conveyances to be according to Schedule A. Registration thereof, and fees.

XI. And be it enacted, That the said Company shall have full power and authority to explore the country lying between the said Town of Woodstock and the said Ports Dover and Burwell, and between the said Ports respectively, and to designate and establish, and to take, appropriate, have and hold to and for the use of them and their successors, the line and boundaries of a double or single Rail-road, Harbours, Wharves or Piers, with the necessary rail-ways to connect the said Town of Woodstock with the said harbours or any or either of them; and for the purposes aforesaid the said Company and their agents, servants and workmen are hereby authorized and empowered to enter into and upon the lands and grounds of or belonging to Her Majesty, Her Heirs and Successors, or any other person or persons, bodies politic or corporate, and to survey and take levels of the same or any part thereof, and to set out and ascertain such parts thereof as they shall think necessary and proper for making the said single or double Rail-road, Harbours, Wharves and Piers, and all such matters and conveniences as they shall think necessary and proper for making, effecting, preserving, improving, completing and using the said intended Rail-road, Harbours, Wharves and Piers, and also to make, build, erect and set up in and upon the route of the said Rail-road, Harbours and Piers, or upon the lands adjoining or near the same, all such works, ways, roads and conveniences as the said Company shall think requisite and necessary for the purposes of the said Rail-road, Harbours, Wharves and Piers: and also from time to time to alter, repair, amend, widen or enlarge the same or any or either

Company may explore the country lying between Woodstock and Ports Dover and Burwell, and between the said Ports. And may set out and survey lands necessary for their works, &c.

May erect works, Buildings, &c.

And may alter and repair the same, &c.

May place materials, &c.

May make Bridges, &c., and other necessary things.

As little damage to be done as possible, and compensation to be made.

Company not to interfere with the privileges of individuals without permission, unless after proceedings under this Act.

Rail-Road, works and Tools, &c., vested in the Company.

Company may levy Tolls on all goods, &c., passing the Rail-Road, and Harbour dues, &c.

And to make regulations, build Toll-houses, &c.

either of them, or any other of the conveniences above mentioned, as well for carrying or conveying of all manner of materials necessary for making, erecting, furnishing, altering, repairing, widening, deepening, or enlarging the said works of or belonging to the said Rail-road, or the said Harbours, Wharves and Piers, or any or either of them; and also to place, lay, work and manufacture the said materials on the ground near to the place or places where the said works, or any or either of them are or shall be intended to be made, erected, repaired or done, and to build and construct the several works and erections belonging thereto, and also to make, maintain, repair and alter any fences or passages under or through the said Rail-road, or which shall communicate therewith, and to construct and keep in repair any piers, arches or other works in and upon and across any rivers or brooks, for making, using, maintaining, and repairing the said Rail-road and side-paths; and also to construct, make and do all other matters and things which they shall think necessary and convenient for the making, effecting, preserving, completing and using the said Rail-road, and the said Harbours, Wharves and Piers, in pursuance of, and within the true meaning of this Act, they the said Company doing as little damage as may be in the execution of the several powers to them hereby granted, and making satisfaction in manner herein mentioned for all damages to be sustained by the owners or occupiers of such lands, tenements and hereditaments.

XII. And be it enacted, That the said Company or their agents or servants, at any time after the passing of this Act, under and by virtue of its provisions, shall not, in constructing, building and furnishing a double or single iron or wooden Rail-road or Way as aforesaid, on any part or portion of the country lying between the said Town of Woodstock and Ports Dover and Burwell, or in the constructing of any or either of the said Harbours, Wharves or Piers, in any degree interfere with or encroach on any fee simple, or other fee, right or private easement or privilege of any individual now holding and enjoying the same, or entitled thereto, without permission first had and obtained either by consent of the owner thereof or by virtue of the reference authorized by this Act.

XIII. And be it enacted, That the said double or single Rail-road or Way, and the said Harbours, Wharves and Piers, and all materials which shall be from time to time got or provided for constructing, building, maintaining or repairing the same, and all tolls on goods, wares and merchandize or passengers as hereinafter mentioned, shall be and the same are hereby vested in the said Company and their successors for ever.

XIV. And be it enacted, That so soon as the said double or single Rail-road or Way, or the said Harbours, Wharves or Piers or Vessels, or either of them, shall be so far completed as to be capable of being used, it shall and may be lawful for the said Company, through their President and Directors, from time to time to fix and regulate the tolls and charges to be received for the transportation, harbour dues and freight of all goods, merchandizes and passengers thereon, or to be transported and conveyed thereby, or any other conveniences, erections or improvements, built, occupied or owned by the said Company to be used therewith, and it shall and may be lawful for them to ask for, demand, receive, recover and take the said tolls, dues or charges, to and for their own proper use and benefit; and also, that they shall have full power to regulate the time and manner in which goods and passengers shall be transported, taken and carried on the said double or single Rail-road or Way, or Vessels, as well as the manner

manner of collecting all tolls and dues on account of transportation and carriage, and shall have power to erect and maintain such Toll-houses and other buildings for the accommodation and proper transaction of their business as to them may seem necessary.

XV. And be it enacted, That whenever it shall be necessary for the said single or double Rail-road or Way to intersect or cross any stream of water or watercourse, or any road or highway lying on the route thereof between the Town of Woodstock aforesaid, and the said harbours at Ports Dover and Burwell, or either of them, it shall be lawful for the said Company to construct their single or double Rail-road or Way across or upon the same: Provided, that the said Company shall restore the stream or watercourse or road or highway thus intersected to its former state, or in a sufficient manner not to impair its usefulness, and shall moreover erect and maintain during the continuance of this Company, sufficient fences upon the line or route of their said single or double Rail-road or Way.

Company may construct their Rail-Road across any stream of water, road, &c.

Proviso as to such streams, roads, &c.

XVI. And be it enacted, That where the said single or double Rail-road or Way shall cross any public highway, the ledge or flange of such Rail-way for the purpose of guiding the wheels of the carriages, shall not rise above the level of such road nor sink below the level of such road more than one inch; and that where any bridge shall be erected or made by the said Company for the purpose of carrying the said double or single Rail-road or Way over or across any public highway, the space of the arch of any such bridge shall be formed, and shall at all times be and be continued of such breadth as to leave a clear and open space under every such arch of not less than twelve feet, and of a height from the surface of such public highway to the centre of such arch of not less than fourteen feet, and the descent under any such bridge shall not exceed one foot in thirty feet: and that in all places where it may be necessary to erect, build or make any bridge or bridges for carrying any public carriage, road or highway over the said double or single Rail-road or Way, the ascent of every such bridge for the purpose of every such road, shall not be more than one foot in twenty feet; and a good and sufficient fence shall be made on each side of every such bridge, which fence shall be not less than four feet above the level of such bridge.

Where the Rail-Road crosses any highway, the flange not to rise or sink more than one inch.

Heights of bridges, &c.

Fences on each side of Bridges.

XVII. And be it enacted, That if any person or persons shall do or cause to be done any act or acts whatever, whereby any building, construction or work of the said Company, or any engine, machine or structure or any matter or thing appertaining to the same shall be stopped, obstructed, impaired, weakened, injured or destroyed, the person or persons so offending shall forfeit and pay to the said Company double the amount of damages sustained in consequence and by means of such offence or injury, to be recovered in the name of the said Company, by action of debt to be brought in any Court of Record in that part of the Province of Canada formerly Upper Canada.

Penalty on persons injuring or obstructing the free use of the Rail-Road, or works.

XVIII. And be it enacted, That the property, affairs and concerns of the said Company shall be managed by seven Directors, one of whom shall be chosen President, and who shall hold their offices for one year, each of which said Directors shall be a Stockholder to the amount of at least one hundred shares, and be elected on the first Tuesday in June in every year at Woodstock aforesaid, at such times of the day and in such place in the said Town of Woodstock as a majority of the Directors for the time being shall have appointed; and public notice thereof shall be given in any newspaper or newspapers that may be published in each of the Districts through which the

Affairs of the Company to be managed by Seven Directors; When to be elected.

Notice.

Who shall vote at such elections.

the said Rail-road or Way shall pass, and in which the said Harbours, Wharves and Piers shall be situate; and the said election shall be held and made by such of the Stockholders of the said Company as shall attend for that purpose in their proper persons or by proxy; and all elections for such Directors shall be by ballot, and the seven persons who shall have the greatest number of votes at any election shall be Directors; and if it shall happen at any such election that two or more have an equal number of votes, in such manner that a greater number of persons shall by a plurality of votes appear to be chosen Directors, then the Stockholders hereinbefore authorized to hold such election shall proceed to elect by ballot until it is determined which of the said persons so having an equal number of votes shall be Director or Directors, so as to complete the whole number of seven, and the said Directors so chosen, as soon as may be after the said election, shall proceed in like manner to elect by ballot one of their number to be President, and if any vacancy or vacancies shall at any time happen among the Directors, by death, resignation or removal from the Province, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen by a person or persons to be nominated by a majority of the Directors.

Directors to elect a President.

Company not to be dissolved by any failure to elect.

XIX. And be it enacted, That in case it shall happen that an election of Directors should not be made on any day when, pursuant to this Act it ought to have been made, the said Company shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any day thereafter to hold and make an election of Directors, in such manner as shall have been regulated by the By-laws and Ordinances of the said Corporation.

Each share to give one vote.

XX. And be it enacted, That each Stockholder shall be entitled to the number of votes, proportioned to the number of shares, which he or she shall have held in his or her own name one month at the least prior to the time of voting, according to the following rate, that is to say: One vote for each share.

Directors may make By-Laws, &c.

XXI. And be it enacted, That the Directors for the time being, or any majority of them, shall have power to make and subscribe such By-laws, Rules and Regulations as to them shall appear needful and proper, touching the management and disposition of the stock property and estate and effects of the said Company, and touching the duty of officers, clerks and servants, and all such other matters and things as appertain to the business of the said Company; and shall also have power to appoint as many officers, clerks and servants for carrying on the said business, with such salaries and allowances as to them shall seem meet.

And appoint officers and servants.

First meeting of Stockholders to elect Directors.

XXII. And be it enacted, That on the first Tuesday in the month of March next after the passing of this Act, a meeting of the Stockholders shall be held at the Town of Woodstock; who in the manner hereinbefore provided shall proceed to elect seven persons to be Directors, who shall elect by ballot one of their number to be their President, and shall continue in office until the next Annual Meeting of the said Company, and who during such continuance in office shall discharge the duties of Directors in the same manner as if they had been elected at the Annual Election: Provided always, that if shares to the amount of sixty thousand pounds shall not be taken, then the said meeting shall not be held until that amount of stock shall have been taken up, and at least thirty days' notice thereof given in some one of the newspapers published in each of the Districts through which the said Rail-road or Way may pass, but may be held at any

Proviso: a certain amount of Stock to be first subscribed.

any time after the said amount is subscribed, and after such notice as aforesaid, and at whatever time such first meeting shall be held, the Directors elected thereat shall remain in office until the first Tuesday in June next thereafter.

XXIII. And be it enacted, That the whole Capital Stock of the said Company, exclusive of any real estate which the said Company may have or hold by virtue of this Act, shall not exceed in value two hundred and fifty thousand pounds, which amount shall be raised by the several parties hereinbefore named and by such other person or persons who may after the passing of this Act become subscriber or subscribers towards such stock, and be held in Fifty thousand shares of Five pounds each share, and that the shares of the Capital Stock be deemed personal property, and may after the first instalment thereon shall have been paid, be transferred by the respective persons subscribing and holding the same to any other person or persons, and such transfer shall be entered and registered in one or more Books to be kept for that purpose by the said Company.

Amount of Capital Stock not to exceed £250,000.

Stock to be personal property, and how transferable.

XXIV. And be it enacted, That no Stockholder in the said Company shall be in any manner whatsoever liable for or charged with the payment of any debt or demand due by the said Company, beyond the extent of his, her or their share in the capital of the Company not paid up.

No Stockholder to be liable beyond the amount of his Stock.

XXV. And be it enacted, That so soon as Directors have been appointed as aforesaid, it shall and may be lawful for them to call upon the Stockholders of the said Company by giving thirty days' notice thereof in any newspapers published in each of the said Districts through which the said Rail-road or Way passes, for an instalment of five per cent. upon each share which they or any of them may respectively subscribe for, and that the residue of the amount of the shares of the Stockholders shall be payable by instalments at such times and in such proportions as the Directors of the said Company may see fit, so as no such instalment shall exceed five per centum, nor become payable in less than thirty days after the public notice in the newspaper or newspapers aforesaid: Provided always, that the said Directors shall not commence the construction of the said Rail-road or Way, Harbours, Wharves, Piers or Vessels, or any or either of them, until the said first instalment shall be paid in.

Directors may call upon Stockholders for instalments. Notice.

Instalments limited.

Proviso as to commencing the work.

XXVI. And be it enacted, That if any Stockholder or Stockholders as aforesaid shall refuse or neglect to pay at the time required any such instalment or instalments as shall be lawfully required by the Directors, as due and payable upon any share or shares, such Stockholder or Stockholders so refusing or neglecting shall forfeit such share or shares as aforesaid with any amount which shall have been previously paid thereon, and that the share or shares so forfeited may be sold by the said Directors, and the sum arising therefrom together with the amount previously paid thereon shall be accounted for and applied in like manner as other monies of the said Company: Provided always, that the purchaser or purchasers shall pay the said Company the amount of the instalment required, over and above the purchase money of the share or shares so purchased by him, her or them aforesaid, immediately after the sale, and before they shall be entitled to the certificate of the transfer of such shares so purchased as aforesaid: Provided also, that thirty days' notice of the sale of the forfeiture of such shares shall be given in the newspaper or newspapers aforesaid, and that the instalments due may be received in redemption of any such forfeited shares at any time before the day appointed for the sale thereof.

Penalty on Stockholders refusing to pay instalments.

Proviso.

Proviso.

Directors to make annual or semi-annual dividends of profits, and to submit accounts and statements to Stockholders and the Legislature.

XXVII. And be it enacted, That it shall be the duty of the Directors to make annual or semi-annual dividends of so much of the profits of the said Company as to them or a majority of them shall seem advisable; and that once in each year an exact and particular statement shall be rendered of the state of their affairs, debts, credits, profits and losses, such statement to appear on the books and to be open to the perusal of any Stockholder at his or her reasonable request; which said statement, attested on oath, shall be annually submitted to the three Branches of the Legislature within fifteen days after the opening of each Session of the Provincial Parliament, and also a statement of the tonnage of goods, freight and number of passengers that have been conveyed along the said road or in the said vessels.

Directors may call General Meeting to raise a further sum by loan when £85,000 shall have been expended.

XXVIII. And be it enacted, That whenever the sum of eighty-five thousand pounds of the Capital Stock of the said Company shall have been paid up and expended in the construction of some part or parts of the said Rail-road or Way, Harbours, Wharves, Piers and Vessels, or of either of them, it shall and may be lawful for the President and Directors of the said Company, being thereunto authorized by a General Meeting of the Stockholders to be called for that purpose, to borrow by way of loan from such party or parties as shall be willing to advance the same, and at the lowest rate of interest for which it can be procured, such sum or sums of money, not to exceed in the whole the balance of the Stock not paid up, for the purpose of carrying on and completing the said Rail-road or Way, Harbours, Wharves, Piers or Vessels, and the said Rail-road, Harbours, Wharves, Piers and Vessels, or such part or parts thereof as may be constructed with the income or tolls arising therefrom, after paying the necessary repairs and the expenses of conducting the business thereof, may be pledged as security for the payment of the principal money so borrowed and the interest thereof.

May mortgage the Road, Harbours, &c. as security.

XXIX. And be it enacted, That the said Rail-road, Harbours, Wharves, Piers and Vessels, or some of them, or some part thereof which the said Company are by this Act authorized to build and make, shall be commenced within five years from the passing of this Act, otherwise this Act and every matter and thing herein contained shall cease and be utterly null and void, and the said Rail-road or Way, Harbours, Wharves, Piers and Vessels shall be completed and fit for public use within ten years from the passing of this Act, otherwise this Act shall cease to have force and effect with regard to such parts of the said Rail-road or Way, Harbours, Wharves, Piers and Vessels as shall not then be completed, but shall remain in force with regard to such parts of it as shall be complete and in use.

Road, &c., to be commenced within five years, and completed within ten years, on pain of forfeiting privileges.

Except as to portions then made.

XXX. And be it enacted, That it shall not be lawful for the said Directors to permit any travelling on the said Rail-road or Way on Sundays.

No travelling to be permitted on Sundays.

Limitation of actions.

XXXI. And be it enacted, That if any action or suit shall be brought against any person or persons for any matter or thing done in pursuance of this Act, such action or suit shall be brought within six calendar months next after such cause of action arose; and the defendant or defendants in such action or suit may plead the general issue only, and give this Act and the special matter in evidence on the trial.

Public Act.

XXXII. And be it enacted, That this Act shall be deemed and taken to be a public Act, and as such shall be judicially noticed by all Judges, Justices of the Peace, and other persons without being specially pleaded.

XXXIII.

XXXIII. And be it enacted, That notwithstanding the privileges hereby conferred, the Legislature may at any time hereafter make such addition to this Act, or such alterations of any of its provisions as they may think proper for affording just protection to the public, or to any person or persons, body politic or corporate, in respect to their estate, property or rights, or any interest therein, or any advantage, privilege or convenience connected therewith, or in respect to any way or right, public or private, that may be affected by any of the powers given by this Act.

The Legislature may alter the provisions of this Act.

SCHEDULE A.

FORM OF CONVEYANCE.

Know all men by these presents, that I, A. B., of &c. do hereby in consideration of (being the purchase money) paid to me by *The Woodstock and Lake Erie Rail-Way and Harbour Company*, the receipt whereof I do hereby acknowledge, do grant, bargain and sell, convey and confirm unto the said *Woodstock and Lake Erie Rail-Way and Harbour Company*, their Successors and Assigns for ever, all that certain tract or parcel of land situate, &c., (*here describe the land*) the same having been selected by the said Company for the purpose of their Road, Harbour, Wharf or Pier (*as the case may be.*)

To have and to hold the said land and premises together with the hereditaments and appurtenances thereto to the said *Woodstock and Lake Erie Rail-Way and Harbour Company*, their Successors and Assigns for ever.

Witness my hand and seal, this _____ day of _____ A. B.

Signed, sealed and delivered in the presence of }
 _____ }
 _____ }

[L. S.]

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





ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. CXVIII.

An Act to incorporate *The Bytown and Britannia Rail-way Company.*

Reserved for the signification of Her Majesty's pleasure, 28th July, 1847.

The Royal Assent given by Her Majesty in Council on the 15th April, 1848; and Proclamation made thereof by His Excellency JAMES, EARL OF ELGIN AND KINCARDINE, in the Canada Gazette of the 24th June, 1848.

WHEREAS the construction of a Rail-way from Bytown to Britannia in the District of Dalhousie, would greatly contribute to the facility of intercourse between many parts of this Province lying upon the River Ottawa and the City of Montreal, and to the advancement and prosperity of the country lying upon the said river and of this Province generally; And whereas the several persons hereinafter named are desirous to make and maintain the said Rail-way: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That John Scott, Nelson George Robinson, George Byron Lyon, George William Baker, Charles Sparrow, Hammett Hill, James Skead, John Robertson, John Sumner and Andrew Main, together with such person or persons as shall, under the provisions of this Act, become subscribers to and proprietors of any share or shares in the Rail-way hereby authorized to be made and other works and property hereinafter mentioned; and their several and respective heirs, executors, administrators, curators and assigns, being proprietors of any such share or shares, are and shall be, and be united into a Company for carrying on, making, completing and maintaining the said intended Rail-way and other works, according to the rules, orders and directions hereinafter expressed, and shall for that purpose be one body politic and corporate by the name of *The Bytown and Britannia Rail-way Company*, and by that name shall have perpetual succession and shall have a common seal, and other the usual powers and rights of bodies corporate not inconsistent with this Act, and by that name shall and may sue and be sued, and also shall and may have power and authority to purchase and hold lands, (which word shall throughout this Act be understood to include the land and all that is upon or below the surface thereof, and all the real rights and appurtenances thereunto belonging,) for them and their successors and assigns, for the use of the said Rail-way and works, and also to alienate and convey any of the said lands, purchased for the purposes aforesaid, and any person or persons, bodies politic or corporate, or communities may give, grant, bargain, sell or convey to the said Company any lands for the purposes aforesaid, and the same

Preamble.

Certain persons incorporated for the purposes of this Act; and certain corporate powers conferred on them.

Corporate name and powers.

Word 'Lands' how understood in this Act.

may

Rail-way may be made on any plan.

Direction of the said Rail-way.

Power to hold Steamboats, &c.

Governor in Council to fix the gauge of the Rail way.

Power to the Company to set out and survey lands necessary for their works, &c.

To get and place materials.

To erect buildings, machinery, &c.

Bridges and other works for passing streams, &c.

may re-purchase of the said Company without *Lettres d'Amortissement*: And the said Company shall be and are hereby authorized and empowered from and after the passing of this Act, by themselves, their deputies, agents, officers, workmen and servants, to make and complete a Rail-way or Rail-ways to be called *The Bytown and Britannia Rail-way*, with one or more sets of Rails or Tracks, and to be worked by locomotive engines, or on the atmospheric principle, or in such other mode as the said Company may deem expedient, from some place or places in Bytown aforesaid to some place or places in the Township of Nepean, at or near the Britannia Mills, and in as direct a line as may be found convenient, and to erect wharves, warehouses, stores and other buildings at either termination, and at such other places on the line of the said Rail-way or Rail-ways as they may deem expedient; and to build, or purchase, hold and use one or more steamboats or other vessels to ply on the waters of the River Ottawa, from the upper termination of the said Rail-way, or any place above such termination, to Fitzroy Harbour, and thence to the Portage du Fort, in the Township of Ross.

II. And be it enacted, That it shall and may be lawful for the Governor in Council to determine the gauge which shall be used in the Rail-way in this Act mentioned, and such determination shall be declared by Proclamation in the Official Gazette, and shall thereupon be binding upon the said Company.

III. And be it enacted, That for the purposes aforesaid, the said Company, their deputies, servants, agents and workmen, are hereby authorized and empowered to enter into and upon any lands and grounds of the Queen's Most Excellent Majesty, not hereinafter excepted, without leave or license first had and obtained from Her Majesty, or of any person or persons, bodies politic or corporate, or collegiate, or communities or parties whatsoever, and to survey and take levels of the same, or any part thereof, and to set out and ascertain such parts thereof as they shall think necessary and proper for making the said intended Rail-way and other works hereby authorized, and all such works, matters and conveniences as they shall think proper and necessary for making, effecting, preserving, improving, completing, maintaining and using the said intended Rail-way and other works, and also to bore, dig, cut, trench, get, remove, take, carry away, and lay earth, clay, stone, soil, rubbish, trees, roots of trees, beds of gravel or sand, or any other matters or things which may be dug or got in making the said intended Rail-way or other works, on or out of the lands or grounds of any person or persons adjoining or lying convenient thereto, and which may be proper, requisite or necessary for making or repairing the said intended Rail-way, or the works incidental or relative thereto, or which may hinder, prevent or obstruct the making, using or completing, extending or maintaining the same respectively, according to the intent and purpose of this Act; and to make, build, erect and set up, in or upon the said intended Rail-way, or upon their lands adjoining or near the same respectively, such and so many houses, warehouses, toll-houses, watch-houses, telegraphs or other signals, weighing beams, cranes, fire-engines, steam-engines, or other engines, either stationary or locomotive, inclined planes, machines, and other works, ways, roads and conveniences, as and when the said Company shall think requisite and convenient for the purposes of the said Rail-way and works; and also from time to time to alter, repair, divert, widen, enlarge and extend the same, and also to make, maintain, repair and alter any fences or passages over, under or through the said intended Rail-way, and to construct, erect and keep in repair any bridges, arches and other works upon

upon and across any rivers or brooks for the making, using, maintaining and repairing the said intended Rail-way; and to turn any such brook, river or water-course, and to change its course; and to construct, erect, make and do all other matters and things which they shall think convenient and necessary for the making, effecting, extending, preserving, improving, completing, and easy using of the said intended Rail-way and other works, in pursuance of, and according to the true intent and meaning of this Act, they, the said Company, doing as little damage as may be, in the execution of the several powers to them hereby granted, and making satisfaction in manner hereinafter mentioned to the owners or proprietors of, or the persons interested in the lands, tenements or hereditaments, water, water-courses, brooks or rivers respectively, which shall be taken, used, removed, prejudiced, or of which the course shall be altered, or for all damages to be by them sustained in or by the execution of all or any of the powers given by this Act; and this Act shall be sufficient to indemnify the said Company and their servants, agents or workmen, and all other persons whatsoever for what they, or any of them, shall do by virtue of the powers hereby granted, subject nevertheless to such provisions and restrictions as are hereinafter mentioned.

Other works necessary for the Rail-way.

As little damage as possible to be done, and compensation to be made.

IV. Provided always, and be it enacted, That whenever the said Company shall have occasion to carry their said Rail-way along or across any street or highway in Bytown or the Town of Fitzroy, they shall at all times leave at least one-half of the width of the road-way clear of all obstructions arising from their work, (unless they shall obtain leave to do otherwise under a By-law of the Municipal Council of the District of Dalhousie, or the Corporation of Bytown, as the case may be,) and under a penalty of five pounds for any contravention, over and above all damages sustained by any party; and the said Company shall not carry the said Rail-way along any street or existing highway out of the said towns, but merely cross the same in the line of the said road; and before they shall in any way obstruct such street or highway with their works, they shall turn the said highway or street at their own charges so as to leave an open and good passage for carriages free from obstructions, and when their works are completed, they shall replace the said highway or street, under a penalty of five pounds for any contravention, but in either case the rail itself, provided it does not rise above or sink below the surface of the road more than one inch, shall not be deemed an obstruction.

How the Rail-way shall be carried across public roads, &c.

Rail itself not to be deemed an obstruction.

V. Provided also, and be it enacted, That the said Company shall and may, if they think fit, carry the said Rail-way, through the Concession Line between the First Concession and Concession A, or the broken front in the Township of Nepean, Ottawa front, which is otherwise useless to the public.

Rail-way may be carried along a certain concession Line.

VI. And be it enacted, That for the purposes of this Act, the said Company shall and may by some sworn Land Surveyor for Upper Canada, and by an Engineer or Engineers by them to be appointed, cause to be taken and made, surveys and levels of the lands through which the said intended Rail-way is to be carried, together with a map or plan of such Rail-way, and of the course and direction thereof, and of the said lands through which the same is to pass, and the lands intended to be taken for the several purposes authorized by this Act, so far as then ascertained, and also a book of reference for the said Rail-way, in which shall be set forth a general description of the said several lands, and the names of the owners, occupiers, and proprietors thereof, so far as they can be ascertained by the said Company, and in which shall be contained

Company to take surveys and levels of the lands through which the Rail-way is to be carried, and make a map or plan. Book of reference to be made and deposited with the plan.

every

every thing necessary for the right understanding of such map or plan, one copy whereof shall be deposited in the office of the Clerk of the Municipal Council for the District of Dalhousie and another in the office of the said Company ; and all persons shall have liberty to resort to such copies so to be deposited as aforesaid, and to make extracts or copies thereof as occasion shall require.

When the Rail-way passes any highway, the rail, &c to be within one inch of the surface.

VII. Provided always, and be it enacted, That where the said Rail-way shall cross any highway, (which word shall in this Act include all public roads, streets, lanes or other public ways or communications,) neither the rail nor any other part of the Rail-way or works connected therewith, shall rise above the level of such street or highway, or sink below the level of such street or highway, more than one inch ; and the said Rail-way may be carried across any highway or above any highway within the limits aforesaid.

Height and breadth of bridges over any highway.

VIII. Provided always, and be it enacted, That where any bridge shall be erected or made by the said Company, for the purposes of carrying the said Rail-way over or across any highway, the space of the arch of any such bridge shall be formed and shall at all times be and be continued of such breadth as to leave a clear and open space under every such arch of not less than twenty feet, and a height from the surface of such highway to the centre of such arch, of not less than sixteen feet, and the descent under any such bridge shall not exceed one foot in twenty feet.

Descent under bridges.

And of bridges for carrying a public road over the Rail-way.

IX. Provided always, and be it enacted, That in all places where it may be necessary to erect, build or make any bridge or bridges for carrying any highway over the Rail-way, the ascent of every such bridge for the purpose of every such highway shall not be more than one foot in twenty feet; and a good and sufficient fence shall be made on each side of every such bridge, which fence shall not be less than four feet above the surface of such bridge.

Fence to bridge.

Precautions to be observed when the Rail-way crosses a highway on a level.

X. Provided always, and be it enacted, That the said Company shall, at each and every place where the said Rail-way shall cross any highway on a level, erect and keep up a sign-board stretching across the highway at such height as to leave sixteen feet from the highway to the lower edge of the sign-board, and having the words "RAILWAY-CROSSING" painted on each side of such sign-board, and in letters not less than six inches in length ; and for each and every neglect to comply with the requirements of this section, the said Company shall incur a penalty not exceeding five pounds currency.

Penalty for neglect.

Company not to deviate more than one mile from the line shewn in the map aforesaid.

XI. And be it enacted, That the said Company, in making the said intended Rail-way, shall not deviate more than a mile from the line of the Rail-way or from the places assigned to the several works of the Company, in the map or plan and book of reference deposited aforesaid, nor cut, carry, place, lay down or convey the said Rail-way into, through, across, under or over any part of any lands or grounds not shown and mentioned in such map or plan and book of reference, as being required for such purpose, or as being within one mile of the said line and of the places assigned therein to the said works respectively, (save in such instances as are herein specially provided for,) without the consent of the party or parties who could, under the provisions of this Act, convey such lands.

Except by consent of parties.

XII. And be it enacted, That the said Company may make, carry or place their said intended Rail-way and works, into, across or upon the lands of any person or party whomsoever on the line aforesaid, or within the distance aforesaid from such line, although the name of such party be not entered in the said book of reference, through error, want of sufficient information, or any other cause, or although some other person or party be erroneously mentioned as the owner of or party entitled to convey, or interested in such lands.

Effect of errors as to the book of reference.

XIII. And be it enacted, That the lands or grounds to be taken or used for such intended Rail-way, and the ditches, drains and fences to separate the same from the adjoining lands, shall not exceed thirty yards in breadth, except in such places where the said intended Rail-way shall be raised more than five feet higher, or cut more than five feet deeper than the present surface of the land, or in such places where it shall be judged necessary to have off-sets for the locomotives or other engines and carriages using the said intended Rail-way to be or pass each other (and not above one hundred yards in breadth in any such place,) or where any houses, ware-houses, wharves, toll-houses, watch-houses, weighing-beams, cranes, fixed engines or inclined planes, may be intended to be erected, or goods, wares or merchandize to be delivered, (and then not more than one hundred and fifty yards in length, by one hundred yards in breadth,) without the consent of some party who can, under the provisions of this Act, convey such lands to the said Company, and the places at which such extra breadth is to be taken, shall be shewn on the said map or plan, so far as the same may be then ascertained, but their not being so shewn shall not prevent the Company from taking such extra breadth, provided it be taken upon the line shewn or within the distance aforesaid from any public highway, (except only as provided in the fourth Section) but their right shall be limited to the laying down across the same, that is in the line of the said Rail-way at whatever angle it may intersect such highway, the rails and other contrivances, forming part of the said Rail-way, subject to the limitations mentioned in the sixth Section, or any other part of this Act; nor shall any land or property vested in Her Majesty, or in any party in trust for Her Majesty, except under the next following section, be taken by the said Company without the consent of Her Majesty, or of the party in whom the same shall be so vested in trust.

Lands taken for Rail-way not to exceed thirty yards in breadth.

Exceptions for deep cutting, passing places, &c.

And for stations for machinery, &c.

Proviso as to lands forming part of public roads, &c.

Or vested in the Crown.

XIV. And be it enacted, That it shall be lawful for the said Company to take, use, occupy and hold, but not to alienate, so much of the Public Beach or of the land covered with the waters of the River Ottawa or on the Rideau Canal at Bytown, the consent of the Principal Officers of Her Majesty's Ordnance being first obtained, not used or occupied for any public work or vested in any party, (not exceeding the quantity limited in the next preceding section,) as may be required for the Rail-way, and other works which they are hereby authorized to construct, doing no damage to nor causing any obstruction in the navigation of the said river or canal.

Company may use the Public Beaches, &c., doing no damage to the navigation.

XV. And be it enacted, That after any lands or grounds shall be set out and ascertained in manner aforesaid, for making and completing the said Rail-way and other works, and other the purposes and conveniences hereinbefore mentioned, it shall and may be lawful for all bodies politic, corporate, or collegiate, corporations aggregate or sole, communities, tenants in tail, or for life, guardians, curators, executors, administrators, and all other trustees or persons whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent,

After any lands have so been set out, all bodies corporate, &c. may sell their property therein to the Company.

represent, whether infants, issue unborn, lunatics, idiots, *femes-covert*, or other persons or parties, who are or shall be seized, possessed of or interested in any lands or grounds which shall be so set out and ascertained as aforesaid, or any part thereof, to contract for, sell and convey unto the said Company, all or any part of such lands or grounds which shall under this Act be set out and ascertained as aforesaid; and that all contracts, agreements, sales, conveyances and assurances so to be made, shall be valid and effectual in law to all intents and purposes whatsoever; any law, statute, usage or custom to the contrary thereof in any wise notwithstanding; and that all bodies politic, corporate or collegiate, or communities, and all persons whatsoever, so conveying as aforesaid, are hereby indemnified for what he, she, or they, or any of them shall respectively do by virtue of or in pursuance of this Act: Provided always, that before the map or plan and book of reference shall be deposited as aforesaid, and before the lands required for the said Rail-way and works shall be set out and ascertained, it shall be lawful for any party who might under this Act convey any lands to the said Company, if the same were so set out and ascertained, to agree with the Company for the price to be paid for such lands if they shall be thereafter so set out and ascertained; and such agreement shall be binding, and the price agreed upon shall be the price to be paid by the Company for the same lands, if they shall be afterwards so set out and ascertained, within one year from the date of such agreement, and although such land may in the mean time have become the property of a third party; and possession of the same may be taken and the agreement and price may be dealt with, as if such price had been fixed by an award of Arbitrators as hereinafter mentioned.

Proviso.
Parties may,
before any
lands are set
out, agree with
the Company
for the price if
they be after-
wards re-
quired.

Where no
power is vested
in any party to
sell, a fixed
annual rent to
be established.

Privilege for
such rent or
any purchase
money not
paid.

XVI. Provided always, and be it enacted, That any body politic, community, corporation, or other party, who cannot in common course of law sell or alienate any lands or grounds so set out and ascertained, shall agree upon a fixed annual rent as an equivalent, and not upon a principal sum, to be paid for the lands or grounds so set out and ascertained as necessary for making the said Rail-way, and other the purposes and conveniences relative thereto and connected therewith; and in case the amount of such rent shall not be fixed by voluntary agreement or compromise, it shall be fixed in the manner hereinafter prescribed, and all proceedings shall in that case be regulated as hereinafter prescribed; and for the payment of the said annual rent, and every other annual rent agreed upon or ascertained, and to be paid by the said Company for the purchase of any lands, or for any part of the purchase money of any land, which the vendor shall agree to leave in the hands of the said Company, the said Rail-way and the Tolls to be levied and collected thereon shall be, and are hereby made liable and chargeable, in preference to all other claims or demands thereon whatsoever, the deed creating such charge and liability being duly registered.

Agreement
with joint
proprietors to
a certain ex-
tent, to bind
the rest.

XVII. Provided always, and be it enacted, That whenever there shall be more than one party proprietor of any land or property as joint-tenants or tenants in common, any agreement made in good faith between the said Company and any party or parties proprietor, or being together proprietors, of one third or more of such land or property, as to the amount of compensation for the same or for any damages thereto, shall be binding as between the remaining proprietor or proprietors as joint-tenants or tenants in common and the Company; and the proprietor or proprietors who have so agreed, may deliver possession of such land or property to the Company, or empower them to enter upon the same, as the case may be.

XVIII. And be it enacted, That so soon as the said map or plan and book of reference shall have been deposited as aforesaid, and notice of their being so deposited shall have been given during at least one calendar month, in at least one newspaper published in Bytown, it shall be lawful for the said Company to apply to the several owners of or parties hereby empowered to convey the lands through which such Rail-way is intended to be carried, or which may suffer damage from the taking of materials, or the exercise of any of the powers granted to the said Company by this Act, and to agree with such owners or parties respectively, touching the compensation to be paid to them by the said Company for the purchase thereof, and for their respective damages, and to make such agreements and contracts with the said parties touching the said lands, or the compensation to be paid for the same, or for the damages, or as to the mode in which the said compensation shall be ascertained, as to such parties and the said Company shall seem expedient; And in case of disagreement between the said Company and the said owners or parties, or any of them, then all questions which shall arise between them and the said Company shall be settled as follows, that is to say:

The Company may agree with parties touching the compensation to be paid for lands or for any right exercised upon them.

Or as to mode of establishing such compensation.

How the same shall be settled when the parties cannot agree.

The deposit of the map or plan and book of reference, and the notice of such deposit, given as aforesaid, shall be deemed a general notice to all such parties as aforesaid, of the lands which will be required for the said Rail-way and works.

Legal effect of map and book of reference.

The Company shall serve a notice upon the opposite party, containing a description of the lands to be taken, or of the powers intended to be exercised with regard to any lands (describing them,) a declaration that the Company are ready to pay some certain sum (or rent, as the case may be) as compensation for such lands or for the damages arising from the exercise of such power, and the name of a person whom they appoint as their Arbitrator if their offer be not accepted, and such notice shall be accompanied by the certificate of some sworn Surveyor of Upper Canada, disinterested in the matter, and not being the Arbitrator named in the notice, that the land (if the notice relate to the taking of land) is shewn on the map or plan deposited as aforesaid, as being required for the said Rail-way and works, or as being within the limits of deviation hereby allowed from the line of the said Rail-way, that he knows such land, or the amount of damages likely to arise from the exercise of such powers, and that the sum so offered is in his opinion a fair compensation for such land and for such damages as aforesaid.

Notice to opposite party

Offer.

Name of Arbitrator.

Certificate of a Surveyor that the offer is a fair one, &c.

If the opposite party be absent from the District of Dalhousie or be unknown to the said Company, then upon application to the District Judge for the District of Dalhousie, accompanied by such certificate as aforesaid, and by an affidavit of some Officer of the Company, that such opposite party is so absent, or that after diligent inquiry the party on whom the notice ought to be served cannot be ascertained, such Judge shall order a notice as aforesaid (but without the certificate) to be inserted three times in the course of one calendar month in some newspaper published in Bytown.

If the party be absent or unknown.

If within ten days after the service of such notice, or within one month after the first publication thereof as aforesaid, the opposite party shall not notify to the Company that he accepts the sum offered by the said Company, or notify to them the name of a person whom he appoints as Arbitrator, then the District Judge for the District of Dalhousie, may on the application of the said Company, appoint some sworn Surveyor for Upper Canada to be sole Arbitrator for determining the compensation to be paid by the Company.

Party not accepting the Company's offer, and not appointing an Arbitrator.

Opposite party appointing an Arbitrator.

Third Arbitrator.

If the opposite party shall, within the time aforesaid, notify to the said Company the name of the person such party shall appoint as Arbitrator, then the said two Arbitrators shall jointly appoint a third, or if they cannot agree upon a third, then the District Judge of the District of Dalhousie shall, on the application of the said party or of the Company, (previous notice of at least one clear day having been given to the other party,) appoint a third Arbitrator.

Duties of Arbitrators after being sworn.

The said Arbitrators or any two of them, or the sole Arbitrator, being sworn before some Justice of the Peace for the District of Dalhousie aforesaid, faithfully and impartially to perform the duties of their office, shall proceed to ascertain the compensation to be paid by the Company, in such way as they or he, or a majority of them, shall deem best, and the award of such Arbitrators, or of any two of them, or of the sole Arbitrator, shall be final and conclusive: Provided, that no such award shall be made or any official act done by such majority, except at a meeting held at a time and place of which the other Arbitrator shall have had at least one clear day's notice, or to which some meeting at which the third Arbitrator was present shall have been adjourned; but no notice to the Company or opposite party shall be necessary, but they shall be held sufficiently notified through the Arbitrator they shall have appointed, or whose appointment they shall have required.

Proviso. Award not to be made except at proper meetings or times.

Costs how paid.

Provided always, that the award given by any sole Arbitrator shall never be for a less sum than that offered by the Company as aforesaid; and if in any case where three Arbitrators shall have been appointed, the sum awarded be not greater than that offered by the Company, the costs of the arbitration shall be borne by the opposite party, and deducted from the compensation, otherwise they shall be borne by the Company, and in either case they may, if not agreed upon, be taxed by the District Judge aforesaid.

How taxed.

Arbitrators may examine witnesses on oath. False statement to be perjury.

The Arbitrators, or a majority of them, or the sole Arbitrator, may examine on oath, or solemn affirmation, the parties or such witnesses as shall voluntarily appear before him or them, and may administer such oath or affirmation; and any wilful false statement made by any witness, under such oath or affirmation, shall be deemed wilful and corrupt perjury, and punishable accordingly.

Time within which award must be made.

The District Judge by whom any third Arbitrator or sole Arbitrator shall be appointed, shall, at the same time, fix a day on or before which the award shall be made, and if the same be not made on or before such day, or some other day to which the time for making it shall have been prolonged, either by consent of the parties, or by the order of the said District Judge, (as it may be for reasonable cause shown, on the application of such sole Arbitrator, or of one of the Arbitrators, after one clear day's notice to the others,) then the sum offered by the Company as aforesaid shall be the compensation to be paid by them.

May be prolonged in certain cases.

Arbitrator dying, &c.

If the party appointed by such Judge as third Arbitrator or sole Arbitrator shall die before the award be made, or shall be disqualified, or refuse or fail to act within a reasonable time, then upon the application of either party, the District Judge being satisfied by affidavit or otherwise of such disqualification, refusal or failure, may, in his discretion, appoint another in his stead; and, if the Arbitrator appointed by the said Company or by the opposite party shall die before the award shall be made, or shall leave

leave the Province, or become unable to act within a reasonable time, (such fact being ascertained to the satisfaction of the Judge as attested by his Certificate to that effect,) the said Company or the opposite party (as the case may be) may appoint another in his stead, notifying the other Arbitrators of such appointment; but no recommencement or repetition of prior proceedings shall be required in any case.

The Company may desist from any such Notice as aforesaid, and afterwards give new Notice with regard to the same or other lands, to the same or any other party, but they shall in any such case be liable to the party first notified for all damages or costs by him incurred in consequence of such first Notice and desistment.

Company may desist, paying costs.

It shall be no disqualification to the Surveyor or other person offered or appointed as Valuator, or as Arbitrator, that he be professionally employed by the Company or by the opposite party, or that he have previously expressed an opinion as to the amount of compensation, or that he be related or of kin to any member of the Company, provided he be not himself personally interested in the amount of such compensation; and no cause of disqualification shall be urged against any Arbitrator appointed by the District Judge after his appointment, but shall be made before the same, and its validity or invalidity summarily determined by such Judge; and no cause of disqualification shall be urged against any Arbitrator appointed by the Company, or by the opposite party, after the appointment of a third Arbitrator; and the validity or invalidity of any cause of disqualification urged against any such Arbitrator, before the appointment of a third Arbitrator, and shall be summarily determined by the District Judge, on the application of either party, after one clear day's notice to the other, and if such cause be determined to be valid, the appointment shall be null, and the party offering the person so adjudged to be disqualified shall be held to have appointed no Arbitrator.

Arbitrators not disqualified by certain circumstances.

Cause of disqualification when to be urged.

How tried and determined.

No award made as aforesaid shall be invalidated by any want of form or other technical objection, if the requirements of this Act shall have been complied with, and if the award shall state clearly the sum awarded, and the lands and other property, right or thing for which such sum is to be the compensation; nor shall it be necessary that the party or parties to whom the sum is to be paid be named in the award.

Awards not to be avoided by mere want of form.

Parties need not be named.

XIX. And be it enacted, That upon payment or legal tender of the compensation or annual rent so awarded, agreed upon or determined as aforesaid to the party entitled to receive the same, or upon the deposit of the amount of such compensation in the manner hereinafter mentioned, the award or agreement shall vest in the said Company the power forthwith to take possession of the lands, or to exercise the right, or to do the thing for which such compensation or annual rent shall have been awarded or agreed upon; and if any resistance or forcible opposition shall be made by any person or party to their so doing, the District Judge may, on proof to his satisfaction of such award or agreement, issue his Warrant to the Sheriff of the District, or to any Bailiff (as in his discretion may be most suitable), to put the said Company in possession, and to put down such resistance or opposition, which such Sheriff or Bailiff, taking with him sufficient assistance, shall accordingly do; Provided also, that such warrant may also be granted by such Judge without such award or agreement, on affidavit to his satisfaction that the immediate possession of the lands or of the power to do the thing mentioned in the notice is necessary to carry on some part of the said Rail-way or works with which the said Company are ready forthwith to proceed, and upon the said Company giving

Possession may be taken on payment, tender or deposit of the sum awarded.

Warrant of possession in case of resistance.

Proviso: Warrant before award in certain cases.

giving security to his satisfaction, and in a sum which shall not be less than double the amount mentioned in the notice, to pay or deposit the compensation to be awarded within one month after the making of the award, with interest from the time possession shall be given, and with such costs as may be lawfully payable by the Company.

As to incumbrances, &c. upon the lands purchased or taken.

Compensation to stand in the place of the land.

Proviso. Proceedings if the Company have reason to fear incumbrances, or claims by other parties than the vendor.

Court to distribute the money.

Costs how taxed and paid. Interest.

Proviso as to cases where this Act shall not have been complied with.

XX. And be it enacted, That the compensation awarded as aforesaid or agreed upon by the said Company, and any party who might under this Act validly convey the lands, or then in lawful possession thereof as proprietor, for any lands which might be lawfully taken under this Act without the consent of the proprietor, shall stand in the stead of such land; and any claim to, or incumbrance upon the said land, or any portion thereof, shall, as against the said Company, be converted into a claim to the said compensation, or to a like proportion thereof, and they shall be responsible accordingly whenever they shall have paid such compensation, or any part thereof, to a party not entitled to receive the same, saving always their recourse against such party: Provided always, that if the said Company shall have reason to fear any such claims, or incumbrances, or if any party to whom the compensation or annual rent, or any part thereof, shall be payable, shall refuse to execute the proper conveyance and guarantee, or if the party entitled to claim the same cannot be found, or be unknown to the Company, or if for any other reason the Company shall deem it advisable, it shall be lawful for them to pay such compensation into the Office of the Court of Queen's Bench for Upper Canada, with the interest thereon for six months, and to deliver to the Clerk of the said Court an authentic copy of the conveyance, or of the award or agreement if there be no conveyance, and such award or agreement shall thereafter be deemed to be the title of the said Company to the land therein mentioned, and notice in such form and for such time as the said Court shall appoint shall be inserted in some newspaper published at Bytown, and such notice shall state that the title of the Company, (that is the conveyance, agreement or award,) is under this Act, and shall call upon all persons entitled to, or to any part of the land, or representing, or being the husbands of any parties so entitled, to file their claims to the compensation, or any part thereof, within a time to be named in such notice, and all such claims shall be received and adjudged upon by the Court, and the said proceedings shall for ever bar all claims to the lands, or any part thereof, (including dower,) as well as all mortgages or incumbrances upon the same; and the Court shall make such order for the distribution, payment or investment of the compensation, and for the securing of the rights of all parties interested as to right and justice, according to the provisions of this Act and to law, shall appertain; and the costs of the said proceedings, or any part thereof, shall be paid by the said Company, or by any other party, as the Court shall deem it equitable to order; and if such order of distribution as aforesaid be obtained in less than six months from the payment of the compensation into Court, the Court shall direct a proportionate part of the interest to be returned to the Company, and if from any error, fault or neglect of the Company it shall not be obtained until after the six months are expired, the Court shall order the Company to pay to the proper claimants the interest for such further period as may be right.

XXI. Provided always, and be it enacted, That with regard to any lands which could not be taken without the consent of some party entitled under this Act to convey the same, or in any case in which the requirements of this Act shall not have been complied with, and in all cases where land shall have been taken, or damage shall have been done by the Company, without previously complying with the requirements of this Act, the rights

rights of the Company and of other parties shall be governed by the ordinary rules of law.

XXII. And be it enacted, That all suits for indemnity for any damage or injury sustained by reason of the powers and authority given by this Act shall be brought within six calendar months next after the time of such supposed damage sustained, or in case there shall be a continuation of damage, then within six calendar months next after the doing or committing such damage shall cease, and not afterwards, and the Defendant or Defendants shall and may plead the general issue and give this Act and the special matter in evidence at any trial to be had thereupon, and may aver that the same was done in pursuance and by the authority of this Act.

Applications for indemnity for damage to be made within a certain time.

General Issue.

XXIII. And be it enacted, That if any person shall by any means or in any manner or way whatsoever, obstruct or interrupt the free use of the said Rail-way, or the carriages, vessels, engines or other works incidental or relative thereto, or connected therewith, or shall bring or conduct any raft to or within two hundred feet of any part of the wharf to be erected by the said Company, such person shall for every such offence incur a forfeiture or penalty of not less than five pounds nor exceeding ten pounds currency; one half of which penalty and forfeiture, to be recovered before one or more Justices of the Peace for the District shall go to the prosecutor or informer, and the other half to Her Majesty, Her Heirs and Successors, and shall be paid into the hands of the Receiver General, and be applied for the public uses of this Province and the support of the Government thereof.

Penalty on persons obstructing the free use of the Rail-way, &c.

How recoverable and applicable.

XXIV. And be it enacted, That if any person or persons shall wilfully and maliciously, and to the prejudice of the said Rail-way authorized to be made by this Act, break, throw down, damage or destroy the same, or any part thereof, or any of the houses, warehouses, toll-houses, watch-houses, weigh-beams, cranes, carriages, vessels, engines, inclined planes, machines or other works or devices, incidental and relative thereto or connected therewith, or do any other wilful hurt or mischief thereto, or wilfully or maliciously obstruct or interrupt the free use of the said Rail-way, vessels or works, or shall obstruct, hinder or prevent the carrying on, completing, supporting and maintaining the said intended Rail-way, vessels or works, such person or persons shall be adjudged guilty of felony, and the Court by and before whom such person or persons shall be tried and convicted shall have power and authority to cause such person or persons to be punished in like manner as felons are directed to be punished by the laws in force in this Province, or in mitigation thereof to award such sentence as the law directs in cases of simple larceny, as to such Court shall seem fitting.

Punishment of persons breaking down or obstructing or damaging the Rail-way or any works of the Company.

XXV. And to the end that the said Company may be enabled to carry on so useful an undertaking: Be it enacted, That it shall and may be lawful for the said Company of Proprietors and their successors, to raise and contribute among themselves, in such proportions as to them shall seem meet and convenient, a competent sum of money for the making and completing the said Rail-way and all such other works, matters and conveniencies as may be found necessary for making, effecting, preserving, improving, completing, maintaining and using the said Rail-way, and other works: Provided always, that the before mentioned John Scott, Nelson George Robinson, George Byron Lyon, George William Baker, Charles Sparrow, Hammett Hill, James Skead, John

Company to contribute among themselves the necessary sums for carrying on their undertaking.

Proviso Books of subscription to be opened.

Robertson,

Proviso.
Capital,
£10,000 divid-
ed into shares
of £5 each.
Order of
charges on the
Capital.

Robertson, John Sumner and Andrew Main, (being the provisional Committee hereby appointed for that purpose) or a majority of them, shall cause books of subscription to be opened at Bytown, Fitzroy, and in the City of Montreal, at such place therein as they shall from time to time appoint, until the first meeting of Proprietors hereinafter provided for, for receiving the signatures of persons willing to become subscribers to the said undertaking, and for this purpose they shall give public notice in some newspaper published in Bytown and some newspaper published in Montreal, of the time and place at which such books will be opened and ready for receiving signatures as aforesaid, and of the persons by them authorized to receive such subscriptions; and every person who or whose Attorney shall write his or her signature in such book as a subscriber to the said undertaking, shall thereby become a Member of the said Corporation, and shall have the same rights and privileges, as such, as are hereby conferred on the several persons who are herein mentioned by name as Members of the said Corporation: Provided always, that the sums so raised shall not exceed the sum of ten thousand pounds currency, of this Province, in the whole, except as hereinafter mentioned, and that the same be divided into such number of shares as hereinafter directed, at a price of five pounds, currency, aforesaid, per share; and the money so to be raised is hereby directed and appointed to be laid out and applied in the first place for and towards the payment, discharge and satisfaction of all fees and disbursements for obtaining and passing this Act, and for making the surveys, plans and estimates incident thereto, and all other expenses relating thereunto, and all the rest, residue and remainder of such money for and towards making, completing and maintaining the said Rail-way and other the purposes of this Act, and to no other use, intent or purpose whatever.

The sum that
may be raised
to be divided
into shares.

Shares to be
personal prop-
erty and
transferable.

Rights of
Shareholders
to profits, &c.

Their liabili-
ties.

XXVI. And be it enacted, That the said sum of Ten thousand pounds, currency, or such part thereof as shall be raised by the several persons hereinbefore named, and by such other person or persons who shall or may at any time become a subscriber or subscribers to the said Rail-way, shall be divided and distinguished into two thousand equal parts or shares, at a price not exceeding five pounds, currency aforesaid, per share; and that the said two thousand shares be deemed personal estate, and shall be transferable as such; and that the said shares shall be and are hereby vested in the said several subscribers and their several respective heirs, executors, curators, administrators and assigns, to their and every of their proper use and behoof, proportionally to the sum they and each of them shall severally subscribe and pay thereunto; and all and every the bodies politic, corporate or collegiate, or communities, and all and every person or persons, their several and respective successors, executors, curators, administrators and assigns, who shall severally subscribe and pay the sum of five pounds, or such sum or sums as shall be demanded in lieu thereof, towards carrying on and completing the said Rail-way, shall be entitled to and receive, after the said Rail-way shall be completed, the entire and net distribution of the profits and advantages that shall and may arise and accrue by virtue of the sum and sums of money to be raised, recovered or received by the authority of this Act, in proportion to the number of shares so held; and every body politic, corporate or collegiate, or community, person or persons, having such property of one two thousandth part or share in the said undertaking, and so in proportion as aforesaid, shall bear and pay an adequate and proportional sum of money towards carrying on the said undertaking in manner by this Act directed and appointed.

XXVII. And be it enacted, That in case the said sum of Ten thousand pounds, hereinbefore authorized to be raised, shall be found insufficient for the purposes of this Act, then and in such case it shall be lawful for the said Company to raise and contribute amongst themselves, in manner and form aforesaid, and in such shares and proportions as to them shall seem meet, or by the admission of new subscribers, a further or other sum of money for completing and perfecting the said intended Rail-way and other works or conveniences incidental or relative thereto, or hereby authorized, not exceeding the sum of Ten thousand pounds, currency, aforesaid; and every subscriber, towards raising such further or other sum of money, shall be proprietor in the said undertaking, and have a like right of voting in respect of his, her or their shares in the said additional sum so to be raised, and shall also be liable to such obligations, and stand interested in all the profits and powers of the said undertaking, in proportion to the sum he, she or they shall or may subscribe thereto, as generally and extensively as if such other or further sum had been originally raised as a part of the said first sum of Ten thousand pounds; any thing herein contained to the contrary notwithstanding.

If this sum should not be sufficient, the Company may raise a further sum by subscription.

XXVIII. And be it enacted, That the said Company may from time to time lawfully borrow either in this Province or elsewhere such sum or sums of money, not exceeding at any time the sum of Ten thousand pounds, currency, as they may find expedient, and at such rate of interest not exceeding six per cent. per annum, as they may think proper; and may make the bonds, debentures or other securities, they shall grant for the sums so borrowed payable either in currency or in sterling, and at such place or places within or without this Province as they may deem advisable, and may mortgage or pledge the lands, tolls, revenues, and other property of the said Company for the due payment of the said sums and the interest thereon.

Company may borrow a sum not exceeding at one time £10,000 currency.

And mortgage their property.

XXIX. And be it enacted, That the number of votes to which each Proprietor of shares in the said undertaking shall be entitled on every occasion when, in conformity to the provisions of this Act, the votes of the Members of the said Company of Proprietors are to be given, shall be in the proportion to the number of shares held by him, that is to say: one vote for each share less than twenty; Provided always, that no one Proprietor as aforesaid shall have more than twenty votes; and all Proprietors of shares whether resident in this Province, or elsewhere, may vote by proxy, if he, she or they shall see fit, provided that such proxy do produce from his constituent or constituents, an appointment in writing, in the words or to the effect following, that is to say:

Votes of Proprietors according to the number of their shares.

Proviso. Proprietors may vote by proxy.

" I, _____ of _____
 " one of the Proprietors of *The Bytown and Britannia Rail-way*, do hereby nominate, constitute, and appoint _____ of _____
 " to be my proxy, in my name, and in my absence to vote or give my assent or dissent to any business, matter or thing relating to the said undertaking, that shall be mentioned or proposed at any meeting of the Proprietors of the said undertaking, or any of them, in such manner as he the said _____ shall think proper, according to his opinion and judgment, for the benefit of the said undertaking, or any thing appertaining thereto. In witness whereof, I have hereunto set my hand and seal, the _____ day of _____
 " in the year _____"

Form of appointment of proxy.

Questions to be decided by majority of votes.

And such vote or votes by proxy shall be as valid as if such principal or principals had voted in person; and whatever question, election of proper Officers, or matters or things shall be proposed, discussed, or considered in any public meeting of the Proprietors to be held by virtue of this Act, shall be determined by the majority of votes and proxies then present and so given as aforesaid, and all decisions and acts of any such majority shall bind the said Company and be deemed the decision and acts of the Company.

None but a British subject to be President or Treasurer.

XXX. Provided always, and be it enacted, That no Proprietor who shall not be a natural born subject of Her Majesty, or a subject of Her Majesty naturalized under an Act of the British Parliament, or an Act of the Parliament of this Province, shall be elected President or Treasurer of the said Company.

Liability of Shareholders limited.

XXXI. And be it enacted, That no Shareholder in the said Company of Proprietors shall be in any manner whatsoever liable for or charged with any debt or demand due by the said Company beyond the payment of the extent of his, her or their share in the Capital of the said Company not paid up.

The first General Meeting to be held in Bytown, and when.

XXXII. And be it enacted, That the First General Meeting of the Proprietors for putting this Act in execution, may be held at Bytown whenever five hundred shares in the said undertaking shall have been subscribed for, provided that public notice thereof be given during one week in some newspaper published in Bytown and signed by subscribers to the said undertaking holding among them at least two hundred shares; and at such said General Meeting, the Proprietors assembled, with such proxies as shall be present, shall choose nine persons, being each a Proprietor of not less than twenty shares in the said undertaking, to be Directors of the said Company, in such manner as is hereinafter directed, and shall also proceed to pass such Rules and Regulations and By-Laws as shall seem to them fit, provided they be not inconsistent with this Act.

Board of thirteen Directors to be elected.

In the month of January, 1849, and of each year thereafter, a Board of Directors to be elected.

XXXIII. And be it enacted, That the Directors first appointed (or those appointed in their stead in case of vacancy) shall remain in office until the election of Directors in the month of January, one thousand eight hundred and forty-nine, and that in the month of January in the said year and each year thereafter, and on such day of the month as shall be appointed by any By-Law, an Annual General Meeting of the said Proprietors shall be held at the Office of the Company for the time being to choose Directors in the room of those whose office may at that time become vacant, and generally to transact the business of the Company; but if at any time it shall appear to any ten or more of such Proprietors holding together two hundred shares at least, that for more effectually putting this Act in execution, a Special General Meeting of Proprietors is necessary to be held, it shall be lawful for such ten or more of them to cause fifteen days' notice at least to be given thereof in one public newspaper as aforesaid, or in such manner as the Company shall by any By-Law direct or appoint, specifying in such notice the time and place, and the reason and intention of such Special Meetings, respectively; and the Proprietors are hereby authorized to meet pursuant to such notices, and proceed to the execution of the powers by this Act given them, with respect to the matters so specified only; and all such acts of the Proprietors or the majority of them, at such Special Meetings assembled, such majority not having either as principals or proxies less than two hundred shares, shall be as valid to all intents and purposes as if the same were done at Annual Meeting: Provided always, that it shall

Special Meetings of Proprietors may be called.

Quorum at Special Meetings.

and

and may be lawful for the said Directors in case of the death, absence, resignation or removal of any person elected a Director to manage the affairs of the said Company in manner aforesaid, to appoint another or others in the room or stead of those of the Directors who may die, or be absent, resign, or be removed as aforesaid, any thing in this Act to the contrary notwithstanding; but if such appointment be not made, such death, absence, or resignation shall not invalidate the acts of the remaining Directors.

Proviso:
Vacancies among the Directors how to be filled.

Proviso.

XXXIV. And be it enacted, That at each of the said Annual Meetings of Proprietors, three of the said nine Directors shall retire in rotation, the order of retirement of the said first elected nine Directors being decided by lot, but the Directors then or at any subsequent time retiring shall be eligible for re-election: Provided always, that no such retirement shall have effect unless the Proprietors shall at such Annual Meeting proceed to fill up the vacancies thus occurring in the Direction.

Three Directors shall annually retire, but may be re-elected.
Proviso.

XXXV. And be it enacted, That the Directors shall, at their first (or at some other) Meeting after the day appointed for the Annual General Meeting in each year, elect one of their members to be the President of the said Company, who shall always (when present) be the Chairman of, and preside at all Meetings of the Directors, and shall hold his office until he shall cease to be a Director, or until another President shall be elected in his stead; and the said Directors may, in like manner, elect a Vice-President, who shall act as Chairman in the absence of the President.

Directors to elect a President.

And Vice-President.

XXXVI. And be it enacted, That any Meeting of the said Directors, at which not less than five Directors shall be present, shall be a Quorum, and shall be competent to use and exercise all and any of the powers hereby vested in the said Directors: Provided always, that no one Director, though he may be a Proprietor of many shares, shall have more than one vote at any meeting of the Directors, except the President or Vice-President, when acting as Chairman, or any temporary Chairman, who, in case of the absence of the President and Vice-President, may be chosen by the Directors present, either of whom when presiding at a meeting of the Directors shall, in case of a division of equal numbers, have the casting vote, although he may have given one vote before: And provided also, that such Directors shall from time to time be subject to the examination and control of the said Annual and Special Meetings of the said Proprietors as aforesaid, and shall pay due obedience to all By-Laws of the Company and to such orders and directions, in and about the premises, as they shall from time to time receive from the said Proprietors at such Annual or Special Meetings; such orders and directions not being contrary to any express directions or provisions in this Act contained: And provided also, that the Act of any majority of a Quorum of the Directors present at any meeting regularly held shall be deemed the act of the Directors.

Five Directors to be a Quorum for business.

Proviso as to votes.

Casting vote of Chairman.

Proviso: Directors subject to the control of Meetings.

Proviso: Acts of a majority to be valid.

XXXVII. Provided always, and be it enacted, That no person holding any office, place or employment, or being concerned or interested in any contract or contracts under the said Company, shall be capable of being chosen a Director or of holding the office of Director.

No officer or contractor to be a Director.

XXXVIII. And be it enacted, That every such Annual Meeting shall have power to appoint not exceeding three Auditors to audit all accounts of money laid out and disbursed on account of the said undertaking, by the Treasurer, Receiver or Receivers, and other Officer and Officers to be by the said Directors appointed, or by any other person

Annual Meeting may appoint three Auditors to audit accounts.

Power of the Directors to make calls.

Proviso.

Calls how to be made.

Other powers of the Directors.

Further powers may be given by By-law.

Shareholders bound to pay calls.

Penalty for neglect.

Forfeiture for not paying calls.

Interest on calls.

Forfeitures to be declared at some General Meeting.

person or persons whatsoever, employed by, or concerned for or under them, in and about the said undertaking; and to that end, the said Auditors shall have power to adjourn themselves over from time to time, and from place to place, as shall be thought convenient by them: And the said Directors chosen under the authority of this Act, shall have power from time to time to make such call or calls of money from the Proprietors of the said Rail-way and other works, to defray the expense of, or to carry on the same, as they from time to time shall find wanting and necessary for these purposes: Provided, however, that no call do exceed the sum of ten shillings, current money of this Province, for every share of five pounds: And provided also, that no calls be made but at the distance of at least one calendar month from each other: And such Directors shall have full power and authority to direct and manage all and every the affairs of the said Company as well in contracting for and purchasing lands, rights, and materials for the use of the said Company, as in employing, ordering and directing the work and workmen, and in placing and removing under-officers, clerks, servants, and agents, and in making all contracts and bargains touching the said undertaking; and to affix or authorize any person to affix the Common Seal of the Company to any Act, Deed, By-Laws, Notice or other Document whatsoever; and any such Act, Deed, By-Laws, Notice or other Document bearing the Common Seal of the Company, and signed by the President, Vice-President, or any Director, or by order of the Directors, shall be deemed the act of the Directors and of the Company, nor shall the authority of the signer of any Document purporting to be so signed and sealed, to sign the same and affix the said Seal thereto, be liable to be called in question by any party except the Company: and the Directors shall have such other and further powers as, being vested in the Company by this Act, shall be conferred upon the said Directors by the By-Laws of the Company.

XXXIX. And be it enacted, That the owner or owners of one or more shares in the said undertaking shall pay his, her or their shares and proportion of the monies to be called for as aforesaid, to such person or persons, and at such time and place as the said Directors shall from time to time appoint and direct, of which three weeks' notice at least shall be given in one newspaper as aforesaid, or in such other manner as the said Proprietors or their successors shall by any By-Law direct or appoint; and if any person or persons shall neglect or refuse to pay his, her or their rateable or proportionable part or share of the said money, to be called for as aforesaid, at the time and place so appointed, he, she or they, neglecting or refusing shall forfeit a sum not exceeding the rate of five pounds for every hundred pounds of his, her or their respective share or shares in the said undertaking: and in case such person or persons shall neglect to pay his, her or their rateable calls as aforesaid, for the space of two calendar months after the time appointed for the payment thereof as aforesaid, then he, she or they shall forfeit his, her and their respective share and shares in the said undertaking, and all the profit and benefit thereof; all which forfeiture shall go to the rest of the Proprietors of the said undertaking, their successors and assigns, for the benefit of the said Proprietors, in proportion to their respective interests; and in every case such calls shall be payable with interest from the time the same shall be so appointed to be paid until the payment thereof.

XL. Provided always, and be it enacted, That no advantage shall be taken of the forfeiture of any share or shares of the said undertaking, unless the same shall be declared to be forfeited at some Annual or Special Meeting of the said Company, assembled

assembled after such forfeiture shall be incurred ; and every such forfeiture shall be an indemnification to and for every Proprietor so forfeiting against all action and actions, suits or prosecutions whatever, to be commenced or prosecuted for any breach of contract or other agreement between such Proprietor and the other Proprietors with regard to carrying on the said Rail-way or undertaking.

XLI. And be it enacted, That the said Company shall always have power and authority at any General Meeting assembled as aforesaid, to remove any person or persons chosen upon such Board of Directors as aforesaid, and to elect others to be Directors in the room of those who shall die, resign or be removed, and to remove any other Officer or Officers under them, and to revoke, alter, amend or change any of the By-laws or Orders prescribed with regard to their proceedings amongst themselves (the method of calling General Meetings, and their time and place of assembling, and manner of voting, and of appointing Directors, only, excepted,) and shall have power to make such new Rules, By-laws and Orders, for the good government of the said Company and their servants, agents and workmen, for the good and orderly making, maintaining and using the said Rail-way and all other works connected therewith, or belonging thereto, or hereby authorized, and for the well governing of all persons whatsoever travelling upon or using the said Rail-way and other works, or transporting any goods, wares, merchandize or other commodities thereon ; and by such By-Laws to impose and inflict such fines or forfeitures upon the persons guilty of a breach of such By-laws, or Orders as to such General Meeting shall seem meet, not exceeding the sum of twenty-five pounds, current money of this Province, for every offence ; such fines or forfeitures to be levied and recovered by such ways and means as are hereinafter mentioned ; which said By-laws and Orders shall be put into writing under the common seal of the said Company, and shall be kept in the office of the Company, and a printed or written copy of so much of them as may relate to or affect any party other than members or servants of the Company, shall be affixed openly in all and every of the places where Tolls are to be gathered, and in like manner as often as any change or alteration shall be made to the same ; and the said By-laws and Orders so made and published as aforesaid, shall be binding upon and observed by all parties, and shall be sufficient in any Court of Law or Equity to justify all persons who shall act under the same, and any copy of the said By-Laws, or any of them certified as correct by the President or some person authorized by the Directors to give such certificate, and bearing the Common Seal of the Company, shall be deemed authentic, and shall be received as evidence of such By-laws in any Court without further proof.

Company may remove any Director ; and may elect others in case of death, removal, &c.

And so of Officers.

May make By-laws.

Penalties under By-laws limited.

By-laws to be in writing and published.

Certified copies to be evidence.

Proprietors may dispose of their shares, and how.

Transfer to be notified to the Company.

XLII. And be it enacted, That it shall and may be lawful to and for the several Proprietors of the said Rail-way or undertaking to sell or dispose of his, her or their share or shares therein, subject to the rules and conditions herein mentioned ; and every purchaser shall have a duplicate of the deed of bargain and sale and conveyance made unto him or her, and one part of such deed, duly executed by seller and purchaser, shall be delivered to the said Directors or their Clerk for the time being, to be filed and kept for the use of the said Company, and an entry thereof shall be made in a book or books to be kept by the said Clerk for that purpose, for which no more than one shilling and three pence, shall be paid, and the said Clerk is hereby required to make such entry accordingly ; and until such duplicate of such deed shall be so delivered to the said Directors or their Clerk, and filed and entered as above directed, such purchaser or purchasers shall have no part or share of the profits of the said undertaking,

Proviso as to
the registration
of any vessel.

undertaking, nor any interest for the said share or shares, paid unto him, her or them, nor any vote as a Proprietor or Proprietors. Provided always, that an affidavit of the President or any Officer of the said Company cognizant of the fact that the said Company is the sole owner of any vessel shall be sufficient to warrant the registry of such vessel under any Provincial Act, without any further allegation as to the Members of the Company ; any thing in any Act or law to the contrary notwithstanding.

Form of the
transfer of
shares.

XLIII. And be it enacted, That the sale of the said shares shall be in the form following, varying the names and descriptions of the contracting parties, as the case may require :

The form.

“ I, A. B. in consideration of the sum of _____ paid
“ to me by C. D. of _____ do hereby bargain, sell and transfer to
“ the said C. D. _____ share (or shares) of the Stock
“ of the *Bytown and Britannia Rail-way Company*, to hold to him the said C. D.,
“ his heirs, executors, curators, administrators and assigns, subject to the same rules
“ and orders, and on the same conditions that I held the same immediately before the
“ execution hereof. And I, the said C. D., do hereby agree to accept of the said
“ _____ (share or shares) subject to the same rules, orders
“ and conditions. Witness our hands and seals, this _____ day of
“ _____ in the year _____ ”

Proviso.

Provided always, that no such transfer of any share shall be valid until all calls or instalments then due thereon shall have been paid up.

Directors may
appoint a
Treasurer and
Clerks, &c.

XLIV. And be it enacted, That it shall and may be lawful to and for the said Directors, and they are hereby authorized from time to time to nominate and appoint a Treasurer or Treasurers, and a Clerk or Clerks to the said Company, taking such security for the due execution of their respective offices as the said Directors shall think proper ; and such Clerk shall in a proper book or books enter and keep a true and perfect account of the names and places of abode of the several Proprietors of the said Rail-way and other works, and of the several persons who shall from time to time become owners and Proprietors of, or entitled to any share or shares therein, and of all the other acts, proceedings and transactions of the said Company and of the Directors for the time being, by virtue of and under the authority of this Act.

Duty of the
Clerk.

Company
may establish
Tolls for all
goods, &c.,
passing on the
Rail-way.

XLV. And be it enacted, That it shall and may be lawful to and for the said Company from time to time, and at all times hereafter, to ask, demand take and recover, to and for their own proper use and behoof, for all goods, wares, merchandize and commodities, of whatever description, transported upon the said Rail-way or in the said steamboats or vessels, such Tolls as they may deem expedient ; which said Tolls shall be from time to time fixed and regulated by By-laws of the Company, or by the Directors if thereunto authorized by the said By-laws, and shall be paid to such person or persons, and at such place or places near to the said Rail-way, in such manner and under such regulations as the said Company or the said Directors shall direct and appoint ; and in case of denial or neglect of payment of any such rates or dues, or any part thereof, on demand, to the person or persons appointed to receive the same as aforesaid, the said Company may sue for and recover the same in any Court having competent jurisdiction, or the person or persons to whom the said rates or dues ought to be paid, may and he is, and they are hereby empowered to seize and detain such goods,

How Tolls
may be recover-
ed if not
duly paid.

goods, wares, merchandize or other commodities, for or in respect whereof such rates or dues ought to be paid, and detain the same until payment thereof; and in the meantime the said goods, wares, merchandize or other commodities shall be at the risk of the owner or owners thereof; and the said Company or the said Directors shall have full power, from time to time, at any General Meeting, to lower or reduce all or any of the said Tolls, and again to raise the same, as often as it shall be deemed necessary for the interests of the said undertaking: Provided always, that the same Tolls shall be payable at the same time and under the same circumstances upon all goods and upon all persons, so that no undue advantage, privilege or monopoly may be afforded to any person or class of persons by any By-law relating to the said Tolls.

Seizure of goods, &c.

Tolls may be lowered and again raised.

Proviso against monopoly.

XLVI. And in order to ascertain the amount of the clear profits of the said undertaking Be it enacted, That the said Company, or the Directors of the said Company, shall and they are hereby required to cause a true, exact and particular account to be kept and annually made up and balanced on the thirty-first day of December in each year, of the money collected and received by the said Company, or by the Directors or Treasurer of the said Company, or otherwise, for the use of the said Company, by virtue of this Act, and of the charges and expenses attending the erecting, making, supporting, maintaining and carrying on their works, and of all other receipts and expenditure of the said Company or the said Directors; and at the General Meetings of the Proprietors of the said undertaking, to be from time to time holden as aforesaid, a dividend shall be made out of the clear profits of the said undertaking, unless such Meetings shall declare otherwise; and such dividend shall be at and after the rate of so much per share upon the several shares held by the Proprietors, in the joint stock of the said Company, as such meeting or meetings shall think fit to appoint or determine: Provided always, that no dividend shall be made whereby the capital of the said Company shall be in any degree reduced or impaired, nor shall any dividend be paid in respect of any share, after a day appointed for payment of any call for money in respect thereof, until such call shall have been paid.

Account of the profits of the Company to be annually made up at certain periods.

Dividends to be made from time to time at General Meetings.

Proviso. Capital not to be impaired, &c.

XLVII. Provided always, and be it enacted, That in all cases where there shall be a fraction of a mile in the distance which goods, wares, merchandize or other commodities or passengers shall be conveyed or transported on the said Rail-way, such fraction shall, in ascertaining the said rates, be deemed and considered as a whole mile, and that in all cases where there shall be the fraction of a ton in the weight of any such goods, wares, merchandize or other commodities, a proportion of the said rates shall be demanded and taken by the said Company of Proprietors, to the number of quarters of a ton contained therein; and in all cases where there shall be a fraction of a quarter of a ton, such fraction shall be deemed and considered as a whole quarter of a ton.

Fractions in miles and fractions in weight of goods in ascertained rates, &c., how regulated.

XLVIII. Provided always, and be it enacted, That it shall and may be lawful to and for the Directors of the said Company, from time to time, to make such regulations for ascertaining and fixing the price or sum or sums of money to be charged or taken for the carriage of any parcel not exceeding one hundred and twenty pounds weight as aforesaid, upon the said Rail-way, or any part thereof, as to them shall seem fit and reasonable; and that the said Company shall from time to time print and stick up, or cause to be printed and stuck up in their office, and in all and every of the places where the Tolls are to be collected, in some conspicuous place there, a printed board

Directors may fix the price for the carriage of parcels.

Tables of Toll to be publicly affixed.

or paper ascertaining all the Tolls payable under this Act, and particularising the price or sum or sums of money to be charged or taken for the carriage of such parcels not exceeding one hundred and twenty pounds weight as aforesaid.

Provision as to the carriage of H. M.'s Mail, Soldiers, Police Force, &c.

XLIX. Provided always, and be it enacted, That the said Company shall at all times when thereunto required by Her Majesty's Deputy Post Master General, the Commander of the Forces, or any person having the superintendence or command of any Police Force, carry Her Majesty's Mail, Her Majesty's Naval or Military Forces or Militia, and all artillery, ammunition, provisions or other stores for their use, and all Policemen, Constables, and others, travelling on Her Majesty's Service, on their said Railway, on such terms and conditions and under such regulations as the said Company and the said Deputy Post Master General, the Commander of the Forces, or person in command of any Police Force, respectively, shall agree upon, or if they cannot agree, then on such terms and conditions and under such regulations as the Governor or Person administering the Government shall in Council make; Provided that by such regulations the Company shall not be required to start any train or steamboat at any other time than their ordinary time of starting the same, but that they may be required to provide a separate carriage for the Mail and the person or persons in charge thereof: And provided also, that any further enactments which the Legislature of this Province may hereafter deem it expedient to make, with regard to the carriage of the said Mail or Her Majesty's Forces and other persons and articles as aforesaid, or the rates to be paid for carrying the same, or in any way respecting the use of any Electric Telegraph, or other service to be rendered by the Company to the Government, shall not be deemed an infringement of the privileges intended to be conferred by this Act.

Proviso as to starting of Trains, &c.

Proviso: The Legislature may make further provision as to certain matters.

Company to divide the lands, taken from those adjoining, if required.

L. And be it enacted, That the said Company shall, within six calendar months after any lands shall be taken for the use of the said Railway or undertaking, and if thereunto required by the proprietors of the adjoining lands respectively, but not otherwise, divide and separate, and keep constantly divided and separated, the lands so taken from the lands or grounds adjoining thereto, with a sufficient post and rail, hedge, ditch, bank, or fence sufficient to keep off hogs, sheep and cattle, to be set and made on the lands or grounds which shall be purchased by, conveyed to or vested in the said Company as aforesaid, and shall at their own costs and charges, from time to time, maintain, support and keep in sufficient repair the said posts, rails, hedges, ditches, trenches, banks, and other fences so set up and made as aforesaid.

Rail-way to be measured and miles marked.

LI. And be it enacted, That as soon as conveniently may be after the said Railway shall be completed, the said Company shall cause the same to be measured, and stones or posts, with proper inscriptions on the sides thereof denoting the distance, to be erected and for ever after maintained, at the distance of every mile from each other.

Treasurer, Receiver and Collectors to give security.

LII. And be it enacted, That the said Company shall and are hereby required and directed to take sufficient security, by one or more bond or bonds, in a sufficient penalty or penalties, from their Treasurer, Receiver and Collectors for the time being of the monies to be raised by virtue of this Act, for the faithful execution by such Treasurer, Receiver and Collectors of his and their office and offices respectively.

Company may compel the persons sub-

LIII. And be it enacted, That the several persons who shall subscribe to advance any money for and towards making and maintaining the said Railway and other works connected

connected therewith or hereby authorized, and those who shall accept of any transfer of any share or shares in the Stock of the said Company, and their several heirs, executors, administrators, curators, and assigns, or others legally representing them, and having lawful possession or control of such share or shares, (all of whom shall be deemed proprietors of such share or shares for the purposes of this Section,) shall and they are hereby required to pay the sum or sums of money by them respectively subscribed, or such parts or portions thereof as shall from time to time be called for by the said Company, under and by virtue of the powers and directions of this Act, to such person or persons, and at such times and places as shall be directed by the said Company or the said Directors, in manner before mentioned; and in case any person or persons shall neglect or refuse to pay the same at the time and in the manner required for that purpose, it shall be lawful for the said Company to sue for and recover the same with interest and costs in any Court of Law having competent jurisdiction; and in any such action it shall be sufficient to allege that the defendant is the proprietor of a share (or of any number of shares, stating such number) in the stock of the said Company; that certain sums of money were duly called for upon such share or shares by the said Company, under the authority of and in the manner provided by this Act, and were due and payable at a certain time or times, wherefore an action hath accrued to the said Company to recover such sum or sums with interest and costs; and the production of the newspapers containing such calls shall be evidence that the same were made as therein stated; and neither in such action, nor in any other action, suit or legal proceeding by the Company, shall the election of the Directors, or the authority of them, or of any Attorney acting in the name of the Company, be called in question except by the Company, nor shall it in any such case be necessary to name the Directors, or any of them.

scribing to
pay the
amount of
their shares.

Enforcement
of payment if
refused.
Form of action,
evidence, &c.

LIV. And be it enacted, That all fines and forfeitures imposed by this Act, or which shall be lawfully imposed by any By-law to be made in pursuance thereof, (of which By-law, when produced, all Justices are hereby required to take notice,) the levying and recovering of which fines and forfeitures are not particularly herein directed, shall, upon proof of the offence before any one or more Justice or Justices of the Peace for the District, either by the confession of the party or parties, or by the oath or affirmation of any one credible witness (which oath or affirmation such Justice or Justices are hereby empowered and required to administer without fee or reward,) be levied by distress and sale of the offender's goods and chattels, by Warrant under the hand and seal or hands and seals of such Justice or Justices; and all such fines, forfeitures or penalties by this Act imposed or authorized to be imposed, the application whereof is not hereinbefore particularly directed, shall be paid into the hands of the Treasurer or Receiver of the monies to be raised by virtue of this Act, and shall be applied and disposed of for the use of the said Rail-way or undertaking, and the overplus of the money raised by such distress and sale, after deducting the penalty and the expenses of the levying and recovering thereof, shall be rendered to the owner of the goods so distrained and sold; and for want of sufficient goods and chattels whereof to levy the said penalty and expenses, the offender shall be sent to the Common Gaol for the District of Dalhousie, there to remain without bail or mainprize for such term not exceeding one month as such Justice or Justices shall think proper, unless such penalty or forfeiture and all expenses attending the same shall be sooner paid and satisfied.

Forfeitures
how recovered
and applied,
when not
otherwise pro-
vided for.

How levied.

Imprisonment
for want of
sufficient chat-
tels.

Appeal to the
General Ses-
sions.

LV. And be it enacted, That if any person or persons shall think himself, herself or themselves aggrieved by any thing done by any Justice or Justices of the Peace in pursuance of this Act, every such person or persons may, within four calendar months after the doing thereof, appeal to the Justices of the Peace at the General Quarter or General Sessions to be holden in and for the District.

Limitation of
actions for
things done
under this
Act.

LVI. And be it enacted, That if any action or suit shall be brought or commenced against any person or persons for any thing done or to be done in pursuance of this Act, or in the execution of the powers and authorities, or of the orders and directions hereinbefore given or granted, every such action or suit shall be brought or commenced within six calendar months next after the fact committed; or in case there shall be a continuation of damage, then within six calendar months next after the doing or committing such damage shall cease, and not afterwards; and the Defendant or Defendants in such action or suit shall and may plead the general issue, and give this Act and the special matter in evidence at any trial to be held thereupon, and that the same was done in pursuance and by the authority of this Act; and if it shall appear to have been so done, or if any action or suit shall be brought after the time so limited for bringing the same, or if the Plaintiff or Plaintiffs shall be nonsuit, or discontinue his, her or their action or suit after the Defendant or Defendants shall have appeared, or if judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have full costs, and shall have such remedy for the same as any Defendant or Defendants hath or have for costs of suit in other cases by law.

General issue.

Costs to de-
fendant if the
Plaintiff fail.

LVII. And be it enacted, That any contravention of this Act by the said Company or by any other party, for which no punishment or penalty is herein provided, shall be a misdemeanor, and shall be punishable accordingly; but such punishment shall not exempt the said Company (if they be the offending party) from the forfeiture of this Act and the privileges hereby conferred on them, if by the provisions thereof or by law the same be forfeited by such contravention.

Any contra-
vention of this
Act not other-
wise punish-
able, to be a
misdemeanor.

Conditional
privileges of
the Company.

LVIII. And be it enacted, That during four years from and after the passing of this Act, the said Company shall, if they comply with all the requirements of this Act, but not otherwise, have the exclusive privilege of constructing a Rail-way or Rail-ways from Bytown to Britannia and at Fitzroy aforesaid, so that no other Rail-way shall be constructed between the said two places, which shall at any point approach within three miles of the Rail-way constructed by the said Company: Provided always, that Her Majesty, Her Heirs and Successors may at any time before or after the said Rail-way is completed assume the possession and property thereof, and of all the property which the said Company is hereby empowered to hold and shall then have, and of all the rights, privileges and advantages vested by this Act in the said Company, (all which shall after such assumption be vested in Her Majesty, Her Heirs and Successors,) on giving to the said Company three months' notice of the intention to assume the same, and on paying to the said Company, within three months after the expiration of such notice, the whole amount of their Capital Stock then paid up and expended, with interest on the paid up Capital, from the time of the paying up of the same until the time of the opening of the said Rail-way.

Proviso:
Her Majesty
may assume
the Rail-way,
on certain con-
ditions.

LIX. And be it enacted, That the said Company, to entitle themselves to the benefits and advantages to them granted by this Act, shall and they are hereby required to make and deposit the map or plan and book of reference mentioned in the fifth Section of this Act within twelve months after the passing thereof, and to make and complete the said Rail-way from Bytown to Britannia in manner aforesaid, within three years from the passing of this Act; and if the said map or plan and book of reference be not so made and deposited within the said twelve months, or if the said Rail-way shall not be so made and completed within the said period so as to be used by the public as aforesaid, then and in either case this Act and every matter and thing therein contained, shall cease and be utterly null and void.

Map, &c. to be deposited and Rail-way completed within certain periods, or this Act to be void.

LX. And be it enacted, That the said Company shall annually submit to the three Branches of the Legislature, within the first fifteen days after the opening of each Session of the Provincial Parliament, after the opening of the said Rail-way or any part thereof to the public, a detailed and particular account, attested upon oath, of the monies by them received and expended under and by virtue of this Act, with a classified statement of the amount of tonnage and of passengers that have been conveyed along the said Rail-way; And no further provisions which the Legislature may hereafter make with regard to the form or details of such account, or the mode of attesting or rendering the same, shall be deemed an infringement of the privileges hereby granted to the Company.

Company annually to submit to the Legislature detailed accounts.

Further provision may be made touching such accounts.

LXI. And be it enacted, That nothing herein contained shall be construed to except the Rail-way by this Act authorized to be made, from the provisions of any general Act relating to Rail-ways which may be passed during the present or any future Session of Parliament.

Effect of any general Rail-way law.

LXII. And be it enacted, That nothing herein contained shall affect or be construed to affect, in any manner 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.

Saving of Her Majesty's rights, &c.

LXIII. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and as such shall be judicially taken notice of by all Judges, Justices of the Peace and others, without being specially pleaded, and that a copy thereof, printed by the Queen's Printer, shall be received as evidence in all Courts of Justice.

Public Act.

Copy to be evidence.



ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

C A P. C X I X.

An Act to incorporate *The Carillon and Grenville Rail-way Company.*

Reserved for the signification of Her Majesty's pleasure, 28th July, 1847.
 The Royal Assent given by Her Majesty in Council on the 15th April, 1848; and Proclamation made thereof by His Excellency JAMES, EARL OF ELGIN AND KINCARDINE, in the Canada Gazette of the 24th June, 1848.

WHEREAS the construction of a Rail-way from Carillon to Grenville would greatly contribute to the facility of intercourse between those parts of this Province lying upon the River Ottawa and the City of Montreal, and to the advancement and prosperity of this Province generally; and whereas the several persons hereinafter named are desirous to make and maintain the said Rail-way: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That Charles J. Forbes, Hosea B. Smith, David Davidson, James Scott, Thomas Kaines, William Murray, John Matthewson, D. P. Janes, W. Ogden, Alexander Simpson, J. G. Mackenzie, Thomas Tait, James Torrance, William Carter, J. Paterson, Haviland L. Routh and Allan Gilmour, together with such person or persons as shall, under the provisions of this Act, become subscribers to and proprietors of any share or shares in the Rail-way hereby authorized to be made and other works and property hereinafter mentioned, and their several and respective heirs, executors, administrators, curators and assigns, being proprietors of any such share or shares, are and shall be, and be united into a Company for carrying on, making, completing and maintaining the said intended Rail-way and other works, according to the rules, orders and directions hereinafter expressed, and shall for that purpose be one body politic and corporate by the name of *The Carillon and Grenville Rail-way Company*, and by that name shall have perpetual succession and shall have a common seal, and other the usual powers and rights of bodies corporate not inconsistent with this Act, and by that name shall and may sue and be sued, and also shall and may have power and authority to purchase and hold lands, (which word shall throughout this Act be understood to include the land and all that is upon or below the surface thereof, and all the real rights and appurtenances thereunto belonging,) for them and their successors and assigns, for the use of the said Rail-way and works, (saving nevertheless to the Seigneur or Seigniors within whose *censive* the lands, tenements and hereditaments so purchased may be situate, his and their several

Preamble.

Certain persons incorporated for the purposes of this Act and certain corporate powers conferred on them.

Corporate name.

Word 'Lands' how understood in this Act.

Rail-way may be made on any plan.

Direction of the said Rail-way.

Gauge to be 4ft 8½in. unless otherwise ordered by the Governor in Council.

Power to the Company to set out and survey lands necessary for their works, &c.

To get and place materials.

To erect buildings, machinery, &c.

several and respective *droits d'indemnité*, and all other Seigniorial rights whatever,) and also to alienate and convey any of the said lands, purchased for the purposes aforesaid; and any person or persons, bodies politic or corporate, or communities may give, grant, bargain, sell or convey to the said Company any lands for the purposes aforesaid, and the said Company shall be and are hereby authorized and empowered from and after the passing of this Act, by themselves, their deputies, agents, officers, workmen and servants, to make and complete a Rail-way to be called *The Carillon and Grenville Rail-way*, with one or more sets of rails or tracks, and to be worked by locomotive engines, or on the atmospheric principle, or in such other mode as the said Company may deem expedient, from some place in the County of Two Mountains, at or near the Village of Carillon, to some place in the said County, at or near the Village of Grenville, and in as direct a line as may be found convenient, and to erect wharves, warehouses, stores and other buildings at either termination, and at such other places on the line of the said Rail-way as they may deem expedient.

II. Provided always and be it enacted, That the gauge upon which the said rail shall be constructed and which shall be used in the said Rail-way, shall be four feet eight and a half inches, unless, within one calendar month, the Governor of this Province in Council, shall, by order in Council, determine upon any different gauge, and that upon communication to the said Company of any Order in Council establishing any different gauge, the gauge so established shall be the one used in the said road as if the same had been established in and by this Act.

III. And be it enacted, That for the purposes aforesaid, the said Company, their deputies, servants, agents and workmen, are hereby authorized and empowered to enter into and upon any lands and grounds of the Queen's Most Excellent Majesty, not hereinafter excepted, without leave or license previously had therefor, or of any person or persons, bodies politic or corporate, or collegiate, or communities or parties whatsoever, and to survey and take levels of the same, or any part thereof, and to set out and ascertain such parts thereof as they shall think necessary and proper for making the said intended Rail-way and other works hereby authorized, and all such works, matters and conveniences as they shall think proper and necessary for making, effecting, preserving, improving, completing, maintaining and using the said intended Rail-way and other works, and also to bore, dig, cut, trench, get, remove, take, carry away, and lay earth, clay, stone, soil, rubbish, trees, roots of trees, beds of gravel or sand, or any other matters or things which may be dug or got in making the said intended Rail-way or other works, on or out of the lands or grounds of any person or persons adjoining or lying convenient thereto, and which may be proper, requisite or necessary for making or repairing the said intended Rail-way, or the works incidental or relative thereto, or which may hinder, prevent or obstruct the making, using or completing, extending or maintaining the same respectively, according to the intent and purpose of this Act; and to make, build, erect and set up, in or upon the said intended Rail-way, or upon their lands adjoining or near the same respectively, such and so many houses, warehouses, toll-houses, watch-houses, telegraphs or other signals, weighing beams, cranes, fire-engines, steam-engines, or other engines, either stationary or locomotive, inclined planes, machines, and other works, ways, roads and conveniences, as and when the said Company shall think requisite and convenient for the purposes of the said Rail-way and works; and also from time to time to alter, repair, divert, widen, enlarge and extend the same, and also to make, maintain, repair and alter any fences or passages over, under or through the said intended Rail-way, and to construct, erect and

and keep in repair any bridges, arches and other works upon and across any rivers or brooks for the making, using, maintaining and repairing the said intended Rail-way; and to turn any such brook, river or water-course, and to change its course; and to construct, erect, make and do all other matters and things which they shall think convenient and necessary for the making, effecting, extending, preserving, improving, completing, and easy using of the said intended Rail-way and other works, in pursuance of, and according to the true intent and meaning of this Act, they, the said Company, doing as little damage as may be, in the execution of the several powers to them hereby granted, and making satisfaction in manner hereinafter mentioned to the owners or proprietors of, or the persons interested in the lands, tenements or hereditaments, water, water-courses, brooks or rivers respectively, which shall be taken, used, removed, prejudiced, or of which the course shall be altered, or for all damages to be by them sustained in or by the execution of all or any of the powers given by this Act; and this Act shall be sufficient to indemnify the said Company and their servants, agents or workmen, and all other persons whatsoever for what they, or any of them, shall do by virtue of the powers hereby granted, subject nevertheless to such provisions and restrictions as are hereinafter mentioned.

Bridges and other works for passing streams, &c. Other works necessary for the Rail-Road.

As little damage as possible to be done, and compensation to be made.

IV. Provided always, and be it enacted, That the said Company shall not carry the said Rail-way along any highway, but shall merely cross the same in the line of the said Rail-way, whatever be the angle at which such line shall intersect the said highway; and before they shall in any way obstruct such highway with their works, they shall turn the said highway at their own charges so as to leave an open and good passage for carriages free from obstructions, and when their works are completed, they shall replace the said highway or street, under a penalty of five pounds currency, for any contravention, over and above all damages sustained by any party; but in any case the rail itself, provided it does not rise above or sink below the surface of the road more than one inch, shall not be deemed an obstruction.

How the Rail-way shall be carried across roads.

Rail itself not to be deemed an obstruction.

V. And be it enacted, That for the purposes of this Act, the said Company shall and may by some sworn Land Surveyor for Lower Canada, and by an Engineer or Engineers by them to be appointed, cause to be taken and made, surveys and levels of the lands through which the said intended Rail-way is to be carried, together with a map or plan of such Rail-way, and of the course and direction thereof, and of the said lands through which the same is to pass, and the lands intended to be taken for the several purposes authorized by this Act, so far as then ascertained, and also a book of reference for the said Rail-way, in which shall be set forth a general description of the said several lands, and the names of the owners, occupiers and proprietors thereof, so far as they can be ascertained by the said Company, and in which shall be contained every thing necessary for the right understanding of such map or plan; which said map or plan and book of reference shall be examined and certified by the person performing the duties formerly assigned to the Surveyor General or his Deputies, who shall deposit copies thereof in the office of the Prothonotary of the Court of Queen's Bench for the District of Montreal, and also in the office of the Secretary of the Province, and shall also deliver one copy thereof to the said Company; and all persons shall have liberty to resort to such copies so to be deposited as aforesaid, and to make extracts or copies thereof as occasion shall require, paying to the said Secretary of the Province, or to the said Prothonotary, at the rate of six pence, current money of this Province, for every hundred words; and the said triplicates of the said map or plan and book of reference,

Company shall take surveys and levels of the lands through which the Rail-way is to be carried, and make a map or plan.

Plan and book of reference to be made.

To be examined and deposited.

Copies or extracts may be taken and used.

Certified
copies to be
evidence.

reference, so certified, or a true copy or copies thereof, certified by the Secretary of the Province, or by the Prothonotary of the Court of Queen's Bench for the said District, shall severally be, and are hereby declared to be good evidence in all Courts of Law and elsewhere.

When the
Rail-way crosses
any highway,
the rail,
&c., to be
within one
inch of the
surface.

VI. Provided always, and be it enacted, That where the said Rail-way shall cross any highway, (which word shall in this Act, include all public roads, streets, lanes or other public ways or communications,) neither the rail nor any other part of the Rail-way or works connected therewith, shall rise above the level of such street or highway, or sink below the level of such street or highway more than one inch; and the said Rail-way may be carried across any highway or above any highway within the limits aforesaid.

Height and
breadth of
bridges over
any highway.

VII. Provided always, and be it enacted, That where any bridge shall be erected or made by the said Company, for the purposes of carrying the said Rail-way over across any highway, the space of the arch of any such bridge shall be formed and shall at all times be and be continued of such breadth as to leave a clear and open space under every such arch of not less than twenty feet, and a height from the surface of such highway to the centre of such arch, of not less than sixteen feet; and the descent under any such bridge shall not exceed one foot in twenty feet.

Descent under
bridges.

And of bridges
carrying a
road over the
Rail-way.

Fence to
bridge.

VIII. Provided always, and be it enacted, That in all places where it may be necessary to erect, build or make any bridge or bridges for carrying any highway over the Rail-way, the ascent of every such bridge for the purpose of every such highway shall not be more than one foot in twenty feet; and a good and sufficient fence shall be made on each side of every such bridge, which fence shall not be less than four feet above the surface of such bridge.

Precautions to
be observed
when the
Rail-road crosses
a highway
on a level.

IX. Provided always, and be it enacted, That the said Company shall, at each and every place where the said Rail-way shall cross any highway on a level, erect and keep up a sign-board stretching across the highway at such height as to leave sixteen feet from the highway to the lower edge of the sign-board, and having the word "RAIL-WAY CROSSING" painted on each side of such sign-board, in both languages, and in letters not less than six inches in length; and for each and every neglect to comply with the requirements of this section, the said Company shall incur a penalty not exceeding five pounds currency.

Company not
to deviate more
than one mile
from the line
shewn in the
map.

X. And be it enacted, That the said Company, in making the said intended Rail-way, shall not deviate more than a mile from the line of the Rail-way, or from the places assigned to the several works of the Company in the map or plan and book of reference deposited aforesaid, nor cut, carry, place, lay down or convey the said Rail-way into, through, across, under or over any part of any lands or grounds not shewn and mentioned in such map or plan and book of reference, as being required for such purpose, or as being within one mile of the said line and of the places assigned therein to the said works respectively, (save in such instances as are herein specially provided for,) without the consent of the party or parties who could, under the provisions of this Act, convey such lands.

Except by
consent of parties.

XI. And be it enacted, That the said Company may make, carry or place their said intended Rail-way and works, into, across or upon the lands of any person or party whomsoever on the line aforesaid, or within the distance aforesaid from such line, although the name of such party be not entered in the said book of reference, through error, want of sufficient information, or any other cause, or although some other person or party be erroneously mentioned as the owner of or party entitled to convey, or interested in such lands.

Effect of errors in the book of reference.

XII. And be it enacted, That the lands or grounds to be taken or used for such intended Rail-way, and the ditches, drains and fences to separate the same from the adjoining lands, shall not exceed forty yards in breadth, except in such places where the said intended Rail-way shall be raised more than five feet higher, or cut more than five feet deeper than the present surface of the land, or in such places where it shall be judged necessary to have off-sets for the locomotives or other engines and carriages using the said intended Rail-way to lie or pass each other (and not above one hundred yards in breadth in any such place,) or where any houses, ware-houses, wharves, toll-houses, watch-houses, weighing-beams, cranes, fixed engines or inclined planes, may be intended to be erected, or goods, wares or merchandize to be delivered, (and then not more than two hundred yards in length, by one hundred and fifty yards in breadth,) without the consent of some party who can, under the provisions of this Act, convey such lands to the said Company, and the places at which such extra breadth is to be taken, shall be shewn on the said map or plan, so far as the same may be then ascertained, but their not being so shewn shall not prevent the Company from taking such extra breadth, provided it be taken upon the line shewn or within the distance aforesaid from such line: Provided always, that no land shall be taken by the said Company from any public highway, but their right shall be limited to the laying down across the same, that is in the line of the said Rail-way, at whatever angle it may intersect such highway, the rails and other contrivances, forming part of the said Rail-way, subject to the limitations mentioned in the fifth Section, or any other part of this Act; nor shall any land or property vested in Her Majesty, or in any party in trust for Her Majesty, except under the next following section, be taken by the said Company without the consent of Her Majesty or of the party in whom the same shall be so vested in trust.

Lands taken for Rail-way not to exceed forty yards in breadth.

Exceptions for deep cutting, passing places, &c.

And for stations for machinery, &c.

Proviso as to lands forming part of public roads, &c.;

or vested in the Crown.

XIII. And be it enacted, That it shall be lawful for the said Company to take, use, occupy and hold, but not to alienate, so much of the Public Beach or Beach-road, or of the land covered with the waters of the River Ottawa, not used or occupied for any public work or vested in any party, (not exceeding the quantity limited in the next preceding section,) as may be required for the Rail-way, with the leave aforesaid of Her Majesty, and other works which they are hereby authorized to construct, doing no damage to nor causing any obstruction in the navigation of the said river.

Company may use the Public Beaches, &c. doing no damage to the navigation.

XIV. And be it enacted, That after any lands or grounds shall be set out and ascertained in manner aforesaid, for making and completing the said Rail-way and other works, and other the purposes and conveniences hereinbefore mentioned, it shall and may be lawful for all bodies politic, corporate, or collegiate, corporations aggregate or sole, communities, *grevés de substitution*, guardians, curators, executors, administrators, and all other trustees or persons whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether infants, issue unborn, lunatics, *femes-covert*, or other persons or parties,

After any lands have so been set out, all bodies corporate, &c., may sell their property there in to the company.

who

who are or shall be seized, possessed of or interested in any lands or grounds which shall be so set out and ascertained as aforesaid, or any part thereof, to contract for, sell and convey unto the said Company, all or any part of such lands or grounds which shall under this Act be set out and ascertained as aforesaid; and that all contracts, agreements, sales, conveyances and assurances so to be made, shall be valid and effectual in law to all intents and purposes whatsoever; any law, statute, usage or custom to the contrary thereof in any wise notwithstanding; and that all bodies politic, corporate or collegiate, or communities, and all persons whatsoever, so conveying as aforesaid, are hereby indemnified for what he, she, or they, or any of them shall respectively do by virtue of or in pursuance of this Act: Provided always, that before the map or plan and book of reference shall be deposited as aforesaid, and before the lands required for the said Rail-way and works shall be set out and ascertained, it shall be lawful for any party who might under this Act convey any lands to the said Company, if the same were so set out and ascertained, to agree with the Company for the price to be paid for such lands if they shall be thereafter so set out and ascertained; and such agreement shall be binding, and the price agreed upon shall be the price to be paid by the Company for the same lands, if they shall be afterwards so set out and ascertained, within one year from the date of such agreement, and although such land may in the mean time have become the property of a third party; and possession of the same may be taken and the agreement and price may be dealt with, as if such price had been fixed by an award of Arbitrators as hereinafter mentioned.

Proviso.
Parties may,
before any
lands are so
set out, agree
with the
Company for
the price if
they be after-
wards re-
quired.

Where no
power is vested
in any party to
sell, an annual
rent to be es-
tablished.

Privilege for
securing such
Rent or any
purchase mo-
ney not paid.

XV. Provided always, and be it enacted, That any body politic, community, corporation, or other party, who cannot in common course of law sell or alienate any lands or grounds so set out and ascertained, shall agree upon a fixed annual rent as an equivalent, and not upon a principal sum, to be paid for the lands or grounds so set out and ascertained as necessary for making the said Rail-way, and other the purposes and conveniences relative thereto and connected therewith; and in case the amount of such rent shall not be fixed by voluntary agreement or compromise, it shall be fixed in the manner hereinafter prescribed, and all proceedings shall in that case be regulated as hereinafter prescribed; and for the payment of the said annual rent, and every other annual rent agreed upon or ascertained, and to be paid by the said Company for the purchase of any lands, or for any part of the purchase money of any land, which the vendor shall agree to leave in the hands of the said Company, the said Rail-way and the Tolls to be levied and collected thereon shall be, and are hereby made liable and chargeable, in preference to all other claims or demands thereon whatsoever, the deed creating such charge and liability being duly registered.

Agreement
with proprie-
tors *par indivis*
to a certain
extent shall
bind the rest.

XVI. Provided always, and be it enacted, That whenever there shall be more than one party proprietor of any land or property *par indivis*, any agreement made in good faith between the said Company and any party or parties proprietor, or being together proprietors, of one third or more of such land or property, as to the amount of compensation for the same or for any damages thereto, shall be binding as between the remaining proprietor or proprietors *par indivis*, and the Company, and the proprietor or proprietors who have so agreed, may deliver possession of such land or property to the Company, or empower them to enter upon the same, as the case may be.

The Company
to apply to the
owners of

XVII. And be it enacted, That so soon as the said map or plan and book of reference shall have been deposited as aforesaid, and notice of its being so deposited shall have been

been given during at least one calendar month, in at least one newspaper published in the City of Montreal, in the English language, and in at least one other in the French language in the said City, it shall be lawful for the said Company to apply to the several owners of or parties hereby empowered to convey the lands through which such Rail-way is intended to be carried, or which may suffer damage from the taking of materials, or the exercise of any of the powers granted to the said Company by this Act, and to agree with such owners or parties respectively, touching the compensation to be paid to them by the said Company for the purchase thereof, and for their respective damages, and to make such agreements and contracts with the said parties touching the said lands, or the compensation to be paid for the same, or for the damages, or as to the mode in which the said compensation shall be ascertained, as to such parties and the said Company shall seem expedient; and in case of disagreement between the said Company and the said owners or parties, or any of them, then all questions which shall arise between them and the said Company shall be settled as follows, that is to say :

lands touching the compensation to be paid for the same, or for any right exercised.

Or as to mode of establishing such compensation.

How the same shall be settled when the parties cannot agree.

Legal effect of map and book of reference.

The deposit of the map or plan and book of reference, and the notice of such deposit, given as aforesaid, shall be deemed a general notice to all such parties as aforesaid of the lands which will be required for the said Rail-way and works :

Notice to opposite party.

Offer.

Name of Arbitrator.

Certificate of a Surveyor that the offer is a fair one, &c.

The Company shall serve a notice upon the opposite party, containing a description of the lands to be taken, or of the powers intended to be exercised with regard to any lands (describing them) a declaration that the Company are ready to pay some certain sum (or rent, as the case may be,) as compensation for such lands or for the damages arising from the exercise of such power, and the name of a person whom they appoint as their Arbitrator if their offer be not accepted, and such notice shall be accompanied by the certificate of some sworn Surveyor for Lower Canada, disinterested in the matter, and not being the Arbitrator named in the notice, that the land (if the notice relate to the taking of land) is shewn on the map or plan deposited as aforesaid, as being required for the said Rail-way and works, or as being within the limits of deviation hereby allowed from the line of the said Rail-way, that he knows such land, or the amount of damages likely to arise from the exercise of such powers, and that the sum offered is in his opinion a fair compensation for such land and for such damages as aforesaid :

If the party be absent or unknown.

If the opposite party be absent from the District of Montreal or be unknown to the said Company, then upon application to any Justice of the Court of Queen's Bench for the said District, accompanied by such certificate as aforesaid, and by an affidavit of some Officer of the Company, that such opposite party is so absent, or that after diligent inquiry the party on whom the notice ought to be served cannot be ascertained, such Justice shall order a notice as aforesaid (but without the certificate) to be inserted three times in the course of one calendar month in some newspapers published as aforesaid :

Party not accepting the Company's offer, and not appointing an Arbitrator.

If within ten days after the service of such notice, or within one month after the first publication thereof as aforesaid, the opposite party shall not notify to the Company that he accepts the sum offered by the said Company, or notify to them the name of a person whom he appoints as Arbitrator, then any Justice of the Court of Queen's Bench may, on the application of the said Company, appoint some sworn Surveyor for Lower Canada, to be sole Arbitrator for determining the compensation to be paid by the Company :

If

Opposite party appointing an Arbitrator.

Third Arbitrator how appointed.

If the opposite party shall, within the time aforesaid, notify to the said Company the name of the person such party shall appoint as Arbitrator, then the said two Arbitrators shall jointly appoint a third, or if they cannot agree upon a third then any Justice of the Court of Queen's Bench shall, on the application of the said party or of the Company, (previous notice of at least one clear day having been given to the other party,) appoint a third Arbitrator :

Duties of Arbitrators after being sworn.

The said Arbitrators, or any two of them, or the sole Arbitrator, being sworn before some Commissioner for receiving affidavits to be used in the said Court of Queen's Bench, faithfully and impartially to perform the duties of their office, shall proceed to ascertain the compensation to be paid by the Company, in such way as they or he, or a majority of them, shall deem best, and the award of such Arbitrators, or any two of them, or of the sole Arbitrator, shall be final and conclusive ; Provided, that no such award shall be made or any official act done by such majority, except at a meeting held at a time and place of which the other Arbitrator shall have had at least one clear day's notice, or to which some meeting at which the third Arbitrator was present shall have been adjourned ; but no notice to the Company or opposite party shall be necessary, but they shall be held sufficiently notified through the Arbitrator they shall have appointed, or whose appointment they shall have required :

Proviso. Award not to be made except at proper meetings or times.

Costs how paid and taxed.

Provided always, that the award given by any sole Arbitrator shall never be for a less sum than that offered by the Company as aforesaid ; and if in any case where three Arbitrators shall have been appointed, the sum awarded be not greater than that offered by the Company, the costs of the arbitration shall be borne by the opposite party, and deducted from the compensation, otherwise they shall be borne by the Company, and in either case they may, if not agreed upon, be taxed by any Justice of the Court of Queen's Bench :

Arbitrators to have power to examine witnesses on oath. False statement to be perjury.

The Arbitrators, or a majority of them, or the sole Arbitrator, may examine on oath, or solemn affirmation, the parties or such witnesses as shall voluntarily appear before him or them, and may administer such oath or affirmation ; and any wilful false statement made by any witness, under such oath or affirmation, shall be deemed wilful and corrupt perjury, and punishable accordingly :

Time within which award must be made.

The Justice of the Court of Queen's Bench by whom any Third Arbitrator or sole Arbitrator shall be appointed, shall, at the same time, fix a day on or before which the award shall be made, and if the same be not made on or before such day, or some other day to which the time for making it shall have been prolonged, either by the consent of the parties, or by the order of a Justice of the said Court, (as it may be for reasonable cause shewn, on the application of such sole Arbitrator or one of the Arbitrators after one clear day's notice to the others,) then the sum offered by the Company as aforesaid shall be the compensation to be paid by them :

Time may be prolonged in certain cases.

Arbitrator dying, &c.

If the party appointed by any Judge as third Arbitrator or sole Arbitrator shall die before the award be made, or shall be disqualified, or refuse or fail to act within a reasonable time, then, upon the application of either party, the Judge (or any other Judge of the said Court) being satisfied by affidavit or otherwise of such disqualification, refusal or failure, may, in his discretion, appoint another in his stead ; and, if the Arbitrator appointed by the said Company or by the opposite party shall die before the award

award shall be made, or shall leave the Province, or become unable to act within a reasonable time, (such fact being ascertained to the satisfaction of some Judge of the said Court, as attested by his Certificate to that effect,) the said Company, or the opposite party (as the case may be) may appoint another in his stead, notifying the other Arbitrators of such appointment; but no recommencement or repetition of prior proceedings shall be required in any case:

The Company may desist from any such Notice as aforesaid, and afterwards give new Notice with regard to the same or other lands, to the same or any other party, but they shall in any such case be liable to the party first notified for all damages or costs by him incurred in consequence of such first Notice and desistment:

Company may desist, paying costs.

It shall be no disqualification to the Surveyor or other person offered or appointed as Valuator, or as Arbitrator, that he be professionally employed by the Company or by the opposite party, or that he have previously expressed an opinion as to the amount of compensation, or that he be related or of kin to any member of the Company, provided he be not himself personally interested in the amount of such compensation; and no cause of disqualification shall be urged against any Arbitrator appointed by a Justice of the Court of Queen's Bench after his appointment, but shall be made before the same, and its validity or invalidity summarily determined by such Justice; and no cause of disqualification shall be urged against any Arbitrator appointed by the Company, or by the opposite party, after the appointment of a third Arbitrator; and the validity or invalidity of any cause of disqualification urged against any such Arbitrator, before the appointment of a third Arbitrator, shall be summarily determined by any Justice of the said Court on the application of either party, after one clear day's notice to the other, and if such cause be determined to be valid, the appointment shall be null, and the party offering the person so adjudged to be disqualified shall be held to have appointed no Arbitrator:

Arbitrators not disqualified by certain circumstances.

Cause of disqualification when to be urged.
How tried and determined.

No award made as aforesaid shall be invalidated by any want of form or other technical objection, if the requirements of this Act shall have been complied with, and if the award shall state clearly the sum awarded, and the lands or other property, right or thing for which such sum is to be the compensation; nor shall it be necessary that the party or parties to whom the sum is to be paid be named in the award.

Award not to be avoided by mere want of form.
Parties need not be named in it.

XVIII. And be it enacted, That upon payment or legal tender of the compensation or annual rent so awarded, agreed upon or determined as aforesaid to the party entitled to receive the same, or upon the deposit of the amount of such compensation in the manner hereinafter mentioned, the award or agreement shall vest in the said Company the power forthwith to take possession of the lands, or to exercise the right, or to do the thing for which such compensation or annual rent shall have been awarded or agreed upon: and if any resistance or forcible opposition shall be made by any person or party to their so doing, any Justice of the Court of Queen's Bench may, on proof to his satisfaction of such award or agreement, issue his Warrant to the Sheriff of the District, or to any Bailiff of the Court (as in his discretion may be most suitable,) to put the said Company in possession, and to put down such resistance or opposition, which such Sheriff or Bailiff, taking with him sufficient assistance, shall accordingly do; Provided also, that such warrant shall also be granted by any such Justice without such award or agreement, on affidavit to his satisfaction that the immediate possession of the

Possession may be taken on payment, tender or deposit of the sum awarded.

Warrant of possession in case of resistance.

Proviso as to granting such warrant before an award.

lands

lands, or of the power to do the thing mentioned in the notice, is necessary to carry on some part of the said Rail-way or works with which the said Company are ready forthwith to proceed, and upon the said Company giving security to his satisfaction and in a sum which shall not be less than double the amount mentioned in the notice, to pay or deposit the compensation to be awarded within one month after the making of the award, with interest from the time possession shall be given, and with such costs as may be lawfully payable by the Company.

As to incumbrances upon the lands so purchased or taken.

Compensation to stand in the place of the land.

Proviso. Proceedings if the Company have reason to fear incumbrances or claims by other parties than the vendor.

Costs and interests how paid, &c.

XIX. And be it enacted, That the compensation awarded as aforesaid or agreed upon by the said Company, and any party who might under this Act validly convey the lands, or then in lawful possession thereof as proprietor, for any lands which might be lawfully taken under this Act without the consent of the proprietor, shall stand in the stead of such land; and any claim to, or hypothec or incumbrance upon the said land, or any portion thereof, shall, as against the said Company, be converted into a claim to the said compensation, or to a like proportion thereof, and they shall be responsible accordingly whenever they shall have paid such compensation, or any part thereof, to a party not entitled to receive the same, saving always their recourse against such party: Provided always, that if the said Company shall have reason to fear any such claims, hypothecs or incumbrances, or if any party to whom the compensation or annual rent, or any part thereof, shall be payable shall refuse to execute the proper conveyance and guarantee, or if the party entitled to claim the same cannot be found, or be unknown to the Company, or if for any other reason the Company shall deem it advisable, it shall be lawful for them to pay such compensation into the hands of the Prothonotary of the said Court of Queen's Bench, with the interest thereon for six months, and to deliver to the said Prothonotary an authentic copy of the conveyance, or of the award or agreement if there be no conveyance, and such award or agreement shall thereafter be deemed to be the title of the said Company to the land therein mentioned, and proceedings shall thereupon be had for the confirmation of the title of the said Company, in like manner as in other cases of confirmation of title, except that in addition to the usual contents of the notice, the Prothonotary shall state that the title of the Company, (that is the conveyance, agreement or award,) is under this Act, and shall call upon all persons entitled to, or to any part of the land, or representing, or being the husbands of any parties so entitled, to file their oppositions for their claims to the compensation, or any part thereof, and all such oppositions shall be received and adjudged upon by the Court, and the judgment of confirmation shall forever bar all claims to the lands, or any part thereof, (including dower not yet open,) as well as all hypothecs or incumbrances upon the same; and the Court shall make such order for the distribution, payment or investment of the compensation, and for the securing of the rights of all parties interested as to right and justice, according to the provisions of this Act and to law shall appertain; and the costs of the said proceedings, or any part thereof, shall be paid by the said Company, or by any other party, as the Court shall deem it equitable to order; and if judgment of confirmation be obtained in less than six months from the payment of the compensation to the Prothonotary, the Court shall direct a proportionate part of the interest to be returned to the Company, and if from any error, fault or neglect of the Company it shall not be obtained until after the six months are expired, the Court shall order the Company to pay to the Prothonotary the interest for such further period as may be right.

XX. Provided always, and be it enacted, That with regard to any lands which could not be taken without the consent of some party entitled under this Act to convey the same, or in any case in which the requirements of this Act shall not have been complied with, and in all cases where land shall have been taken or damage shall have been done by the Company without previously complying with the requirements of this Act, the rights of the company and of other parties shall be governed by the ordinary rules of law.

Proviso as to cases where this Act shall not have been complied with.

XXI. And be it enacted, That all suits for indemnity for any damage, or injury sustained by reason of the powers and authority given by this Act, shall be made within six calendar months next after the time of such supposed damage sustained, or in case there shall be a continuation of damage, then within six calendar months next after the doing or committing such damage shall cease, and not afterwards, and the Defendant or Defendants shall and may plead the general issue and give this Act and the special matter in evidence at any trial to be had thereupon, and may aver that the same was done in pursuance and by authority of this Act.

Applications for indemnity for damage to be made within a certain time.

General issue.

XXII. And be it enacted, That if any person shall by any means or in any manner or way whatsoever, obstruct or interrupt the free use of the said Rail-way, or the carriages, vessels, engines or other works incidental or relative thereto, or connected therewith, or shall bring or conduct any raft to or within two hundred feet of any part of the wharf to be erected by the said Company, such person shall for every such offence incur a forfeiture or penalty of not less than five pounds nor exceeding ten pounds currency; one half of which penalty and forfeiture, to be recovered before one or more Justices of the Peace for the District, shall go to the prosecutor or informer, and the other half to Her Majesty, Her Heirs and Successors, and shall be paid into the hands of the Receiver General, and be applied for the public uses of this Province and the support of the Government thereof.

Penalty on persons obstructing the free use of the Rail-way or works.

How recoverable and applicable.

XXIII. And be it enacted, That if any person or persons shall wilfully and maliciously, and to the prejudice of the said Rail-way authorized to be made by this Act, break, throw down, damage or destroy the same, or any part thereof, or any of the houses, warehouses, toll-houses, watch-houses, weigh-beams, cranes, carriages, vessels, engines, inclined planes, machines or other works or devices, incidental and relative thereto, or connected therewith, or do any other wilful hurt or mischief, or wilfully or maliciously obstruct or interrupt the free use of the said Rail-way, vessels or works, or shall obstruct, hinder or prevent the carrying on, completing, supporting and maintaining the said intended Rail-way, vessels or works; such person or persons shall be adjudged guilty of felony, and the Court by and before whom such person or persons shall be tried and convicted shall have power and authority to cause such person or persons to be punished in like manner as felons are directed to be punished by the laws in force in this Province, or in mitigation thereof to award such sentence as the law directs in cases of simple larceny, as to such Court shall seem fitting.

Punishment of persons breaking down or obstructing or damaging the Rail-way or any works of the Company.

XXIV. And to the end that the said Company may be enabled to carry on so useful an undertaking: Be it enacted, That it shall and may be lawful for the said Company of Proprietors and their successors, to raise and contribute among themselves, in such proportions as to them shall seem meet and convenient; a competent sum of money for the making and completing the said Rail-way and all such other works, matters and conveniences

Company to contribute among themselves the necessary sums for carrying on their undertaking.

Proviso.
Books of sub-
scription to be
opened.

Proviso.
Capital limited
to £60,000 and
divided into
shares of £25
each.

Order of
charges on the
Capital.

The sum that
may be raised
to be divided
into shares.

* *Sic.*

To be personal
property and
transferable.

Rights of
Shareholders
to profits, &c.

Their liabili-
ties.

conveniences as may be found necessary for making, effecting, preserving, improving, completing, maintaining and using the said Rail-way, and other works: Provided always, that the before mentioned Charles J. Forbes, David Davidson, Haviland L. Routh, Allan Gilmour and William Murray, (being the Provisional Committee hereby appointed for that purpose,) or a majority of them, shall cause books of subscription to be opened in the City of Montreal, at such place therein as they shall from time to time appoint, until the first meeting of Proprietors hereinafter provided for, for receiving the signatures of persons willing to become subscribers to the said undertaking, and for this purpose they shall give public notice in some newspapers published in the manner aforesaid of the time and place at which such books will be opened and ready for receiving signatures as aforesaid, and of the persons by them authorized to receive such subscriptions; and every person who or whose Attorney shall write his or her signature in such book as a subscriber to the said undertaking, shall thereby become a Member of the said Corporation, and shall have the same rights and privileges, as such, as are hereby conferred on the several persons who are herein mentioned by name as Members of the said Corporation: Provided always, that the sums so raised shall not exceed the sum of sixty thousand pounds currency of this Province, in the whole, except as hereinafter mentioned, and that the same be divided into such number of shares as hereinafter directed, at a price of twenty-five pounds, currency aforesaid, per share; and the money so to be raised is hereby directed and appointed to be laid out and applied in the first place for and towards the payment, discharge and satisfaction of all fees and disbursements for obtaining and passing this Act, and for making the surveys, plans and estimates incident thereto, and all other expenses relating thereunto, and all the rest, residue and remainder of such money for and towards making, completing and maintaining the said Rail-way and other the purposes of this Act, and to no other use, intent or purpose whatever.

XXV. And be it enacted, That the said sum of Sixty thousand pounds currency, or such part thereof as shall be raised by the several persons hereinbefore named, and by such other person or persons who shall or may at any time become a subscriber or subscribers to the said Rail-way, shall be divided and distinguished into Two thousand four hundred pounds* equal parts or shares, at a price not exceeding Twenty-five pounds currency aforesaid per share; and that the said shares be deemed personal estate, and shall be transferable as such; and that the said shares shall be and are hereby vested in the said several subscribers and their several respective heirs, executors, curators, administrators and assigns, to their and every of their proper use and behoof, proportionally to the sum they and each of them shall severally subscribe and pay thereunto; and all and every the bodies politic, corporate or collegiate, or communities, and all and every person or persons, their several and respective successors, executors, curators, administrators and assigns, who shall severally subscribe and pay the sum of Twenty-five pounds, or such sum or sums as shall be demanded in lieu thereof, towards carrying on and completing the said Rail-way, shall be entitled to and receive, after the said Rail-way shall be completed, the entire and net distribution of the profits and advantages that shall and may arise and accrue by virtue of the sum and sums of money to be raised, recovered or received by the authority of this Act, in proportion to the number of shares so held; and every body politic, corporate or collegiate, or community, person or persons, having such property of one two thousand four hundredth part or share in the said undertaking, and so in proportion as aforesaid, shall bear and pay an adequate and proportional sum of money towards carrying on the said undertaking in manner by this Act directed and appointed.

XXVI. And be it enacted, That in case the said sum of Sixty thousand pounds, hereinbefore authorized to be raised, shall be found insufficient for the purposes of this Act, then and in such case it shall be lawful for the said Company to raise and contribute amongst themselves, in manner and form aforesaid, and in such shares and proportions as to them shall seem meet, or by the admission of new subscribers, a further or other sum of money for completing and perfecting the said intended Rail-way and other works or conveniences incidental or relative thereto, or hereby authorized, not exceeding the sum of fifteen thousand pounds, currency aforesaid; and every subscriber towards raising such further or other sum of money shall be proprietor in the said undertaking, and have a like right of voting in respect of his, her or their shares in the said additional sum so to be raised, and shall also be liable to such obligations, and stand interested in all the profits and powers of the said undertaking, in proportion to the sum he, she or they shall or may subscribe thereto, as generally and extensively as if such other or further sum had been originally raised as a part of the said first sum of Sixty thousand pounds; any thing herein contained to the contrary notwithstanding.

If this sum should not be sufficient, the Company may raise a further sum by subscription.

XXVII. And be it enacted, That the said Company may from time to time lawfully borrow either in this Province or elsewhere such sum or sums of money, not exceeding at any time the sum of Thirty thousand pounds, currency, as they may find expedient, and at such rate of interest not exceeding six *per cent. per annum*, as they may think proper; and may make the bonds, debentures and other securities, they shall grant for the sums so borrowed payable either in currency or in sterling, and at such place or places within or without this Province as they may deem advisable, and may hypothecate or pledge the lands, tolls, revenues, and other property of the said Company for the due payment of the said sums and the interest thereon.

Company may borrow a sum not exceeding at one time £30,000;

And hypothecate their property.

XXVIII. And be it enacted, That the number of votes to which each proprietor of shares in the said undertaking shall be entitled on every occasion when, in conformity to the provisions of this Act, the votes of the Members of the said Company of proprietors are to be given, shall be in the proportion to the number of shares held by him, that is to say: one vote for each share less than fifty; Provided always, that no one Proprietor as aforesaid shall have more than fifty votes; and all Proprietors of shares, whether resident in this Province or elsewhere, may vote by proxy, if he, she or they shall see fit, provided that such proxy do produce from his constituent or constituents an appointment in writing in the words or to the effect following, that is to say:

Votes of proprietors according to the number of their shares.

Proviso. Proprietors may vote by proxy.

“ I, _____ of _____ one of the
 “ Proprietors of the *Carillon and Grenville Rail-way*, do hereby nominate, consti-
 “ tute, and appoint _____ of _____
 “ to be my proxy, in my name, and in my absence to vote or give my assent or dissent
 “ to any business, matter or thing relating to the said undertaking that shall be men-
 “ tioned or proposed at any meeting of the Proprietors of the said undertaking, or any
 “ of them, in such manner as he the said _____ shall think
 “ proper, according to his opinion and judgment, for the benefit of the said under-
 “ taking, or any thing appertaining thereto. In witness whereof, I have hereunto set
 “ my hand and seal, the _____ day of _____
 “ year _____ ” in the

Form of appointment of proxy.

And

Questions to be decided by majority of votes.

And such vote or votes by proxy shall be as valid as if such principal or principals had voted in person; and whatever question, election of proper Officers, or matters or things shall be proposed, discussed, or considered in any public meeting of the Proprietors to be held by virtue of this Act, shall be determined by the majority of votes and proxies then present and so given as aforesaid, and all decisions and acts of any such majority shall bind the said Company, and be deemed the decision and acts of the Company.

None but a British subject to be President or Treasurer.

XXIX. Provided always, and be it enacted, That no Proprietor who shall not be a natural born subject of Her Majesty, or a subject of Her Majesty naturalized under an Act of the British Parliament, or an Act of the Parliament of this Province, shall be elected President or Treasurer of the said Company.

Liability of Shareholders limited.

XXX. And be it enacted, That no Shareholder in the said Company of Proprietors shall be in any manner whatsoever liable for or charged with the debts or demands due by the said Company beyond the payment of the extent of his, her or their share in the Capital of the said Company not paid up.

The first General Meeting to be held in Montreal.

XXXI. And be it enacted, That the first General Meeting of the Proprietors for putting this Act in execution, may be held at the City of Montreal whenever one half the number of shares in the said undertaking shall have been subscribed for, provided that public notice thereof be given during one week in some newspapers published in manner aforesaid, and signed by at least ten of the subscribers to the said undertaking holding among them at least two hundred shares; and at such said General Meeting the Proprietors assembled, with such proxies as shall be present, shall choose thirteen persons, being each a Proprietor of not less than twenty shares in the said undertaking, to be Directors of the said Company, in such manner as is hereinafter directed, and shall also proceed to pass such Rules and Regulations and By-Laws as shall seem to them fit, provided they be not inconsistent with this Act.

To elect a Board of thirteen Directors.

In the month of February, 1849, and of each year thereafter, a Board of Directors to be elected.

XXXII. And be it enacted, That the Directors first appointed (or those appointed in their stead in case of vacancy) shall remain in office until the election of Directors in the month of February, one thousand eight hundred and forty-nine, and that in the month of February in the said year and each year thereafter, and on such day of the month as shall be appointed by any By-Law, an Annual General Meeting of the said Proprietors shall be held at the Office of the Company for the time being to choose Directors in the room of those whose office may at that time become vacant, and generally to transact the business of the Company; but if at any time it shall appear to any ten or more of such Proprietors holding together two hundred shares at least, that for more effectually putting this Act in execution, a Special General Meeting of Proprietors is necessary to be held, it shall be lawful for such ten or more of them to cause fifteen days' notice at least to be given thereof in some public newspaper as aforesaid, or in such manner as the Company shall by any By-Law direct or appoint, specifying in such notice the time and place, and the reason and intention of such Special Meetings, respectively; and the Proprietors are hereby authorized to meet pursuant to such notices, and proceed to the execution of the powers by this Act given them, with respect to the matters so specified only; and all such acts of the Proprietors or the majority of them, at such Special Meetings assembled, such majority not having either as principals or proxies less than two hundred shares, shall be as valid to all intents and purposes

Special Meetings may be called.

Quorum at Special Meetings.

purposes as if the same were done at Annual Meetings: Provided always, that it shall and may be lawful for the said Directors in case of the death, absence, resignation or removal of any person elected a Director to manage the affairs of the said Company in manner aforesaid, to appoint another or others in the room or stead of those of the Directors who may die, or be absent, resign, or be removed as aforesaid; any thing in this Act to the contrary notwithstanding; but if such appointment be not made, such death, absence, or resignation shall not invalidate the acts of the remaining Directors.

Proviso:
Vacancies among the Directors may be filled by the other Directors.

XXXIII. And be it enacted, That at each of the said Annual Meetings of Proprietors three of the said thirteen Directors shall retire in rotation, the order of retirement of the said first elected thirteen Directors being decided by lot, but the Directors then or at any subsequent time retiring shall be eligible for re-election: Provided always, that no such retirement shall have effect unless the Proprietors shall at such Annual Meeting proceed to fill up the vacancies thus occurring in the Direction.

Three Directors to annually retire but may be re-elected.
Proviso.

XXXIV. And be it enacted, That the Directors shall, at their first (or at some other) Meeting after the day appointed for the Annual General Meeting in each year, elect one of their members to be the President of the said Company, who shall always (when present) be the Chairman of, and preside at all Meetings of the Directors, and shall hold his office until he shall cease to be a Director, or until another President shall be elected in his stead: and the said Directors may, in like manner, elect a Vice-President, who shall act as Chairman in the absence of the President.

Directors to elect a President;

And Vice-President.

XXXV. And be it enacted, That any Meeting of the said Directors, at which not less than five Directors shall be present, shall be a Quorum, and shall be competent to use and exercise all and any of the powers hereby vested in the said Directors: Provided always, that no one Director, though he may be a Proprietor of many shares, shall have more than one vote at any meeting of the Directors, except the President or Vice-President, when acting as Chairman, or any temporary Chairman, who, in case of the absence of the President or Vice-President, may be chosen by the Directors present, either of whom when presiding at a meeting of the Directors shall, in case of a division of equal numbers, have the casting vote, although he may have given one vote before: And provided also, that such Directors shall from time to time be subject to the examination and control of the said Annual and Special Meetings of the said Proprietors as aforesaid, and shall pay due obedience to all By-Laws of the Company and to such orders and directions, in and about the premises, as they shall from time to time receive from the said Proprietors, at such Annual or Special Meetings; such orders and directions not being contrary to any express directions or provisions in this Act contained: And provided also, that the act of any majority of a Quorum of the Directors present at any meeting regularly held shall be deemed the act of the Directors.

Five Directors to be a Quorum for business.

Proviso as to votes.

Casting vote of Chairman.

Proviso: Directors subjected to the control of Meetings.

Proviso: Acts of a majority to be valid.

XXXVI. Provided always, and be it enacted, That no person holding any office, place or employment, or being concerned or interested in any contract or contracts under the said Company, shall be capable of being chosen a Director or of holding the office of Director.

No officer or contractor to be a Director.

XXXVII. And be it enacted, That every such Annual Meeting shall have power to appoint not exceeding three Auditors to audit all accounts of money laid out and disbursed

Annual Meeting may appoint three

Auditors to audit all accounts.

Power of the Directors to make calls.

Proviso.

Calls how to be made.

Other powers of the Directors.

Further power may be given by By-laws.

Shareholders bound to pay calls.

Penalty for neglect.

Forfeiture for not paying calls.

disbursed on account of the said undertaking, by the Treasurer, Receiver or Receivers, and other Officer and Officers to be by the said Directors appointed, or by any other person or persons whatsoever, employed by, or concerned for or under them, in and about the said undertaking; and to that end the said Auditors shall have power to adjourn themselves over from time to time, and from place to place, as shall be thought convenient by them: And the said Directors chosen under the authority of this Act, shall have power from time to time to make such call or calls of money from the Proprietors of the said Rail-way and other works, to defray the expense of, or to carry on the same, as they from time to time shall find wanting and necessary for these purposes: Provided, however, that no call do exceed the sum of Two pounds and ten shillings current money of this Province, for every share of Twenty-five pounds: And provided also, that no calls be made but at the distance of at least one calendar month from each other: And such Directors shall have full power and authority to direct and manage all and every the affairs of the said Company as well in contracting for and purchasing lands, rights, and materials for the use of the said Company, as in employing, ordering and directing the work and workmen, and in placing and removing under-officers, clerks, servants and agents, and in making all contracts and bargains touching the said undertaking: And to affix or authorize any person to affix the Common Seal of the Company to any Act, Deed, By-Laws, Notice or other document whatsoever; and any such Act, Deed, By-Laws, Notice or other document bearing the Common Seal of the Company, and signed by the President, Vice-President, or any Director, or by order of the Directors, shall be deemed the Act of the Directors and of the Company, nor shall the authority of the signer of any document purporting to be so signed and sealed, to sign the same and affix the said Seal thereto be liable to be called in question by any party except the Company: and the Directors shall have such other and further powers as, being vested in the Company by this Act, shall be conferred upon the said Directors by the By-Laws of the Company.

XXXVIII. And be it enacted, That the owner or owners of one or more shares in the said undertaking shall pay his, her or their shares and proportion of the monies to be called for as aforesaid, to such person or persons, and at such time and place as the said Directors shall from time to time appoint and direct, of which three weeks' notice at least shall be given in two newspapers as aforesaid, or in such other manner as the said Proprietors or their successors shall by any By-Law direct and appoint; and if any person or persons shall neglect or refuse to pay his, her or their rateable or proportionable part or share of the said money, to be called for as aforesaid, at the time and place so appointed, he, she or they, neglecting or refusing shall forfeit a sum not exceeding the rate of five pounds for every one hundred pounds of his, her or their respective share or shares in the said undertaking: and in case such person or persons shall neglect to pay his, her or their rateable calls as aforesaid, for the space of two calendar months after the time appointed for the payment thereof as aforesaid, then he, she or they shall forfeit his, her and their respective share and shares in the said undertaking, and all the profit and benefit thereof; all which forfeitures shall go to the rest of the Proprietors of the said undertaking, their successors and assigns, for the benefit of the said Proprietors, in proportion to their respective interests; and in every case such calls shall be payable with interest from the time the same shall be so appointed to be paid until the payment thereof.

XXXIX. Provided always, and be it enacted, That no advantage shall be taken of the forfeiture of any share or shares of the said undertaking, unless the same shall be declared to be forfeited at some Annual or Special Meeting of the said Company, assembled after such forfeiture shall be incurred; and every such forfeiture shall be an indemnification to and for every Proprietor so forfeiting against all action and actions, suits or prosecutions whatever, to be commenced or prosecuted for any breach of contract or other agreement between such Proprietor and the other Proprietors with regard to carrying on the said Rail-way or undertaking.

Forfeiture of any shares to be declared at some General Meeting.

XL. And be it enacted, That the said Company shall always have power and authority at any General Meeting assembled as aforesaid, to remove any person or persons chosen upon such Board of Directors as aforesaid, and to elect others to be Directors in the room of those who shall die, resign or be removed, and to remove any other Officer or Officers under them, and to revoke, alter, amend or change any of the By-Laws or Orders prescribed with regard to their proceedings amongst themselves (the method of calling General Meetings, and their time and place of assembling, and manner of voting, and of appointing Directors, only, excepted,) and shall have power to make such new Rules, By-Laws and Orders, for the good government of the said Company and their servants, agents and workmen, for the good and orderly making, maintaining and using the said Rail-way and all other works connected therewith, or belonging thereto, or hereby authorized, and for the well governing of all persons whatsoever travelling upon or using the said Rail-way and other works, or transporting any goods, wares, merchandize or other commodities thereon; and by such By-Laws to impose and inflict such fines or forfeitures upon the persons guilty of a breach of such By-Laws or Orders as to such General Meeting shall seem meet, not exceeding the sum of twenty-five pounds, current money of this Province, for every offence; such fines or forfeitures to be levied and recovered by such ways and means as are herein-after mentioned; which said By-laws and Orders shall be put into writing under the common seal of the said Company, and shall be kept in the office of the Company, and a printed or written copy of so much of them as may relate to or affect any party other than members or servants of the Company, shall be affixed openly in all and every of the places where Tolls are to be gathered, and in like manner as often as any change or alteration shall be made to the same; and the said By-laws and Orders so made and affixed as aforesaid, shall be binding upon and observed by all parties, and shall be sufficient in any Court of Law or Equity to justify all persons who shall act under the same, and any copy of the said By-laws or any of them certified as correct by the President, or some person authorized by the Directors to give such certificate, and bearing the Common Seal of the Company, shall be deemed authentic, and shall be received as evidence of such By-Laws in any Court without further proof.

Company may remove any Director, and elect others in case of death, removal, &c.

And so of Officers.
And make By-laws.

Penalties under By-laws, limited.

By laws to be in writing, and published.

Certified copies to be evidence.

XLI. And be it enacted, That it shall and may be lawful to and for the several Proprietors of the said Rail-way or undertaking to sell or dispose of his, her or their share or shares therein, subject to the rules and conditions herein mentioned; and every purchaser shall have a duplicate of the deed of bargain and sale and conveyance made unto him or her, and one part of such deed, duly executed by seller and purchaser, shall be delivered to the said Directors or their Clerk for the time being, to be filed and kept for the use of the said Company, and an entry thereof shall be made in a book or books to be kept by the said Clerk for that purpose, for which no more than one shilling and three pence shall be paid, and the said Clerk is hereby required to make such

Proprietors may dispose of their shares, and how.
Transfer to be notified to the Company;

And entered.

such entry accordingly ; and until such duplicate of such deed shall be so delivered to the said Directors or their Clerk, and filed and entered as above directed, such purchaser or purchasers shall have no part or share of the profits of the said undertaking, nor any interest for the said share or shares, paid unto him, her or them, nor any vote as a Proprietor or Proprietors.

Form of the transfer of shares.

XLII. And be it enacted, That the sale of the said shares shall be in the form following, varying the names and descriptions of the contracting parties, as the case may require :

The form.

“ I, A. B, in consideration of the sum of _____ paid
 “ to me by C. D. of _____ do hereby bargain, sell and transfer to
 “ the said C. D. _____ share (or shares) of the Stock of the *Caril-*
 “ *ton and Grenville Rail-way Company*, to hold to him the said C. D. his heirs, exe-
 “ cutors, curators, administrators and assigns, subject to the same rules and orders, and
 “ on the same conditions that I held the same immediately before the execution
 “ hereof. And I, the said C. D, do hereby agree to accept of the said
 “ _____ share (or shares) subject to the same rules, orders and conditions.
 “ Witness our hands and seals, this _____ day of
 “ in the year _____ ”

Proviso.

Provided always, that no such transfer of any share shall be valid until all calls or instalments then due thereon shall have been paid up.

Directors may appoint a Treasurer and Clerk, &c.

Duty of the Clerk.

XLIII. And be it enacted, That it shall and may be lawful to and for the said Directors, and they are hereby authorized from time to time to nominate and appoint a Treasurer or Treasurers, and a Clerk or Clerks to the said Company, taking such security for the due execution of their respective offices as the said Directors shall think proper ; and such Clerk shall in a proper book or books enter and keep a true and perfect account of the names and places of abode of the several Proprietors of the said Rail-way and other works, and of the several persons who shall from time to time become owners and proprietors of, or entitled to any share or shares therein, and of all the other acts, proceedings and transactions of the said Company and of the Directors for the time being, by virtue of and under the authority of this Act.

Company may establish Tolls for all goods, &c. passing on the Rail-way.

How Tolls may be recovered if not duly paid.

Seizure of goods, &c.

XLIV. And be it enacted, That it shall and may be lawful to and for the said Company from time to time, and at all times hereafter, to ask, demand, take and recover, to and for their own proper use and behoof, for all goods, wares, merchandize and commodities, of whatever description, transported upon the said Rail-way, such Tolls as they may deem expedient ; which said Tolls shall be from time to time fixed and regulated by By-laws of the Company, or by the Directors if thereunto authorized by the said By-laws, and shall be paid to such person or persons, and at such place or places near to the said Rail-way, in such manner and under such regulations as the said Company or the said Directors shall direct and appoint ; and in case of denial or neglect of payment of any such rates or dues, or any part thereof, on demand, to the person or persons appointed to receive the same as aforesaid, the said Company may sue for and recover the same in any Court having competent jurisdiction, or the person or persons to whom the said rates or dues ought to be paid, may and he is, and they are hereby empowered to seize and detain such goods, wares, merchandize or other commodities,

for

for or in respect whereof such rates or dues ought to be paid, and detain the same until payment thereof; and in the meantime the said goods, wares, merchandize or other commodities shall be at the risk of the owner or owners thereof; and the said Company or the said Directors shall have full power, from time to time, at any General Meeting, to lower or reduce all or any of the said Tolls, and again to raise the same, as often as it shall be deemed necessary for the interests of the said undertaking: Provided always, that the same Tolls shall be payable at the same time and under the same circumstances upon all goods and upon all persons, so that no undue advantage, privilege or monopoly may be afforded to any person or class of persons by any By-law relating to the said Tolls.

Tolls may be lowered and again raised.

Proviso against monopoly.

XLV. And in order to ascertain the amount of the clear profits of the said undertaking: Be it enacted, That the said Company, or the Directors of the said Company, shall and they are hereby required to cause a true, exact and particular account to be kept and annually made up and balanced on the thirty-first day of December in each year, of the money collected and received by the said Company, or by the Directors or Treasurer of the said Company, or otherwise, for the use of the said Company, by virtue of this Act, and of the charges and expenses attending the erecting, making, supporting, maintaining and carrying on their works, and of all other receipts and expenditure of the said Company or the said Directors; and at the General Meetings of the Proprietors of the said undertaking, to be from time to time holden as aforesaid, a dividend shall be made out of the clear profits of the said undertaking, unless such Meetings shall declare otherwise; and such dividend shall be at and after the rate of so much per share upon the several shares held by the Proprietors, in the joint stock of the said Company, as such Meeting or Meetings shall think fit to appoint or determine: Provided always, that no dividend shall be made whereby the capital of the said Company shall be in any degree reduced or impaired, nor shall any dividend be paid in respect of any share, after a day appointed for payment of any call for money in respect thereof, until such call shall have been paid.

Account of the profit of the said undertaking to be annually made up and balanced at certain periods.

Dividends to be made at General Meetings.

Proviso: Capital not to be impaired.

XLVI. Provided always, and be it enacted, That whenever the said Company shall have declared for the then preceding year a dividend or dividends exceeding three pounds currency on each and every share in the said undertaking, the said Company shall and they are hereby directed and required to pay over, as a duty to Her Majesty, Her Heirs and Successors, recoverable as other duties are, one moiety of the net income from the said Rail-way accruing thereafter over and above the said three pounds per share, first payable to the said Proprietors: Provided always, that no such duty shall be payable until the dividends declared shall in the whole have amounted to ten *per cent. per annum* on the paid up stock of the said Company from the time it was so paid up; this provision being made as an allowance to the Company for the loss of interest on the money expended before the work shall produce any income.

A Tax to be paid to the Government on all the net income above £3 per share per annum.

Proviso: Allowance for the time until the work shall produce income.

XLVII. Provided always, and be it enacted, That in all cases where there shall be a fraction of a mile in the distance which goods, wares, merchandize or other commodities or passengers shall be conveyed or transported on the said Rail-way, such fraction shall, in ascertaining the said rates, be deemed and considered as a whole mile, and that in all cases where there shall be the fraction of a ton in the weight of any such goods, wares, merchandize or other commodities, a proportion of the said rates shall be demanded and taken by the said Company of Proprietors to the number of quarters of

Fractions in distance and fractions in weight how ascertained; rates, &c. how regulated.

a ton contained therein ; and in all cases where there shall be a fraction of a quarter of a ton, such fraction shall be deemed and considered as a whole quarter of a ton.

Directors may fix the price for the carriage of parcels on the Rail way. Tables of Tolls to be publicly affixed.

XLVIII. Provided always, and be it enacted, That it shall and may be lawful to and for the Directors of the said Company, from time to time, to make such regulations for ascertaining and fixing the price or sum or sums of money to be charged or taken for the carriage of any parcel not exceeding one hundred and twenty pounds weight as aforesaid, upon the said Rail-way, or any part thereof, as to them shall seem fit and reasonable ; and that the said Company shall from time to time print and stick up, or cause to be printed and stuck up in their office, and in all and every of the places where the Tolls are to be collected, in some conspicuous place there, a printed board or paper ascertaining all the Tolls payable under this Act, and particularising the price or sum or sums of money to be charged or taken for the carriage of such parcels not exceeding one hundred and twenty pounds weight as aforesaid.

Proviso as to the carriage of H. M's. Mail. Soldiers, Police Force, &c.

XLIX. Provided always, and be it enacted, That the said Company shall at all times when thereunto required by Her Majesty's Deputy Post Master General, the Commander of the Forces, or any person having the superintendence or command of any Police Force, carry Her Majesty's Mail, Her Majesty's Naval or Military Forces or Militia, and all artillery, ammunition, provisions or other stores for their use, and all Policemen, Constables, and others, travelling on Her Majesty's Service, on their said Rail-way, on such terms and conditions and under such regulations as the said Company and the said Deputy Post Master General, the Commander of the Forces, or person in command of any Police Force, respectively, shall agree upon, or if they cannot agree, then on such terms and conditions and under such regulations as the Governor or Person administering the Government shall in Council make ; Provided that by such regulations the Company shall not be required to start any train or steamboat at any other time than their ordinary time of starting the same, but that they may be required to provide a separate carriage for the Mail and the person or persons in charge thereof: And provided also, that any further enactments which the Legislature of this Province may hereafter deem it expedient to make, with regard to the carriage of the said Mail or Her Majesty's Forces and other persons and articles as aforesaid, or the rates to be paid for carrying the same, or in any way respecting the use of any Electric Telegraph, or other service to be rendered by the Company to the Government, shall not be deemed an infringement of the privileges intended to be conferred by this Act.

Proviso as to starting of Trains, &c.

Proviso : The Legislature may make further provision for certain purposes.

Company to divide their lands from the lands adjoining if required.

L. And be it enacted, That the said Company shall, within six calendar months after any lands shall be taken for the use of the said Rail-way or undertaking, and if thereunto required by the proprietors of the adjoining lands respectively, but not otherwise, divide and separate, and keep constantly divided and separated, the lands so taken from the lands or grounds adjoining thereto, with a sufficient post and rail, hedge, ditch, bank, or other fence sufficient to keep off hogs, sheep and cattle, to be set and made on the lands or grounds which shall be purchased by, conveyed to or vested in the said Company as aforesaid, and shall at their own costs and charges, from time to time, maintain, support and keep in sufficient repair the said posts, rails, hedges, ditches, trenches, banks, and other fences so set up and made as aforesaid.

The Company to have the Rail-road

LI. And be it enacted, That as soon as conveniently may be after the said Rail-way shall be completed, the said Company shall cause the same to be measured, and stones
or

or posts, with proper inscriptions on the sides thereof denoting the distance, to be erected and for ever after maintained, at the distance of every mile from each other.

measured and miles marked.

LII. And be it enacted, That the said Company shall and are hereby required and directed to take sufficient security, by one or more bond or bonds, in a sufficient penalty or penalties, from their Treasurer, Receiver and Collectors for the time being of the monies to be raised by virtue of this Act, for the faithful execution by such Treasurer, Receiver and Collectors of his and their office and offices respectively.

Treasurer, Receiver and Collector to give security.

LIII. And be it enacted, That the several persons who shall subscribe to advance any money for and towards making and maintaining the said Rail-way and other works connected therewith or hereby authorized, and those who shall accept of any transfer, of any share or shares in the Stock of the said Company, and their several heirs, executors, administrators, curators and assigns, or others legally representing them, and having the lawful possession or control of such share or shares, (all of whom shall be deemed proprietors of such share or shares for the purposes of this Section,) shall and they are hereby required to pay the sum or sums of money by them respectively subscribed, or such parts or portions thereof as shall from time to time be called for by the said Company, under and by virtue of the powers and directions of this Act, to such person or persons, and at such times and places as shall be directed by the said Company or the said Directors in manner before mentioned; and in case any person or persons shall neglect or refuse to pay the same at the time and in the manner required for that purpose, it shall be lawful for the said Company to sue for and recover the same with interest and costs in any Court of Law having competent jurisdiction; and in any such action it shall be sufficient to allege that the defendant is the proprietor of a share (or of any number of shares, stating such number) in the stock of the said Company; that certain sums of money were duly called for upon such share or shares by the said Company, under the authority of and in the manner provided by this Act, and were due and payable at a certain time or times, wherefore an action hath accrued to the said Company to recover such sum or sums with interests and costs; and the production of the newspapers containing such calls shall be evidence that the same were made as therein stated; and neither in such action, nor in any other action, suit or legal proceeding by the Company, shall the election of the Directors, or the authority of them, or of any Attorney acting in the name of the Company, be called in question except by the Company, nor shall it in any such case be necessary to name the Directors or any of them.

Company may, by action, compel the persons subscribing to pay the amount of their shares.

What shall be alleged and proved in any such action.

LIV. And be it enacted, That all fines and forfeitures imposed by this Act, or which shall be lawfully imposed by any By-law, to be made in pursuance thereof, (of which By-law, when produced, all Justices are hereby required to take notice,) the levying and recovering of which fines and forfeitures are not particularly herein directed, shall, upon proof of the offence before any one or more Justice or Justices of the Peace for the District, either by the confession of the party or parties, or by the oath or affirmation of any one credible witness (which oath or affirmation such Justice or Justices are hereby empowered and required to administer without fee or reward,) be levied by distress and sale of the offender's goods and chattels, by Warrant under the hand and seal or hands and seals of such Justice or Justices; and all such fines, forfeitures or penalties by this Act imposed or authorized to be imposed, the application whereof is not hereinbefore particularly directed, shall be paid into the hands of the Treasurer or Receiver

Forfeitures how to be recovered and applied, when not otherwise provided for.

Levy by distress and sale of goods and chattels.

Receiver of the monies to be raised by virtue of this Act, and shall be applied and disposed of for the use of the said Rail-way or undertaking, and the overplus of the money raised by such distress and sale, after deducting the penalty and the expenses of the levying and recovering thereof, shall be rendered to the owner of the goods so distrained and sold; and for want of sufficient goods and chattels whereof to levy the said penalties and expenses, the offender shall be sent to the Common Gaol for the District of Montreal, there to remain without bail or mainprize for such term not exceeding one month as such Justice or Justices shall think proper, unless such penalty or forfeiture, and all expenses attending the same, shall be sooner paid and satisfied.

Imprisonment
for want of
sufficient chat-
tels.

Appeal to the
General Ses-
sions.

LV. And be it enacted, That if any person or persons shall think himself, herself or themselves aggrieved by any thing done by any Justice or Justices of the Peace in pursuance of this Act, every such person or persons may, within four calendar months after the doing thereof, appeal to the Justices of the Peace at the General Quarter or General Sessions to be holden in and for the District.

Limitation of
actions for
things done
under this Act.

LVI. And be it enacted, That if any action or suit shall be brought or commenced against any person or persons for any thing done or to be done in pursuance of this Act, or in the execution of the powers and authorities or of the orders and directions hereinbefore given or granted, every such action or suit shall be brought or commenced within six calendar months next after the fact committed; or in case there shall be a continuation of damage, then within six calendar months next after the doing or committing such damage shall cease, and not afterwards; and the Defendant or Defendants in such action or suit shall and may plead the general issue, and give this Act and the special matter in evidence at any trial to be held thereupon, and that the same was done in pursuance and by the authority of this Act, and if it shall appear to have been so done, or if any action or suit shall be brought after the time so limited for bringing the same, or if the Plaintiff or Plaintiffs shall be nonsuit, or discontinue his, her or their action or suit after the Defendant or Defendants shall have appeared, or if judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have full costs, and shall have such remedy for the same as any Defendant or Defendants hath or have for costs of suit in other cases by law.

General issue.

Costs to De-
fendant if the
Plaintiff fail.

Contra-
ventions not other-
wise punish-
able, to be
misdemeanors.

LVII. And be it enacted, That any contravention of this Act by the said Company or by any other party, for which no punishment or penalty is herein provided, shall be a misdemeanor, and shall be punishable accordingly; but such punishment shall not exempt the said Company (if they be the offending party) from the forfeiture of this Act and the privileges hereby conferred on them, if by the provisions thereof or by law the same be forfeited by such contravention.

Her Majesty
may assume
the Rail-way
on certain con-
ditions.

LVIII. And be it enacted, That Her Majesty, Her Heirs and Successors, may at any time before or after the said Rail-way is completed assume the possession and property thereof, and of all the property which the said Company is hereby empowered to hold and shall then have, and of all the rights, privileges and advantages vested by this Act in the said Company (all which shall after such assumption be vested in Her Majesty, Her Heirs and Successors,) on giving to the said Company three months' notice of the intention to assume the same, and on paying to the said Company, within three months of the expiration of such notice, the whole amount of their Capital Stock then paid up and expended, with interest on the paid up Capital, from the time of the paying up of the same until the time of the opening of the said Rail-way.

LIX. And be it enacted, That the said Company, to entitle themselves to the benefits and advantages to them granted by this Act, shall and they are hereby required to make and deposit the map or plan and book of reference mentioned in the fourth Section of this Act within eighteen months after the passing thereof, and to make and complete the said Rail-way from Carillon to Grenville in manner aforesaid, within five years from the passing of this Act; and if the said map or plan and book of reference be not so made and deposited within the said eighteen months, or if the said Rail-way shall not be so made and completed within the said period so as to be used by the public as aforesaid, then and in either case this Act, and every matter and thing therein contained, shall cease, and be utterly null and void.

Map and Book of reference to be deposited, and the Rail-way to be completed within certain periods, or this Act to be void.

LX. And be it enacted, That the said Company shall annually submit to the three Branches of the Legislature, within the first fifteen days after the opening of each Session of the Provincial Parliament, after the opening of the said Rail-way or any part thereof to the public, a detailed and particular account attested upon oath, of the monies by them received and expended under and by virtue of this Act, with a classified statement of the amount of tonnage and of passengers that have been conveyed along the said Rail-way; And no further provisions which the Legislature may hereafter make with regard to the forms or details of such account, or the mode of attesting or rendering the same, shall be deemed an infringement of the privileges hereby granted to the Company.

Company annually to submit to the Legislature detailed accounts.

Further provision may be made touching such accounts.

LXI. And be it enacted, That nothing herein contained shall be construed to except the Rail-way by this Act authorized to be made, from the provisions of any general Act relating to Rail-ways which may be passed during the present or any future Session of Parliament.

Company to come under any General Rail-way-law.

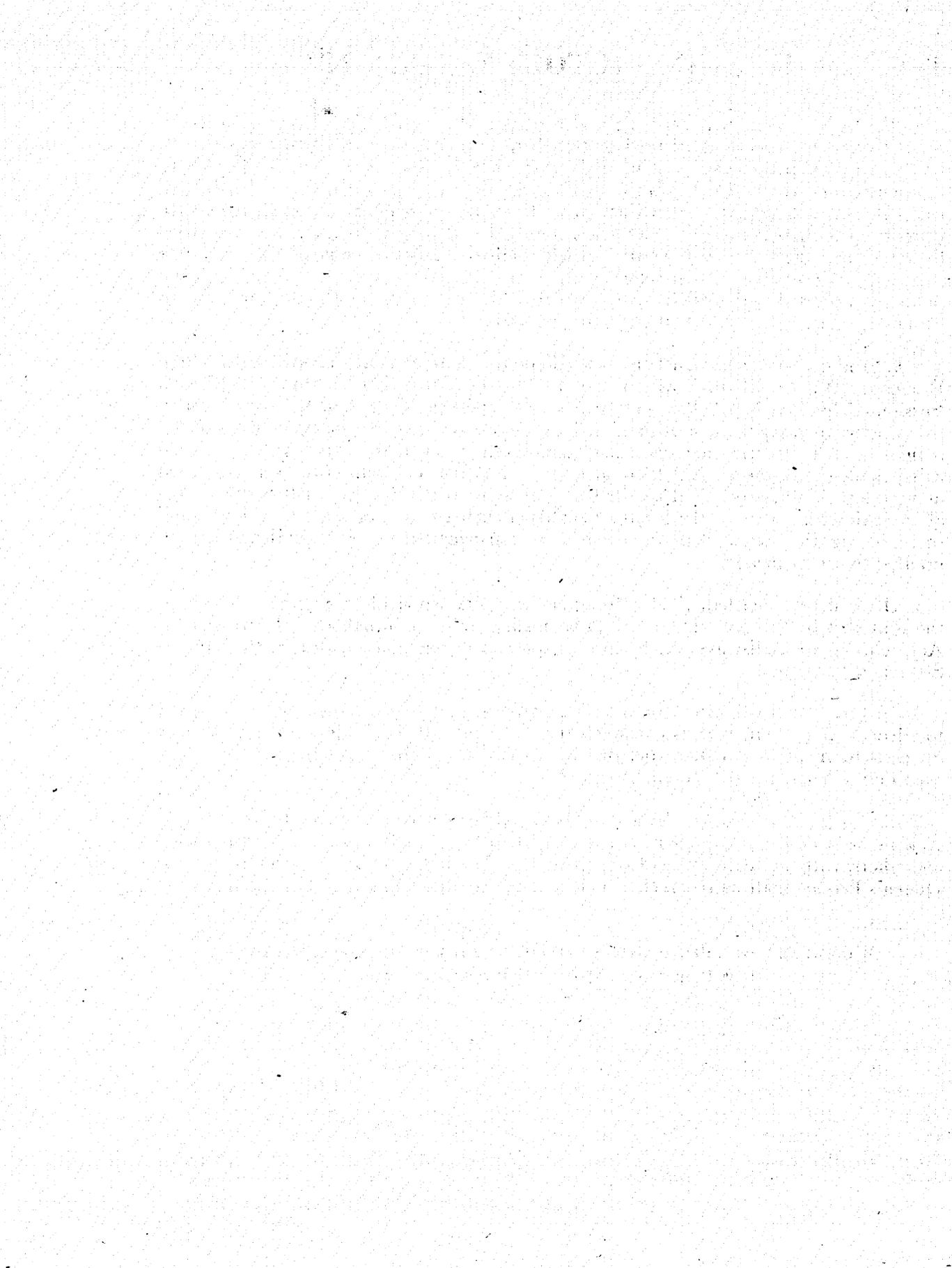
LXII. And be it enacted, That nothing herein contained shall affect or be construed to affect, in any manner or way whatsoever, the rights of Her Majesty, Her Heirs and Successors, or of any person or persons, or of any bodies politic, corporate or collegiate, such only excepted as are herein mentioned.

Saving of Her Majesty's rights, &c.

LXIII. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and as such shall be judicially taken notice of by all Judges, Justices of the Peace and others, without being specially pleaded, and that a Copy thereof printed by the Queen's Printer shall be received as evidence of the same in all Courts of Justice.

Public Act.

What copies shall be evidence.





ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. CXX.

An Act to incorporate *The Lake St. Louis and Province Line Railway Company.*

Reserved for the signification of Her Majesty's pleasure, 28th July, 1847.

The Royal Assent given by Her Majesty in Council on the 15th April, 1848; and Proclamation made thereof by His Excellency JAMES, EARL OF ELGIN AND KINCARDINE, in the Canada Gazette of the 24th June, 1848.

WHEREAS the construction of a Rail-way from some point on Lake St. Louis to some point upon or near the Province Line, and which might hereafter intersect and be connected with any Rail-way which may be constructed to connect the north western part of the State of New York with Lake Champlain, would contribute to open out a populous and fertile tract of country, and to the advancement and prosperity of this Province generally; And whereas the several persons hereinafter named are desirous to make and maintain the said Rail-way: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That David Davidson, James Scott, Hosea B. Smith, William Murray, John Mathewson, D. P. Janes, W. Ogden, Alexander Simpson, J. G. Mackenzie, James Torrance, William Carter, J. Paterson, and A. Gilmour, together with such person or persons as shall, under the provisions of this Act, become subscribers to and proprietors of any share or shares in the Rail-way hereby authorized to be made and other works and property hereinafter mentioned, and their several and respective heirs, executors, administrators, curators and assigns, being proprietors of any such share or shares, are and shall be, and be united into a Company for carrying on, making, completing and maintaining the said intended Rail-way and other works, according to the rules, orders and directions hereinafter expressed, and shall for that purpose be one body politic and corporate by the name of *The Lake St. Louis and Province Line Rail-way Company*, and by that name shall have perpetual succession and shall have a common seal, and other the usual powers and rights of bodies corporate not inconsistent with this Act, and by that name shall and may sue and be sued, and also shall and may have power and authority to purchase and hold lands, (which word shall throughout this Act be understood to include the land and all that is upon or below the surface thereof, and all the real rights and appurtenances thereunto belonging,) for them and their successors and assigns, for the use of the said Rail-way and works, without Her Majesty's *Lettres d'Amortissement*, (saving nevertheless to the

Preamble.

Certain persons incorporated for the purposes of this Act; and certain corporate powers conferred on them.

Corporate name and powers.

Word 'Lands' how understood in this Act.

Seignior

Mortmain
Laws not to
apply.

Rail way may
be made on
any plan.

Direction of
the said Rail-
way.

Governor in
Council to fix
the gauge of
the Rail-way.

Power to the
Company to
set out and
survey lands
necessary for
their works,
&c.

To get and
place materia-
ls.

To erect
buildings, ma-
chinery, &c.

Seignior or Seigniors within whose *censive* the lands, tenements and hereditaments so purchased may be situate, his and their several and respective *droits d'indemnité*, and all other Seigniorial rights whatever,) and also to alienate and convey any of the said lands, purchased for the purposes aforesaid, and any person or persons, bodies politic or corporate, or communities may give, grant, bargain, sell and convey to the said Company any lands for the purposes aforesaid, and the same may re-purchase of the said Company without *Lettres d'Amortissement*: And the said Company shall be and are hereby authorized and empowered from and after the passing of this Act, by themselves, their deputies, agents, officers, workmen and servants, to make and complete a Rail-way to be called *The Lake St. Louis and Province Line Rail-way*, with one or more sets of Rails or Tracks, and to be worked by locomotive engines, or on the atmospheric principle, or in such other mode as the said Company may deem expedient, from the Village of Sault St. Louis in the County of Huntingdon to such point as may be found most convenient in the County of Huntingdon or in the County of Beauharnois not being distant more than three miles from the line dividing the Township of Hemmingford from the said County of Huntingdon, and in as direct a line as may be found convenient, and to erect wharves, warehouses, stores and other buildings at either termination, and at such other places on the line of the said Rail-way as they may deem expedient.

II. And be it enacted, That it shall and may be lawful for the Governor in Council upon memorial from the said Company to determine the gauge which shall be used in the Rail-way in this Act mentioned, and such determination shall be declared by Proclamation in the Official Gazette, and shall thereupon be binding upon the said Company.

III. And be it enacted, That for the purposes aforesaid, the said Company, their deputies, servants, agents and workmen, are hereby authorized and empowered to enter into and upon any lands and grounds of the Queen's Most Excellent Majesty, not hereinafter excepted, or of any person or persons, bodies politic or corporate, or collegiate, or communities or parties whatsoever, and to survey and take levels of the same, or any part thereof, and to set out and ascertain such parts thereof as they shall think necessary and proper for making the said intended Rail-way and other works hereby authorized, and all such works, matters and conveniences as they shall think proper and necessary for making, effecting, preserving, improving, completing, maintaining and using the said intended Rail-way and other works, and also to bore, dig, cut, trench, get, remove, take, carry away, and lay earth, clay, stone, soil, rubbish, trees, roots of trees, beds of gravel or sand, or any other matters or things which may be dug or got in making the said intended Rail-way or other works, on or out of the lands or grounds of any person or persons adjoining or lying convenient thereto, and which may be proper, requisite or necessary for making or repairing the said intended Rail-way, or the works incidental or relative thereto, or which may hinder, prevent or obstruct the making, using or completing, extending or maintaining the same respectively, according to the intent and purpose of this Act; and to make, build, erect and set up, in or upon the said intended Rail-way, or upon their lands adjoining or near the same respectively, such and so many houses, warehouses, toll-houses, watch-houses, telegraphs or other signals, weighing beams, cranes, fire-engines, steam-engines, or other engines, either stationary or locomotive, inclined planes, machines, and other works, ways, roads and conveniences, as and when the said Company shall think requisite and convenient

convenient for the purposes of the said Rail-way and works ; and also from time to time to alter, repair, divert, widen, enlarge and extend the same, and also to make, maintain, repair and alter any fences or passages over, under or through the said intended Rail-way, and to construct, erect and keep in repair any bridges, arches and other works upon and across any rivers or brooks for the making, using, maintaining and repairing the said intended Rail-way ; and to turn any such brook, river or water-course, and to change its course ; and to construct, erect, make and do all other matters and things which they shall think convenient and necessary for the making, effecting, extending, preserving, improving, completing, and easy using of the said intended Rail-way and other works, in pursuance of, and according to the true intent and meaning of this Act, they, the said Company, doing as little damage as may be, in the execution of the several powers to them hereby granted, and making satisfaction in manner hereinafter mentioned to the owners or proprietors of, or the persons interested in the lands, tenements or hereditaments, water, water-courses, brooks or rivers respectively, which shall be taken, used, removed, prejudiced, or of which the course shall be altered, or for all damages to be by them sustained in or by the execution of all or any of the powers given by this Act ; and this Act shall be sufficient to indemnify the said Company and their servants, agents or workmen, and all other persons whatsoever for what they, or any of them, shall do by virtue of the powers hereby granted, subject nevertheless to such provisions and restrictions as are hereinafter mentioned.

Bridges and other works for passing streams, &c.

Other works necessary for the Rail-way.

As little damage as possible to be done, and compensation to be made.

IV. Provided always, and be it enacted, That the said Company shall not carry the said Rail-way along any highway but shall merely cross the same in the line of the said Rail-way, whatever be the angle at which such line shall intersect the said highway ; and before they shall in any way obstruct such highway with their works, they shall turn the said highway at their own charges so as to leave an open and good passage for carriages free from obstructions, and when their works are completed, they shall replace the said highway or street, under a penalty of five pounds currency, for any contravention, over and above all damages sustained by any party : but in any case the rail itself, provided it does not rise above or sink below the surface of the road more than one inch, shall not be deemed an obstruction.

How the Rail-way shall be carried across roads.

Rail itself not to be an obstruction.

V. And be it enacted, That for the purposes of this Act, the said Company shall and may by some sworn Land Surveyor for Lower Canada, and by an Engineer or Engineers by them to be appointed, cause to be taken and made, surveys and levels of the lands through which the said intended Rail-way is to be carried, together with a map or plan of such Rail-way, and of the course and direction thereof, and of the said lands through which the same is to pass, and the lands intended to be taken for the several purposes authorized by this Act, so far as then ascertained, and also a book of reference for the said Rail-way, in which shall be set forth a general description of the said several lands, and the names of the owners, occupiers, and proprietors thereof, so far as they can be ascertained by the said Company, and in which shall be contained every thing necessary for the right understanding of such map or plan ; which said map or plan and book of reference shall be examined and certified by the persons performing the duties formerly assigned to the Surveyor General, or his Deputies, who shall deposit copies thereof in the office of the Prothonotary of the Court of Queen's Bench for the District of Montreal, and also in the office of the Secretary of the Province, and shall also deliver one copy thereof to the said Company ; and all persons shall have liberty to resort to such copies so to be deposited as aforesaid, and

Company shall take surveys and levels of the lands through which the Rail way is to be carried, and make a map and book of reference.

The same to be examined and deposited.

Copies or extracts may be taken and used.

to

to make extracts or copies thereof as occasion shall require, paying to the said Secretary of the Province, or to the said Prothonotary, at the rate of six pence current money of this Province for every hundred words; and the said triplicates of the said map or plan and book of reference, so certified, or a true copy or copies thereof, certified by the Secretary of the Province, or by the Prothonotary of the Court of Queen's Bench for the said District, shall severally be, and are hereby declared to be good evidence in the Courts of Law and elsewhere.

Certified copies to be evidence.

When the Rail-way passes any highway, the rail, &c. to be within one inch of the surface.

VI. Provided always, and be it enacted, That where the said Rail-way shall cross any highway, (which word shall in this Act include all public roads, streets, lanes or other public ways or communications,) neither the rail nor any other part of the Rail-way or works connected therewith, shall rise above the level of such street or highway, or sink below the level of such street or highway, more than one inch; and the said Rail-way may be carried across any highway or above any highway within the limits aforesaid.

Height of bridges for carrying the rail-way over any highway.

VII. Provided always, and be it enacted, That where any bridge shall be erected or made by the said Company, for the purposes of carrying the said Rail-way over or across any highway, the space of the arch of any such bridge shall be formed and shall at all times be and be continued of such breadth as to leave a clear and open space under every such arch of not less than twenty feet, and of a height from the surface of such highway to the centre of such arch, of not less than sixteen feet, and the descent under any such bridge shall not exceed one foot in twenty feet.

Descent under bridges.

And of bridges for carrying a road over the Rail-way.

VIII. Provided always, and be it enacted, That in all places where it may be necessary to erect, build or make any bridge or bridges for carrying any highway over the Rail-way, the ascent of every such bridge for the purpose of every such highway shall not be more than one foot in twenty feet; and a good and sufficient fence shall be made on each side of every such bridge, which fence shall not be less than four feet above the surface of such bridge.

Fence to bridge.

Precautions to be observed when the Rail-road crosses a highway on a level.

IX. Provided always, and be it enacted, That the said Company shall, at each and every place where the said Rail-way shall cross any highway on a level, erect and keep up a sign-board stretching across the highway at such height as to leave sixteen feet from the highway to the lower edge of the sign-board, and having the words "RAILWAY-CROSSING" painted on each side of such sign-board, in both languages, and in letters not less than six inches in length; and for each and every neglect to comply with the requirements of this section, the said Company shall incur a penalty not exceeding five pounds currency.

Penalty.

Company not to deviate more than one mile from the line shewn as aforesaid.

X. And be it enacted, That the said Company, in making the said intended Rail-way, shall not deviate more than a mile from the line of the Rail-way or from the places assigned to the several works of the Company, in the map or plan and book of reference deposited aforesaid, nor cut, carry, place, lay down or convey the said Rail-way into, through, across, under or over any part of any lands or grounds not shewn and mentioned in such map or plan and book of reference, as being required for such purpose, or as being within one mile of the said line and of the places assigned therein to the said works respectively, (save in such instances as are herein specially provided for,) without the consent of the party or parties who could, under the provisions of this Act, convey such lands.

Except by consent.

XI. And be it enacted, That the said Company may make, carry or place their said intended Rail-way and works, into, across or upon the lands of any person or party whomsoever on the line aforesaid, or within the distance aforesaid from such line, although the name of such party be not entered in the said book of reference, through error, want of sufficient information, or any other cause, or although some other person or party be erroneously mentioned as the owner of or party entitled to convey, or interested in such lands.

Effect of errors
in the book
of reference.

XII. And be it enacted, That the lands or grounds to be taken or used for such intended Rail-way, and the ditches, drains and fences to separate the same from the adjoining lands, shall not exceed thirty yards in breadth, except in such places where the said intended Rail-way shall be raised more than five feet higher, or cut more than five feet deeper than the present surface of the land, in or at such places where it shall be judged necessary to have off-sets for the locomotives or other engines and carriages using the said intended Rail-way to be or pass each other (and not above one hundred yards in breadth in any such place,) or where any houses, ware-houses, wharves, toll-houses, watch-houses, weighing-beams, cranes, fixed engines or inclined planes, may be intended to be erected, or goods, wares or merchandize to be delivered, (and then not more than two hundred yards in length, by one hundred and fifty yards in breadth,) without the consent of some party who can, under the provisions of this Act, convey such lands to the said Company, and the places at which such extra breadth is to be taken, shall be shewn on the said map or plan, so far as the same may be then ascertained, but their not being so shewn shall not prevent the Company from taking such extra breadth, provided it be taken upon the line shewn or within the distance aforesaid from such line: Provided always, that no land shall be taken by the said Company from any public highway, but their right shall be limited to the laying down across the same, (that is in the line of the said Rail-Road at whatever angle it may intersect such highway,) the rails and other contrivances, forming part of the said Rail-Road, subject to the limitations mentioned in the fifth Section, or any other part of this Act; nor shall any land or property vested in Her Majesty, or in any party in trust for Her Majesty, be taken by the said Company, except under the next following section, without the consent of Her Majesty, or of the party in whom the same shall be so vested in trust.

Lands taken
not to exceed
thirty yards in
breadth.

Exceptions for
deep cutting,
passing places,
&c.

And for sta-
tions for ma-
chinery, &c.

Proviso as to
lands forming
part of public
roads, &c.

Or vested in
the Crown.

XIII. And be it enacted, That it shall be lawful for the said Company to take, use, occupy and hold, but not to alienate, so much of the Public Beach or Beach Road or of the land covered with the waters of the River St. Lawrence (or Lake St. Louis,) not used or occupied for any public work or vested in any party, (not exceeding the quantity limited in the next preceding section,) as may be required for the Rail-way, and other works which they are hereby authorized to construct, doing no damage to nor causing any obstruction in the navigation of the said river.

Company may
use the
Beaches, doing
no damage to
the navigation.

XIV. And be it enacted, That after any lands or grounds shall be set out and ascertained in manner aforesaid, for making and completing the said Rail-way and other works, and other the purposes and conveniences hereinbefore mentioned, it shall and may be lawful for all bodies politic, corporate, or collegiate, corporations aggregate or sole, communities, *grevés de substitution*, guardians, [curators, executors, administrators, and all other trustees or persons whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent,

After any
lands have so
been set out,
all bodies cor-
porate, &c.
may sell their
property
therein to the
Company.

represent, whether infants, issue unborn, lunatics, idiots, *femes-covert*, or other persons or parties, who are or shall be seized, possessed of or interested in any lands or grounds which shall be so set out and ascertained as aforesaid, or any part thereof, to contract for, sell and convey unto the said Company, all or any part of such lands or grounds which shall under this Act be set out and ascertained as aforesaid; and that all contracts, agreements, sales, conveyances and assurances so to be made, shall be valid and effectual in law to all intents and purposes whatsoever; any law, statute, usage or custom to the contrary thereof in any wise notwithstanding; and that all bodies politic, corporate or collegiate, or communities, and all persons whatsoever, so conveying as aforesaid, are hereby indemnified for what he, she, or they, or any of them shall respectively do by virtue of or in pursuance of this Act: Provided always, that before the map or plan and book of reference shall be deposited as aforesaid, and before the lands required for the said Rail-way and works shall be set out and ascertained, it shall be lawful for any party who might under this Act convey any lands to the said Company, if the same were so set out and ascertained, to agree with the Company for the price to be paid for such lands if they shall be thereafter so set out and ascertained; and such agreement shall be binding, and the price agreed upon shall be the price to be paid by the Company for the same lands, if they shall be afterwards so set out and ascertained, within one year from the date of such agreement, and although such land may in the mean time have become the property of a third party; and possession of the same may be taken and the agreement and price may be dealt with, as if such price had been fixed by an award of Arbitrators as hereinafter mentioned.

Proviso.
Parties may, before any lands are so set out, agree with the Company for the price if they be afterwards required.

Where no power is vested in any party to sell, a fixed annual rent to be established.

Privilege for securing such rent or any purchase money not paid.

XV. Provided always, and be it enacted, That any body politic, community, corporation, or other party, who cannot in common course of law sell or alienate any lands or grounds so set out and ascertained, shall agree upon a fixed annual rent as an equivalent, and not upon a principal sum, to be paid for the lands or grounds so set out and ascertained as necessary for making the said Rail-way, and other the purposes and conveniences relative thereto and connected therewith; and in case the amount of such rent shall not be fixed by voluntary agreement or compromise, it shall be fixed in the manner hereinafter prescribed, and all proceedings shall in that case be regulated as hereinafter prescribed; and for the payment of the said annual rent, and every other annual rent agreed upon or ascertained, and to be paid by the said Company for the purchase of any lands, or for any part of the purchase money of any lands, which the vendor shall agree to leave in the hands of the said Company, the said Rail-way and the Tolls to be levied and collected thereon shall be, and are hereby made liable and chargeable, in preference to all other claims or demands thereon whatsoever, the deed creating such charge and liability being duly registered.

Agreement with proprietors *par indivis* to a certain extent, to bind the rest.

XVI. Provided always, and be it enacted, That whenever there shall be more than one party proprietor of any land or property *par indivis*, any agreement made in good faith between the said Company and any party or parties proprietor, or being together proprietors, of one third or more of such land or property, as to the amount of compensation for the same or for any damages thereto, shall be binding as between the remaining proprietor or proprietors *par indivis* and the Company; and the proprietor or proprietors who have so agreed, may deliver possession of such land or property to the Company, or empower them to enter upon the same, as the case may be.

XVII. And be it enacted, That so soon as the said map or plan and book of reference shall have been deposited as aforesaid, and notice of its being so deposited shall have been given during at least one calendar month, in at least one newspaper published in the City of Montreal, in the English language, and in one newspaper there published in the French language, it shall be lawful for the said Company to apply to the several owners of or parties hereby empowered to convey the lands through which such Rail-way is intended to be carried, or which may suffer damage from the taking of materials, or the exercise of any of the powers granted to the said Company by this Act, and to agree with such owners or parties respectively, touching the compensation to be paid to them by the said Company for the purchase thereof, and for their respective damages, and to make such agreements and contracts with the said parties touching the said lands, or the compensation to be paid for the same, or for the damages, or as to the mode in which the said compensation shall be ascertained, as to such parties and the said Company shall seem expedient; And in case of disagreement between the said Company and the said owners and parties, or any of them, then all questions which shall arise between them and the said Company shall be settled as follows, that is to say:

The deposit of the map or plan and book of reference, and the notice of such deposit, given as aforesaid, shall be deemed a general notice to all such parties as aforesaid, of the lands which will be required for the said Rail-way and works.

The Company shall serve a notice upon the opposite party, containing a description of the lands to be taken, or of the powers intended to be exercised with regard to any lands (describing them,) a declaration that the Company are ready to pay some certain sum (or rent, as the case may be) as compensation for such lands or for the damages arising from the exercise of such power, and the name of a person whom they appoint as their Arbitrator if their offer be not accepted, and such notice shall be accompanied by the certificate of some sworn Surveyor for Lower Canada, disinterested in the matter, and not being the Arbitrator named in the notice, that the land (if the notice relate to the taking of land) is shewn on the map or plan deposited as aforesaid, as being required for the said Rail-way and works, or as being within the limits of deviation hereby allowed from the line of the said Rail-way, that he knows such land, or the amount of damages likely to arise from the exercise of such powers, and that the sum so offered is in his opinion a fair compensation for such land and for such damages as aforesaid.

If the opposite party be absent from the District of Montreal or be unknown to the said Company, then upon application to any Justice of the Court of Queen's Bench for the said District, accompanied by such certificate as aforesaid, and by an affidavit of some Officer of the Company, that such opposite party is so absent, or that after diligent inquiry the party on whom the notice ought to be served cannot be ascertained, such Justice shall order a notice as aforesaid (but without the certificate) to be inserted three times in the course of one calendar month in some newspaper published in the City of Montreal, in the English language, and in one newspaper there published in the French language.

If within ten days after the service of such notice, or within one month after the first publication thereof as aforesaid, the opposite party shall not notify to the Company that he accepts the sum offered by the said Company, or notify to them the name of a person whom he appoints as Arbitrator, then any Justice of the Court of Queen's Bench

The Company to apply to the owners of the lands touching the compensation to be paid for the same or for any right exercised.

Or as to mode of establishing such compensation.

How the same shall be settled when the parties cannot agree.

Legal effect of map and book of reference.

Notice to opposite party

Offer.

Name of Arbitrator.

Certificate of a Surveyor that the offer is fair, &c.

If the party be absent or unknown.

Party not accepting the Company's offer, and not appointing an Arbitrator.

Bench may, on the application of the said Company, appoint some sworn Surveyor for Lower Canada to be sole Arbitrator for determining the compensation to be paid by the Company.

Opposite party appointing an Arbitrator.
Third Arbitrator.

If the opposite party shall, within the time aforesaid, notify to the said Company the name of the person such party shall appoint as Arbitrator, then the said two Arbitrators shall jointly appoint a third, or if they cannot agree upon a third, then any Justice of the Court of Queen's Bench shall, upon application of the said party or of the Company, (previous notice of at least one clear day having been given to the other party,) appoint a third Arbitrator.

Duties of Arbitrators after being sworn.

Proviso.
Award not to be made except at proper meetings or times.

The said Arbitrators or any two of them, or the sole Arbitrator, being sworn before some Commissioner for receiving affidavits to be used in the said Court of Queen's Bench, faithfully and impartially to perform the duties of their office, shall proceed to ascertain the compensation to be paid by the Company, in such way as they or he, or a majority of them, shall deem best, and the award of such Arbitrators, or any two of them, or the sole Arbitrator, shall be final and conclusive: Provided, that no such award shall be made of an official act done by such majority, except at a meeting held at a time and place of which the other Arbitrator shall have had at least one clear day's notice, or to which some meeting at which the third Arbitrator was present shall have been adjourned; but no notice to the Company or opposite party shall be necessary, but they shall be held sufficiently notified through the Arbitrator they shall have appointed, or whose appointment they shall have required.

Costs how paid.

Provided always, that the award given by any sole Arbitrator shall never be for a less sum than that offered by the Company aforesaid; and if in any case where three Arbitrators shall have been appointed, the sum awarded be not greater than that offered by the Company, the costs of the arbitration shall be borne by the opposite party, and deducted from the compensation, otherwise they shall be borne by the Company, and in either case they may, if not agreed upon, be taxed by any Justice of the Court of Queen's Bench.

Arbitrators to have power to examine witnesses on oath.
False statement to be perjury.

The Arbitrators, or a majority of them, or the sole Arbitrator, may examine on oath, or solemn affirmation, the parties or such witnesses as shall voluntarily appear before him or them, and may administer such oath or affirmation; and any wilful false statement made by any witness, under such oath or affirmation, shall be deemed wilful and corrupt perjury, and punishable accordingly.

'Time within which award must be made.

May be prolonged in certain cases.

The Justice of the Court of Queen's Bench by whom any third Arbitrator or sole Arbitrator shall be appointed, shall, at the same time, fix a day on or before which the award shall be made, and if the same be not made on or before such day, or some other day to which the time for making it shall have been prolonged, either by consent of the parties, or by the order of a Justice of the said Court, (as it may be for reasonable cause shewn, on the application of such sole Arbitrator, or one of the Arbitrators, after one clear day's notice to the others,) then the sum offered by the Company as aforesaid shall be the compensation to be paid by them.

Arbitrator dying, &c.

If the party appointed by any Judge as third Arbitrator or sole Arbitrator shall die before the award be made, or shall be disqualified, or refuse or fail to act within a reasonable time, then upon the application of either party, the Judge (or any other Judge of the said

said Court) being satisfied by affidavit or otherwise of such disqualification, refusal or failure, may, in his discretion, appoint another in his stead ; and, if the Arbitrator appointed by the said Company or by the opposite party shall die before the award shall be made, or shall leave the Province, or become unable to act within a reasonable time, (such fact being ascertained to the satisfaction of some Judge of the said Court as attested by his Certificate to that effect,) the said Company or the opposite party (as the case may be) may appoint another in his stead, notifying the other Arbitrators of such appointment ; but no recommencement or repetition of prior proceedings shall be required in any case.

The Company may desist from any such Notice as aforesaid, and afterwards give new Notice with regard to the same or other lands, to the same or to any other party, but they shall in any such case be liable to the party first notified for all damages or costs by him incurred in consequence of such first Notice and desistment.

Company may desist, paying costs.

It shall be no disqualification to the Surveyor or other person offered or appointed as Valuator, or as Arbitrator, that he be professionally employed by the Company or by the opposite party, or that he have previously expressed an opinion as to the amount of compensation, or that he be related or of kin to any member of the Company, provided he be not himself personally interested in the amount of such compensation ; and no cause of disqualification shall be urged against any Arbitrator appointed by a Justice of the Court of Queen's Bench after his appointment, but shall be made before the same, and its validity or invalidity summarily determined by such Justice ; and no cause of disqualification shall be urged against any Arbitrator appointed by the Company, or by the opposite party, after the appointment of a third Arbitrator ; and the validity or invalidity of any cause of disqualification urged against any such Arbitrator, before the appointment of a third Arbitrator, shall be summarily determined by any Justice of the said Court, on the application of either party, after one clear day's notice to the other, and if such cause be determined to be valid, the appointment shall be null, and the party offering the person so adjudged to be disqualified shall be held to have appointed no Arbitrator.

Arbitrators not disqualified by certain circumstances.

Cause of disqualification when to be urged.
How tried and determined.

No award made as aforesaid shall be invalidated by any want of form or other technical objection, if the requirements of this Act shall have been complied with, and if the award shall state clearly the sum awarded, and the lands and other property, right or thing for which such sum is to be the compensation ; nor shall it be necessary that the party or parties to whom the sum is to be paid be named in the award.

Award not to be avoided by mere want of form.
Parties need not be named.

XVIII. And be it enacted, That upon payment or legal tender of the compensation or annual rent so awarded, agreed upon or determined as aforesaid to the party entitled to receive the same, or upon the deposit of the amount of such compensation in the manner hereinafter mentioned, the award or agreement shall vest in the said Company the power forthwith to take possession of the lands, or to exercise the right, or to do the thing for which such compensation or annual rent shall have been awarded or agreed upon ; and if any resistance or forcible opposition shall be made by any person or party to their so doing, any Justice of the Court of Queen's Bench, may on proof to his satisfaction, that the requirements of this Act had been complied with, issue his Warrant to the Sheriff of the District, or to any Bailiff of the Court, (as in his discretion may be most suitable), to put the said Company in possession, and to put down such resistance or opposition, which such Sheriff or Bailiff, taking with him sufficient assistance,

Possession may be taken on payment, tender or deposit of the sum awarded.

Warrant of possession in case of resistance.

Proviso: such Warrant may be obtained before award on certain conditions.

assistance, shall accordingly do ; Provided also, that such warrant of possession shall also be granted by any such Justice, upon proof by affidavit to his satisfaction that immediate possession of the lands or power to do the thing in question is necessary to the carrying on of the works of the said Company, the adverse party being summoned by one clear day's notice, to appear before such Judge, and the Company giving such security as the said Judge shall direct, to pay the sum to be awarded with interest from the day on which the warrant shall be granted, and all lawful costs, such security not being for less than twice the sum offered by the Company in the notice to such adverse party.

As to incumbrances, &c. upon lands purchased or taken.

Compensation to stand in the place of the land.

Proviso. Proceedings if the Company fear incumbrances, or claims by other parties than the vendor.

XIX. And be it enacted, That the compensation awarded as aforesaid or agreed upon by the said Company, and any party who might under this Act validly convey the lands, or then in lawful possession thereof as proprietor, for any lands which might be lawfully taken under this Act without the consent of the proprietor, shall stand in the stead of such land ; and any claim to, or hypothec or incumbrance upon the said land, or any portion thereof, shall, as against the said Company, be converted into a claim to the said compensation, or to a like proportion thereof, and they shall be responsible accordingly whenever they shall have paid such compensation, or any part thereof, to a party not entitled to receive the same, saving always their recourse against such party : Provided always, that if the said Company shall have reason to fear any such claims, hypothecs or incumbrances, or if any party to whom the compensation or annual rent, or any part thereof, shall be payable, shall refuse to execute the proper conveyance and guarantee, or if the party entitled to claim the same cannot be found, or be unknown to the Company, or if for any other reason the Company shall deem it advisable, it shall be lawful for them to pay such compensation into the hands of the Prothonotary of the said Court of Queen's Bench, with the interest thereon for six months, and to deliver to the said Prothonotary an authentic copy of the conveyance, or of the award or agreement if there be no conveyance, and such award or agreement shall thereafter be deemed to be the title of the said Company to the land therein mentioned, and proceedings shall thereupon be had for the confirmation of the title of the said Company, in like manner as in other cases of confirmation of title, except that in addition to the usual contents of the notice, the Prothonotary shall state that the title of the Company, (that is the conveyance, agreement or award,) is under this Act, and shall call upon all persons entitled to, or to any part of the land, or representing, or being the husbands of any parties so entitled, to file their oppositions for their claims to the compensation, or any part thereof, and all such oppositions shall be received and adjudged upon by the Court, and the Judgment of confirmation shall for ever bar all claims to the lands, or any part thereof, (including dower not yet open,) as well as all hypothecs or incumbrances upon the same ; and the Court shall make such order for the distribution, payment or investment of the compensation, and for the securing of the rights of all parties interested as to right and justice, according to the provisions of this Act and to law shall appertain ; and the costs of the said proceedings, or any part thereof, shall be paid by the said Company, or by any other party, as the Court shall deem it equitable to order ; and if Judgment of confirmation be obtained in less than six months from the payment of the compensation to the Prothonotary, the Court shall direct a proportionate part of the interest to be returned to the Company, and if from any error, fault or neglect of the Company it shall not be obtained until after the six months are expired, the Court shall order the Company to pay to the Prothonotary the interest for such further period as may be right.

Costs and interest how paid.

XX. Provided always, and be it enacted, That with regard to any lands which could not be taken without the consent of some party entitled under this Act to convey the same, or in any case in which the requirements of this Act shall not have been complied with, and in all cases where land shall have been taken, or damage shall have been done by the Company, without previously complying with the requirements of this Act, the rights of the Company, and of other parties shall be governed by the ordinary rules of law.

Proviso as to cases where this Act shall not have been complied with.

XXI. And be it enacted, That all suits for indemnity for any damage or injury sustained by reason of the powers and authority given by this Act shall be brought within six calendar months next after the time of such supposed damage sustained, or in case there shall be a continuation of damage, then within six calendar months next after the doing or committing such damage shall cease, and not afterwards, and the Defendant or Defendants shall and may plead the general issue and give this Act and the special matter in evidence at any trial to be had thereupon, and may aver that the same was done in pursuance and by the authority of this Act.

Applications for indemnity to be made within a certain time.

General issue.

XXII. And be it enacted, That if any person shall by any means or in any manner or way whatsoever, obstruct or interrupt the free use of the said Rail-way, or the carriages, vessels, engines or other works incidental or relative thereto, or connected therewith, such person shall for every such offence incur a forfeiture or penalty of not less than five pounds nor exceeding ten pounds currency; one half of which penalty and forfeiture, to be recovered before one or more Justices of the Peace for the District, shall go to the prosecutor or informer, and the other half to Her Majesty, Her Heirs and Successors, and shall be paid into the hands of the Receiver General, and be applied for the public uses of this Province and the support of the Government thereof.

Penalty on persons obstructing the free use of the Rail-way, &c.

How recoverable and applicable.

XXIII. And be it enacted, That if any person or persons shall wilfully and maliciously, and to the prejudice of the said Rail-way authorized to be made by this Act, break, throw down, damage or destroy the same, or any part thereof, or any of the houses, warehouses, toll-houses, watch-houses, weigh-beams, cranes, carriages, engines, inclined planes, machines or other works or devices, incidental and relative thereto or connected therewith, or do any other wilful hurt or mischief, or wilfully or maliciously obstruct or interrupt the free use of the said Rail-way, or works, or shall obstruct, hinder or prevent the carrying on, completing, supporting and maintaining the said intended Rail-way, or works, such person or persons shall be adjudged guilty of felony, and the Court by and before whom such person or persons shall be tried and convicted shall have power and authority to cause such person or persons to be punished in like manner as felons are directed to be punished by the laws in force in this Province, or in mitigation thereof to award such sentence as the law directs in cases of simple larceny, as to such Court shall seem fitting.

Punishment of persons breaking down, obstructing or damaging the Rail-way or works.

XXIV. And to the end that the said Company may be enabled to carry on so useful an undertaking: Be it enacted, That it shall and may be lawful for the said Company and their successors, to raise and contribute among themselves, in such proportions as to them shall seem meet and convenient, a competent sum of money for the making and completing the said Rail-way, and vessels and all such other works, matters and conveniences as may be found necessary for making, effecting, preserving, improving, completing, maintaining and using the said Rail-way, and other works: Provided

Capital how to be raised.

always,

Proviso.
Books of sub-
scription to be
opened.

always, that the before mentioned David Davidson, James Scott, Hosea B. Smith, William Murray, John Mathewson, D. P. Janes, W. Ogden, Alexander Simpson, J. G. Mackenzie, James Torrance, William Carter, J. Paterson and A. Gilmour, (being the provisional Committee named for that purpose) or a majority of them, shall cause books of subscription to be opened at the City of Montreal, at such place therein as they shall from time to time appoint, until the first meeting of Proprietors hereinafter provided for, for receiving the signatures of persons willing to become subscribers to the said undertaking, and for this purpose they shall give public notice in some newspaper published in the District of Montreal in the English language, and in some newspaper there published in the French language, of the time and place at which such books will be opened and ready for receiving signatures as aforesaid, and of the persons by them authorized to receive such subscriptions; and every person who or whose Attorney shall write his or her signature in such book as a subscriber to the said undertaking, shall thereby become a Member of the said Corporation, and shall have the same rights and privileges, as such, as are hereby conferred on the several persons who are herein mentioned by name as Members of the said Corporation: Provided always, that the sums so raised shall not exceed the sum of one hundred and fifty thousand pounds currency, of this Province, in the whole, except as hereinafter mentioned, and that the same be divided into such number of shares as hereinafter directed, at a price of fifty pounds, currency, aforesaid, per share; and the money so to be raised is hereby directed and appointed to be laid out and applied in the first place for and towards the payment, discharge and satisfaction of all fees and disbursements for obtaining and passing this Act, and for making the surveys, plans and estimates incident thereto, and all other expenses relating thereunto, and all the rest, residue and remainder of such money for and towards making, completing and maintaining the said Rail-way and other the purposes of this Act, and to no other use, intent or purpose whatever.

Proviso.
Capital limited
and divided
into shares of
£50 each.
Order of
charges on the
Capital.

The Capital
to be divided
into shares.

To be per-
sonal property
and trans-
ferable.

Rights of
Shareholders
to profits, &c.

Their liabili-
ties.

XXV. And be it enacted, That the said sum of one hundred and fifty thousand pounds, currency, or such part thereof as shall be raised by the several persons hereinbefore named, and by such other person or persons who shall or may at any time become a subscriber or subscribers to the said Rail-way, shall be divided and distinguished into three thousand equal parts or shares, at a price not exceeding fifty pounds, currency aforesaid, per share; and that the shares be deemed personal estate, and shall be transferable as such; and that the said three thousand shares shall be and are hereby vested in the said several subscribers and their several respective heirs, executors, curators, administrators and assigns, to their and every of their proper use and behoof, proportionally to the sum they and each of them shall severally subscribe and pay thereunto; and all and every the bodies politic, corporate or collegiate, or communities, and all and every person or persons, their several and respective successors, executors, curators, administrators and assigns, who shall severally subscribe and pay the sum of fifty pounds, or such sum or sums as shall be demanded in lieu thereof, towards carrying on and completing the said Rail-way, shall be entitled to and receive, after the said Rail-way shall be completed, the entire and net distribution of the profits and advantages that shall and may arise and accrue by virtue of the sum and sums of money to be raised, recovered or received by the authority of this Act, in proportion to the number of shares so held; and every body politic, corporate or collegiate, or community, person or persons, having such property of one three thousandth part or share in the said undertaking, and so in proportion as aforesaid, shall bear and pay an adequate and proportional

proportional sum of money towards carrying on the said undertaking in manner by this Act directed and appointed.

XXVI. And be it enacted, That in case the said sum of one hundred and fifty thousand pounds, hereinbefore authorized to be raised, shall be found insufficient for the purposes of this Act, then and in such case it shall be lawful for the said Company to raise and contribute amongst themselves, in manner and form aforesaid, and in such shares and proportions as to them shall seem meet, or by the admission of new subscribers, a further or other sum of money for completing and perfecting the said intended Rail-way and other works or conveniences incidental or relative thereto, or hereby authorized, not exceeding the sum of fifty thousand pounds, currency aforesaid; and every subscriber, towards raising such further or other sum of money, shall be proprietor in the said undertaking, and have a like right of voting in respect of his, her or their shares in the said additional sum so to be raised, and shall also be liable to such obligations, and stand interested in all the profits and powers of the said undertaking, in proportion to the sum he, she or they shall or may subscribe thereto, as generally and extensively as if such other or further sum had been originally raised as a part of the said first sum of one hundred and fifty thousand pounds; any thing herein contained to the contrary notwithstanding.

If the said sum should not be sufficient, the Company may raise a further sum.

XXVII. And be it enacted, That the said Company may from time to time lawfully borrow either in this Province or elsewhere such sum or sums of money, not exceeding at any time the sum of seventy-five thousand pounds, currency, as they may find expedient, and at such rate of interest not exceeding six per cent. per annum, as they may think proper; and may make the bonds, debentures or other securities, they shall grant for the sums so borrowed payable either in currency or in sterling, and at such place or places within or without this Province as they may deem advisable, and may hypothecate or pledge the lands, tolls, revenues, and other property of the said Company for the due payment of the said sums and the interest thereon.

Company may borrow a sum not exceeding at one time £75,000 currency.

And hypothecate their property.

XXVIII. And be it enacted, That the number of votes to which each Proprietor of shares in the said undertaking shall be entitled on every occasion when, in conformity to the provisions of this Act, the votes of the Members of the said Company are to be given, shall be in proportion to the number of shares held by him, that is to say: one vote for each share less than fifty; Provided always, that no one Proprietor as aforesaid shall have more than fifty votes; and all Proprietors of shares whether resident in this Province, or elsewhere, may vote by proxy, if he, she or they shall see fit, provided that such proxy do produce from his constituent or constituents, an appointment in writing, in the words or to the effect following, that is to say:

Votes of Proprietors according to the number of their shares.

Proviso.

Proprietors may vote by proxy.

“ I, _____ of _____
 “ one of the Proprietors of *The Lake St. Louis and Province Line Rail-way*, do hereby
 “ nominate, constitute, and appoint _____ of _____
 “ to be my proxy, in my name, and in my absence to vote or give my assent or dissent
 “ to any business, matter or thing relating to the said undertaking, that shall be men-
 “ tioned or proposed at any meeting of the Proprietors of the said undertaking, or any
 “ of them, in such manner as he the said _____ shall
 “ think proper, according to his opinion and judgment, for the benefit of the said
 “ undertaking,

Form of appointment of proxy.

“ undertaking, or any thing appertaining thereto. In witness whereof, I have here-
 “ unto set my hand and seal, the day of
 “ in the year ”

Questions to
be decided by
majority of
votes.

And such vote or votes by proxy shall be as valid as if such principal or principals had voted in person ; and whatever question, election of proper Officers, or matters or things shall be proposed, discussed, or considered in any public meeting of the Proprietors to be held by virtue of this Act, shall be determined by the majority of votes and proxies then present and so given as aforesaid, and all decisions and acts of any such majority shall bind the said Company, and be deemed the decision and acts of the said Company.

None but a
British subject
to be Presi-
dent or Treas-
urer.

XXIX. Provided always, and be it enacted, That no Proprietor who shall not be a natural born subject of Her Majesty, or a subject of Her Majesty naturalized under an Act of the British Parliament, or an Act of the Parliament of this Province, shall be elected President or Treasurer of the said Company.

Liability of
Shareholders
limited.

XXX. And be it enacted, That no Shareholder in the said Company of Proprietors shall be in any manner whatsoever liable for or charged with any debt or demand due by the said Company beyond the payment of the extent of his, her or their share in the Capital of the said Company not paid up.

The first Gen-
eral Meeting
to be held in
the City of
Montreal.

XXXI. And be it enacted, That the First General Meeting of the Proprietors for putting this Act in execution, may be held at the City of Montreal whenever one half of the shares in the said undertaking shall have been subscribed for, provided that public notice thereof be given during one week in some newspaper published in the English language, and in some newspaper published in the French language, in the District of Montreal, and signed by at least ten subscribers to the said undertaking holding among them at least two hundred shares ; and at such said General Meeting, the Proprietors assembled, with such proxies as shall be present, shall choose thirteen persons, being each a Proprietor of not less than ten shares in the said undertaking, to be Directors of the said Company, in such manner as is hereinafter directed, and shall also proceed to pass such Rules and Regulations and By-Laws as shall seem to them fit, provided they be not inconsistent with this Act.

To elect thir-
teen Directors.

In the month
of February,
1849, and of
each year
thereafter, a
Board of Di-
rectors to be
elected.

XXXII. And be it enacted, That the Directors first appointed (or those appointed in their stead in case of vacancy) shall remain in office until the election of Directors in the month of February, one thousand eight hundred and forty-nine, and that in the month of February in the said year and each year thereafter, and on such day of the month as shall be appointed by any By-Law, an Annual General Meeting of the said Proprietors shall be held to choose Directors in the room of those whose office may at that time become vacant, and generally to transact the business of the Company ; but if at any time it shall appear to any ten or more of such Proprietors holding together two hundred shares at least, that for more effectually putting this Act in execution, a Special General Meeting of Proprietors is necessary to be held, it shall be lawful for such ten or more of them to cause fifteen days' notice at least to be given thereof in two public newspapers as aforesaid, or in such manner as the Company shall by any By-Law direct or appoint, specifying in such notice the time and place, and the reason and intention of such Special Meetings, respectively ; and the Proprietors are hereby authorized to meet pursuant to such

Special Meet-
ings of Pro-
prieters may
be called.

such notices, and proceed to the execution of the powers by this Act given them, with respect to the matters so specified only ; and all such acts of the Proprietors or the majority of them, at such Special Meetings assembled, such majority not having either as principals or proxies less than two hundred shares, shall be as valid to all intents and purposes as if the same were done at Annual Meetings : Provided always, that it shall and may be lawful for the said Proprietors in case of the death, absence, resignation or removal of any person elected a Director to manage the affairs of the said Company in manner aforesaid, to appoint another or others in the room or stead of those of the Directors who may die, or be absent, resign, or be removed as aforesaid, any thing in this Act to the contrary notwithstanding ; but if such appointment be not made, such death, absence, or resignation shall not invalidate the acts of the remaining Directors.

Quorum at Special Meetings.

Proviso : Vacancies among the Directors may be filled by the remaining Directors.

XXXIII. And be it enacted, That at each of the said Annual Meetings of Proprietors, three of the said thirteen Directors shall retire in rotation, the order of retirement of the said first elected thirteen Directors being decided by lot, but the Directors then or at any subsequent time retiring shall be eligible for re-election : Provided always, that no such retirement shall have effect unless the Proprietors shall at such Annual Meeting proceed to fill up the vacancies thus occurring in the Direction.

Three Directors shall annually retire, but may be re-elected.

Proviso.

XXXIV. And be it enacted, That the Directors shall, at their first (or at some other) Meeting after the day appointed for the Annual General Meeting in each year, elect one of their number to be the President of the said Company, who shall always (when present) be the Chairman of, and preside at all Meetings of the Directors, and shall hold his office until he shall cease to be a Director, or until another President shall be elected in his stead ; and the said Directors may, in like manner, elect a Vice-President, who shall act as Chairman in the absence of the President.

Directors to elect a President ;

And Vice-President.

XXXV. And be it enacted, That any Meeting of the said Directors, at which not less than five Directors shall be present, shall be competent to use and exercise all and any of the powers hereby vested in the said Directors : Provided always, that no one Director, though he may be a Proprietor of many shares, shall have more than one vote at any meeting of the Directors, except the President or Vice-President, when acting as Chairman, or any temporary Chairman, who, in case of the absence of the President and Vice-President, may be chosen by the Directors present, either of whom when presiding at a meeting of the Directors shall, in case of a division of equal numbers, have the casting vote, although he may have given one vote before : And provided also, that such Directors shall from time to time be subject to the examination and control of the said Annual and Special Meetings of the said Proprietors as aforesaid, and shall pay due obedience to all By-Laws of the Company and to such orders and directions, in and about the premises, as they shall from time to time receive from the said Proprietors at such Annual or Special Meetings ; such orders and directions not being contrary to any express directions or provisions in this Act contained : And provided also, that the act of any majority of a *Quorum* of the Directors present at any meeting regularly held shall be deemed the act of the Directors.

Five Directors to be a *Quorum* for business.

Proviso as to votes.

Casting vote of Chairman.

Proviso : Directors subjected to the control of Meetings.

Proviso : Acts of a majority to be valid.

XXXVI. Provided always, and be it enacted, That no person holding any office, place or employment, or being concerned or interested in any contract or contracts under the said Company, shall be capable of being chosen a Director or of holding the office of Director.

No officer or contractor to be a Director.

XXXVII.

Annual Meeting may appoint three Auditors to audit accounts.

Power of the Directors to make calls.

Proviso.

Proviso.

Other powers of the Directors.

Further powers may be given by By-law.

Shareholders bound to pay calls.

Penalty for neglect.

Forfeiture for not paying calls.

XXXVII. And be it enacted, That every such Annual Meeting shall have power to appoint not exceeding three Auditors to audit all accounts of money laid out and disbursed on account of the said undertaking, by the Treasurer, Receiver or Receivers, and other Officer and Officers to be by the said Directors appointed, or by any other person or persons whatsoever, employed by, or concerned for or under them, in and about the said undertaking; and to that end, the said Auditors shall have power to adjourn themselves over from time to time, and from place to place, as shall be thought convenient by them: And the said Directors chosen under the authority of this Act, shall have power from time to time to make such call or calls of money from the Proprietors of the said Rail-way and other works, to defray the expense of, or to carry on the same, as they from time to time shall find wanting and necessary for these purposes: Provided, however, that no call do exceed the sum of five pounds, current money of this Province, for every share of fifty pounds: And provided also, that no calls be made but at the distance of at least one calendar month from each other: And such Directors shall have full power and authority to direct and manage all and every the affairs of the said Company as well in contracting for and purchasing lands, rights, and materials for the use of the said Company, as in employing, ordering and directing the work and workmen, and in placing and removing under-officers, clerks, servants, and agents, and in making all contracts and bargains touching the said undertaking; and to affix or authorize any person to affix the Common Seal of the Company to any Acte, Deed, By-Laws, Notice or other Document whatsoever; and any such Acte, Deed, By-Laws, Notice or other Document bearing the Common Seal of the Company, and signed by the President, Vice-President, or any Director, or by order of the Directors, shall be deemed the act of the Directors and of the Company, nor shall the authority of the signer of any Document purporting to be so signed and sealed, to sign the same and affix the said Seal thereto, be liable to be called in question by any party except the Company: and the Directors shall have such other and further powers as, being vested in the Company by this Act, shall be conferred upon the said Directors by the By-Laws of the Company.

XXXVIII. And be it enacted, That the owner or owners of one or more shares in the said undertaking shall pay his, her or their shares and proportion of the monies to be called for as aforesaid, to such person or persons, and at such time and place as the said Directors shall from time to time appoint and direct, of which one months' notice at least shall be given in two newspapers as aforesaid, or in such other manner as the said Proprietors or their successors shall by any By-Law direct or appoint; and if any person or persons shall neglect or refuse to pay his, her or their rateable or proportionable part or share of the said money, to be called for as aforesaid, at the time and place so appointed, he, she or they, neglecting or refusing shall forfeit a sum not exceeding the rate of five pounds for every hundred pounds of his, her or their respective share or shares in the said undertaking: and in case such person or persons shall neglect to pay his, her or their rateable calls as aforesaid, for the space of two calendar months after the time appointed for the payment thereof as aforesaid, then he, she or they shall forfeit his, her and their respective share and shares in the said undertaking, and all the profit and benefit thereof; all which forfeitures shall go to the rest of the Proprietors of the said undertaking, their successors and assigns, for the benefit of the said Proprietors, in proportion to their respective interests; and in every case such calls shall be payable with interest from the time the same shall be so appointed to be paid until the payment thereof.

XXXIX. Provided always, and be it enacted, That no advantage shall be taken of the forfeiture of any share or shares of the said undertaking, unless the same shall be declared to be forfeited at some Annual or Special Meeting of the said Company, assembled after such forfeiture shall be incurred; and every such forfeiture shall be an indemnification to and for every Proprietor so forfeiting against all action and actions, suits or prosecutions whatever, to be commenced or prosecuted for any breach of contract or other agreement between such Proprietor and the other Proprietors with regard to carrying on the said Rail-way or undertaking.

Forfeitures to be declared at some General Meeting.

XL. And be it enacted, That the said Company shall always have power and authority at any General Meeting assembled as aforesaid, to remove any person or persons chosen upon such Board of Directors as aforesaid, and to elect others to be Directors in the room of those who shall die, resign or be removed, and to remove any other Officer or Officers under them, and to revoke, alter, amend or change any of the By-laws or Orders prescribed with regard to their proceedings amongst themselves (the method of calling General Meetings, and their time and place of assembling, and manner of voting, and of appointing Directors, only, excepted,) and shall have power to make such new Rules, By-laws and Orders, for the good government of the said Company and their servants, agents and workmen, for the good and orderly making, maintaining and using the said Rail-way and all other works connected therewith, or belonging thereto, or hereby authorized, and for the well governing of all persons whatsoever travelling upon or using the said Rail-way and other works, or transporting any goods, wares, merchandize or other commodities thereon; and by such By-Laws to impose and inflict such fines or forfeitures upon the persons guilty of a breach of such By-laws, or Orders as to such General Meeting shall seem meet, not exceeding the sum of twenty-five pounds, current money of this Province, for every offence; such fines or forfeitures to be levied and recovered by such ways and means as are hereinafter mentioned; which said By-laws and Orders shall be put into writing under the common seal of the said Company, and shall be kept in the office of the said Company, and a printed or written copy of so much of them as may relate to or affect any party other than members or servants of the Company, shall be affixed openly in the Office of the said Company and in all and every of the places where Tolls are to be gathered, and in like manner as often as any change or alteration shall be made to the same; and the said By-laws and Orders so made and affixed as aforesaid, shall be binding upon and observed by all parties, and shall be sufficient in any Court of Law or Equity to justify all persons who shall act under the same, and any copy of the said By-Laws, or any of them certified as correct by the President or some person authorized by the Directors to give such certificate, and bearing the Common Seal of the Company, shall be deemed authentic, and shall be received as evidence of such By-laws in any Court without further proof.

Company may remove any Director, and may elect others in case of death, removal, &c.

And so of Officers.

May make By-laws.

Penalties limited.

By-laws to be in writing, and published.

Certified copies to be evidence.

XLI. And be it enacted, That it shall and may be lawful to and for the several Proprietors of the said Rail-way or undertaking to sell or dispose of his, her or their share or shares therein, subject to the rules and conditions herein mentioned; and every purchaser shall have a duplicate of the deed of bargain and sale and conveyance made unto him or her, and one part of such deed, duly executed by seller and purchaser, shall be delivered to the said Directors or their Clerk for the time being, to be filed and kept for the use of the said Company, and an entry thereof shall be made in a book or books to be kept by the said Clerk for that purpose, for which no more than

Proprietors of Stock may dispose of their shares, and how.

Transfer to be notified to the Company.

than one shilling and three pence, shall be paid, and the said Clerk is hereby required to make such entry accordingly; and until such duplicate of such deed shall be so delivered to the said Directors or their Clerk, and filed and entered as above directed, such purchaser or purchasers shall have no part or share of the profits of the said undertaking, nor any interest for the said share or shares, paid unto him, her or them, nor any vote as a Proprietor or Proprietors.

Form of the transfer appointed.

XLII. And be it enacted, That the sale of the said shares shall be in the form following, varying the names and descriptions of the contracting parties, as the case may require :

The form.

“ I, A. B. in consideration of the sum of _____ paid to me by C. D. of _____ do hereby bargain, sell and transfer to the said C. D. _____ share (or shares) of the Stock of the *Lake St. Louis and Province Line Rail-way Company*, to hold to him the said C. D., his heirs, executors, curators, administrators and assigns, subject to the same rules and orders, and on the same conditions that I held the same immediately before the execution hereof. And I, the said C. D., do hereby agree to accept of the said _____ share (or shares) subject to the same rules, orders and conditions. Witness our hands and seals, this _____ day of _____ in the year _____ ”

Proviso.

Provided always, that no such transfer of any share shall be valid until all calls or instalments then due thereon shall have been paid up.

Directors may appoint a Treasurer and Clerks, &c.

XLIII. And be it enacted, That it shall and may be lawful to and for the said Directors, and they are hereby authorized from time to time to nominate and appoint a Treasurer or Treasurers, and a Clerk or Clerks to the said Company, taking such security for the due execution of their respective offices as the said Directors shall think proper; and such Clerk shall in a proper book or books enter and keep a true and perfect account of the names and places of abode of the several Proprietors of the said Rail-way and other works, and of the several persons who shall from time to time become owners and Proprietors of, or entitled to any share or shares therein, and of all the other acts, proceedings and transactions of the said Company and of the Directors for the time being, by virtue of and under the authority of this Act.

Duty of the Clerk.

Company may establish Tolls for all goods, &c., passing on the Rail-way.

XLIV. And be it enacted, That it shall and may be lawful to and for the said Company from time to time, and at all times hereafter, to ask, demand take and recover, to and for their own proper use and behoof, for all goods, wares, merchandize and commodities, of whatever description, transported upon the said Rail-way, such Tolls as they may deem expedient; which said Tolls shall be from time to time fixed and regulated by By-laws of the Company, or by the Directors if thereunto authorized by the said By-laws, and shall be paid to such person or persons, and at such place or places near to the said Rail-way, in such manner and under such regulations as the said Company or the said Directors shall direct and appoint; and in case of denial or neglect of payment of any such rates or dues, or any part thereof, on demand, to the person or persons appointed to receive the same as aforesaid, the said Company may sue for and recover the same in any Court having competent jurisdiction, or the person or persons to whom the said rates or dues ought to be paid, may and he is, and they are hereby empowered to seize and detain such goods,

How Tolls may be recovered if not duly paid.

goods, wares, merchandize or other commodities, for or in respect whereof such rates or dues ought to be paid, and detain the same until payment thereof; and in the meantime the said goods, wares, merchandize or other commodities shall be at the risk of the owner or owners thereof; and the said Company or the said Directors shall have full power, from time to time, at any General Meeting, to lower or reduce all or any of the said Tolls, and again to raise the same, as often as it shall be deemed necessary for the interests of the said undertaking: Provided always, that the same Tolls shall be payable at the same time and under the same circumstances upon all goods and upon all persons, so that no undue advantage, privilege or monopoly may be afforded to any person or class of persons by any By-law relating to the said Tolls.

Seizure of goods, &c.

Tolls may be lowered and again raised.

Proviso against monopoly.

XLV. And in order to ascertain the amount of the clear profits of the said undertaking—Be it enacted, That the said Company, or the Directors for managing the affairs of the said Company, shall and they are hereby required to cause a true, exact and particular account to be kept and annually made up and balanced on the thirty-first day of the month of December in each and every year, of the money collected and received by the said Company, or by the Directors or Treasurer of the said Company, or otherwise, for the use of the said Company, by virtue of this Act, and of the charges and expenses attending the erecting, making, supporting, maintaining and carrying on their works, and of all other receipts and expenditure of the said Company or the said Directors; and at the General Meetings of the Proprietors of the said undertaking, to be from time to time holden as aforesaid, a dividend shall be made out of the clear profits of the said undertaking, unless such Meetings shall declare otherwise; and such dividend shall be at and after the rate of so much per share upon the several shares held by the Proprietors, in the joint stock of the said Company, as such meeting or meetings shall think fit to appoint or determine: Provided always, that no dividend shall be made whereby the capital of the said Company shall be in any degree reduced or impaired, nor shall any dividend be paid in respect of any share, after a day appointed for payment of any call for money in respect thereof, until such call shall have been paid.

Account of the profits of the undertaking to be annually made up.

Dividends to be made at General Meetings.

Proviso. Capital not to be impaired.

XLVI. Provided always, and be it enacted, That whenever the said Company shall have declared for the then preceding year a dividend or dividends exceeding six pounds currency on each and every share in the said undertaking, the said Company shall and they are hereby directed and required to pay over, as a duty to Her Majesty, Her Heirs and Successors, recoverable as other duties are, one moiety of the net income from the said Rail-way accruing thereafter over and above the said six pounds per share, first payable to the said Proprietors: Provided always, that no such duty shall be payable until the dividends declared shall in the whole have amounted to ten *per cent. per annum* on the paid up stock of the said Company from the time it was paid up, this provision being made as an allowance to the Company for the loss of interest on the money expended before the work shall produce any income.

A Duty to be paid on profits exceeding £6 per share.

Proviso.

XLVII. Provided always, and be it enacted, That in all cases where there shall be a fraction in the distance which goods, wares, merchandize or other commodities or passengers shall be conveyed or transported on the said Rail-way, such fraction shall, in ascertaining the said rates, be deemed and considered as a whole mile, and that in all cases where there shall be the fraction of a ton in the weight of any such goods, wares, merchandize or other commodities, a proportion of the said rates shall be demanded and

Fractions in distance or weight of goods how ascertained, &c.

and taken by the said Company, to the number of quarters of a ton contained therein; and in all cases where there shall be a fraction of a quarter of a ton, such fraction shall be deemed and considered a whole quarter of a ton.

Directors may fix the price for the carriage of parcels

XLVIII. Provided always, and be it enacted, That it shall and may be lawful to and for the Directors of the said Company, from time to time, to make such regulations for ascertaining and fixing the price or sum or sums of money to be charged or taken for the carriage of any parcel not exceeding one hundred and twenty pounds weight as aforesaid, upon the said Rail-way, or any part thereof, as to them seem fit and reasonable; and that the said Company shall from time to time print and stick up, or cause to be printed and stuck up in their office, and in all and every of the places where the Tolls are to be collected, in some conspicuous place there, a printed board or paper ascertaining all the Tolls payable under this Act, and particularising the price or sum or sums of money to be charged or taken for the carriage of such parcels not exceeding one hundred and twenty pounds weight as aforesaid.

Tables of Tolls to be publicly affixed.

Provision as to the carriage of H. M.'s Mail, Soldiers, Police Force, &c.

XLIX. Provided always, and be it enacted, That the said Company shall at all times when thereunto required by Her Majesty's Deputy Post Master General, the Commander of the Forces, or any person having the superintendence or command of any Police Force, carry Her Majesty's Mail, Her Majesty's Naval or Military Forces or Militia, and all artillery, ammunition, provisions or other stores for their use, and all Policemen, Constables, and others, travelling on Her Majesty's Service, on their said Rail-way, on such terms and conditions and under such regulations as the said Company and the said Deputy Post Master General, the Commander of the Forces, or person in command of any Police Force, respectively, shall agree upon, or if they cannot agree, then on such terms and conditions and under such regulations as the Governor or Person administering the Government shall in Council make; Provided that by such regulations the Company shall not be required to start any train or steamboat at any other time than their ordinary time of starting the same, but that they may be required to provide a separate carriage for the Mail and the person or persons in charge thereof: And provided also, that any further enactments which the Legislature of this Province may hereafter deem it expedient to make, with regard to the carriage of the said Mail or Her Majesty's Forces and other persons and articles as aforesaid, or the rates to be paid for carrying the same, or in any way respecting the use of any Electric Telegraph, or other service to be rendered by the Company to the Government, shall not be deemed an infringement of the privileges intended to be conferred by this Act.

Proviso as to starting of Trains, &c.

Proviso: The Legislature may make further provision.

Company to divide their lands from the lands adjoining, if required.

L. And be it enacted, That the said Company shall, within six calendar months after any lands shall be taken for the use of the said Rail-way or undertaking, and if thereunto required by the proprietors of the adjoining lands respectively, but not otherwise, divide and separate, and keep constantly divided and separated, the lands so taken from the lands or grounds adjoining thereto, with a sufficient post and rail, hedge, ditch, bank, or other fence sufficient to keep off hogs, sheep and cattle, to be set and made on the lands or grounds which shall be purchased by, conveyed to or vested in the said Company as aforesaid, and shall at their own costs and charges, from time to time, maintain, support and keep in sufficient repair the said posts, rails, hedges, ditches, trenches, banks, and other fences so set up and made as aforesaid.

LI. And be it enacted, That as soon as conveniently may be after the said Rail-way shall be completed, the said Company shall cause the same to be measured, and stones or posts, with proper inscriptions on the sides thereof denoting the distance, to be erected and for ever after maintained, at the distance of every mile from each other.

Rail-way to be measured and miles marked.

LII. And be it enacted, That the said Company shall and are hereby required and directed to take sufficient security, by one or more bond or bonds, in a sufficient penalty or penalties, from their Treasurer, Receiver and Collectors for the time being of the monies to be raised by virtue of this Act, for the faithful execution by such Treasurer, Receiver and Collectors of his and their office and offices respectively.

Treasurer, Receiver and Collector to give security.

LIII. And be it enacted, That the several persons who shall subscribe to advance any money for and towards making and maintaining the said Rail-way and other works connected therewith or hereby authorized, and those who shall accept of any transfer of any share or shares in the Stock of the said Company, and their several heirs, executors, administrators, curators, and assigns, or others legally representing them, and having lawful possession or control of such share or shares, (all of whom shall be deemed proprietors of such share or shares for the purposes of this Section,) shall and they are hereby required to pay the sum or sums of money by them respectively subscribed, or such parts or portions thereof as shall from time to time be called for by the said Company, under and by virtue of the powers and directions of this Act, to such person or persons, and at such times and places as shall be directed by the said Company or the said Directors, in manner before mentioned; and in case any person or persons shall neglect or refuse to pay the same at the time and in the manner required for that purpose, it shall be lawful for the said Company to sue for and recover the same with interest and costs in any Court of Law having competent jurisdiction; and in any such action it shall be sufficient to allege that the defendant is the proprietor of a share (or of any number of shares, stating such number) in the stock of the said Company; that certain sums of money were duly called for upon such share or shares by the said Company, under the authority of and in the manner provided by this Act, and were due and payable at a certain time or times, wherefore an action hath accrued to the said Company to recover such sum or sums with interest and costs; and the production of the newspapers containing such calls shall be evidence that the same were made as therein stated; and neither in such action, nor in any other action, suit or legal proceeding by the Company, shall the election of the Directors, or the authority of them, or of any Attorney acting in the name of the Company, be called in question except by the Company, nor shall it in any such case be necessary to name the Directors, or any of them.

Company may by action compel the persons subscribing to pay the amount of their shares.

What shall be alleged and proved in such action.

LIV. And be it enacted, That all fines and forfeitures imposed by this Act, or which shall be lawfully imposed by any By-law to be made in pursuance thereof, (of which By-law, when produced, all Justices are hereby required to take notice,) the levying and recovering of which fines and forfeitures are not particularly herein directed, shall, upon proof of the offence before any one or more Justice or Justices of the Peace for the District, either by the confession of the party or parties, or by the oath or affirmation of any one credible witness (which oath or affirmation such Justice or Justices are hereby empowered and required to administer without fee or reward,) be levied by distress and sale of the offender's goods and chattels, by Warrant under the hand and seal or hands and seals of such Justice or Justices; and all such fines, forfeitures

Forfeitures how recovered and applied, when not otherwise provided for.

Levy by distress and sale of goods and chattels.

forfeitures or penalties by this Act imposed or authorized to be imposed, the application whereof is not hereinbefore particularly directed, shall be paid into the hands of the Treasurer or Receiver of the monies to be raised by virtue of this Act, and shall be applied and disposed of for the use of the said Rail-way or undertaking, and the over-plus of the money raised by such distress and sale, after deducting the penalty and the expenses of the levying and recovering thereof, shall be rendered to the owner of the goods so distrained and sold; and for want of sufficient goods and chattels whereof to levy the said penalty and expenses, the offender shall be sent to the Common Gaol for the District of Montreal, there to remain without bail or mainprize for such term not exceeding one month as such Justice or Justices shall think proper, unless such penalty or forfeiture and all expenses attending the same shall be sooner paid and satisfied.

Imprisonment for want of sufficient chattels.

Appeal to the General Sessions.

LV. And be it enacted, That if any person or persons shall think himself, herself or themselves aggrieved by any thing done by any Justice or Justices of the Peace in pursuance of this Act, every such person or persons may, within four calendar months after the doing thereof, appeal to the Justices of the Peace at the General Quarter or General Sessions to be holden in and for the District.

Limitation of actions for things done in pursuance of this Act.

LVI. And be it enacted, That if any action or suit shall be brought or commenced against any person or persons for any thing done or to be done in pursuance of this Act, or in the execution of the powers and authorities, or of the orders and directions hereinbefore given or granted, every such action or suit shall be brought or commenced within six calendar months next after the fact committed; or in case there shall be a continuation of damage, then within six calendar months next after the doing or committing such damage shall cease, and not afterwards; and the Defendant or Defendants in such action or suit shall and may plead the general issue, and give this Act and the special matter in evidence at any trial to be held thereupon, and that the same was done in pursuance and by the authority of this Act; and if it shall appear to have been so done, or if any action or suit shall be brought after the time so limited for bringing the same, or if the Plaintiff or Plaintiffs shall be nonsuit, or discontinue his, her or their action or suit after the Defendant or Defendants shall have appeared, or if judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have full costs, and shall have such remedy for the same as any Defendant or Defendants hath or have for costs of suit in other cases by law.

General issue.

Costs to defendants if the Plaintiff fail.

Contraventions of this Act not otherwise punishable, to be misdemeanor.

LVII. And be it enacted, That any contravention of this Act by the said Company or by any other party, for which no punishment or penalty is herein provided, shall be a misdemeanor, and shall be punishable accordingly; but such punishment shall not exempt the said Company (if they be the offending party) from the forfeiture of this Act and the privileges hereby conferred on them, if by the provisions thereof or by law the same be forfeited by such contravention.

Her Majesty may assume the Rail-way on certain conditions.

LVIII. And be it enacted, That Her Majesty, Her Heirs and Successors may at any time before or after the said Rail-way is completed assume the possession and property thereof, and of all the property which the said Company is hereby empowered to hold and shall then have, and of all the rights, privileges and advantages vested by this Act in the said Company, (all which shall after such assumption be vested in Her Majesty, Her Heirs and Successors,) on giving to the said Company three months' notice

notice of the intention to assume the same, and on paying to the said Company, within three months of the expiration of such notice, the whole amount of their Capital Stock then paid up and expended, with interest on the paid up Capital, from the time of the paying up of the same until the time of the opening of the said Rail-way.

LIX. And be it enacted, That the said Company, to entitle themselves to the benefits and advantages to them granted by this Act, shall and they are hereby required to make and deposit the map or plan and book of reference mentioned in the fourth Section of this Act within eighteen months after the passing thereof, and to make and complete the said Rail-way in manner aforesaid, within five years from the passing of this Act; and if the said map or plan and book of reference be not so made and deposited within the said space of eighteen months, or if the said Rail-way shall not be so made and completed within the said period of five years so as to be used by the public as aforesaid, then and in either case this Act and every matter and thing therein contained, shall cease and be utterly null and void.

Map and book of reference to be deposited, and the Rail-way to be completed within certain periods, or this Act to be void.

LX. And be it enacted, That the said Company shall annually submit to the three Branches of the Legislature, within the first fifteen days after the opening of each Session of the Provincial Parliament, after the opening of the said Rail-way or any part thereof to the public, a detailed and particular account, attested upon oath, of the monies by them received and expended under and by virtue of this Act, with a classified statement of the amount of tonnage and of passengers that have been conveyed along the said Rail-way; And no further provisions which the Legislature may hereafter make with regard to the form or details of such account, or the mode of attesting or rendering the same, shall be deemed an infringement of the privileges hereby granted to the said Company.

Company to lay detailed accounts before the Legislature.

Further provision may be made touching such accounts.

LXI. 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.

Saving of Her Majesty's rights, &c.

LXII. And be it enacted, That nothing herein contained shall be construed to except the Rail-way by this Act authorized to be made, from the provisions of any general Act relating to Rail-ways which may be passed during the present or any future Session of Parliament.

Rail-way to be subject to any general Rail-way law.

LXIII. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and as such shall be judicially taken notice of by all Judges, Justices of the Peace and others, without being specially pleaded.

Public Act.





ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

C A P. C X X I.

An Act to incorporate *The Montreal and Province Line Junction Railway Company.*

Reserved for the signification of Her Majesty's pleasure, 28th July, 1847.

The Royal Assent given by Her Majesty in Council on the 15th April, 1848; and Proclamation made thereof by His Excellency JAMES, EARL OF ELGIN AND KINCARDINE, in the Canada Gazette of the 24th June, 1848.

WHEREAS John E. Mills, John Molson, William Workman, Benjamin Brewster, C. H. Castle, Peter Warren Dease, A. M. Delisle and William Dobie Lindsay, have, by their Petition to the Legislature, represented that they, as well as several of the most energetic and influential citizens of the United States of America, have it in contemplation to create conjointly an uninterrupted line of communication by Rail-way, between the Cities of Boston, New York and Montreal; And whereas the construction of the said Rail-way would greatly tend to facilitate the intercourse and promote the interests of trade and commerce between this country and the said States: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intitled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That John E. Mills, John Molson, William Workman, Benjamin Brewster, C. H. Castle, Peter Warren Dease, A. M. Delisle and William Dobie Lindsay, together with such person or persons as shall, under the provisions of this Act, become subscribers to and proprietors of any share or shares in the Rail-way hereby authorized to be made and other works and property hereinafter mentioned, and their several and respective heirs, executors, administrators, curators and assigns, being proprietors of any such share or shares, are and shall be, and be united into a Company for carrying on, making, completing and maintaining the said intended Rail-way and other works, according to the rules, orders and directions hereinafter expressed, and shall for that purpose be one body politic and corporate by the name of *The Montreal and Province Line Junction Railway Company*, and by that name shall have perpetual succession and shall have a common seal, and other the usual powers and rights of bodies corporate not inconsistent with this Act, and by that name shall and may sue and be sued, and also shall and may have power and authority to purchase and hold lands, (which word shall throughout this Act be understood to include the land and all that is upon or below the surface thereof, and all the real rights and appurtenances thereunto belonging,) for them and their

Preamble.

Certain persons incorporated for the purposes of this Act and certain corporate powers conferred on them.

Corporate name. -

Word 'Lands' how understood in this Act.

Mortmain
Laws not to
apply.

Rail-way may
be made on
any plan.

Direction of
the said Rail-
way.

Power to the
Company to
set out and
survey lands
necessary for
their works,
&c.

To get and
place mate-
rials.

To erect build-
ings, machine-
ry, &c.

their successors and assigns, for the use of the said Rail-way and works, without Her Majesty's *Lettres d'Amortissemens* (saving nevertheless to the Seigneur or Seigniors within whose *censive* the lands, tenements and hereditaments so purchased may be situate, his and their several and respective *droits d'indemnité*, and all other Seigniorial rights whatever,) and also to alienate and convey any of the said lands, purchased for the purposes aforesaid; and any person or persons, bodies politic or corporate, or communities may give, grant, bargain, sell or convey to the said Company any lands for the purposes aforesaid and the same may re-purchase of the said Company without *Lettres d'Amortissemens*, and the said Company shall be and are hereby authorized and empowered from and after the passing of this Act, by themselves, their deputies, agents, officers, workmen and servants, to make and complete a Rail-way to be called *The Montreal and Province Line Junction Rail-way*, with one or more sets of rails or tracks, and to be worked by locomotive engines, or on the atmospheric principle, or in such other mode as the said Company may deem expedient, from the present terminus of the Champlain and Saint Lawrence Rail-way, at the Town of Dorchester commonly called St. Johns, to or near the Province Line at Rouse's Point, or at any intermediate point which may be found desirable, and in as direct a line as may be found convenient, and to erect wharves, warehouses, stores and other buildings at either termination, and at such other places on the line of the said Rail-way as they may deem expedient.

II. And be it enacted, That for the purposes aforesaid, the said Company, their deputies, servants, agents and workmen, are hereby authorized and empowered to enter into and upon any lands and grounds of the Queen's Most Excellent Majesty, not hereinafter excepted, or of any person or persons, bodies politic or corporate, or collegiate, or communities or parties whatsoever, and to survey and take levels of the same, or any part thereof, and to set out and ascertain such parts thereof as they shall think necessary and proper for making the said intended Rail-way and other works hereby authorized, and all such works, matters and conveniences as they shall think proper and necessary for making, effecting, preserving, improving, completing, maintaining and using the said intended Rail-way and other works, and also to bore, dig, cut, trench, get, remove, take, carry away, and lay earth, clay, stone, soil, rubbish, trees, roots of trees, beds of gravel or sand, or any other matters or things which may be dug or got in making the said intended Rail-way or other works, on or out of the lands or grounds of any person or persons adjoining or lying convenient thereto, and which may be proper, requisite or necessary for making or repairing the said intended Rail-way, or the works incidental or relative thereto, or which may hinder, prevent or obstruct the making, using or completing, extending or maintaining the same respectively, according to the intent and purpose of this Act; and to make, build, erect and set up, in or upon the said intended Rail-way, or upon their lands adjoining or near the same respectively, such and so many houses, warehouses, toll-houses, watch-houses, telegraphs or other signals, weighing beams, cranes, fire-engines, steam-engines, or other engines, either stationary or locomotive, inclined planes, machines, and other works, ways, roads and conveniences, as and when the said Company shall think requisite and convenient for the purposes of the said Rail-way and works; and also from time to time to alter, repair, divert, widen, enlarge and extend the same, and also to make, maintain, repair and alter any fences or passages over, under or through the said intended Rail-way, and to construct, erect and

and keep in repair any bridges, arches and other works upon and across any rivers or brooks for the making, using, maintaining and repairing the said intended Rail-way; and to turn any such brook, river or water-course, and to change its course; and to construct, erect, make and do all other matters and things which they shall think convenient and necessary for the making, effecting, extending, preserving, improving, completing, and easy using of the said intended Rail-way and other works, in pursuance of, and according to the true intent and meaning of this Act, they, the said Company, doing as little damage as may be, in the execution of the several powers to them hereby granted, and making satisfaction in manner hereinafter mentioned to the owners or proprietors of, or the persons interested in the lands, tenements or hereditaments, water, water-courses, brooks or rivers respectively, which shall be taken, used, removed, prejudiced, or of which the course shall be altered, or for all damages to be by them sustained in or by the execution of all or any of the powers given by this Act; and this Act shall be sufficient to indemnify the said Company and their servants, agents or workmen, and all other persons whatsoever for what they, or any of them, shall do by virtue of the powers hereby granted, subject nevertheless to such provisions and restrictions as are hereinafter mentioned.

Bridges and other works for passing streams, &c. Other works necessary for the Rail-way.

As little damage as possible to be done, and compensation to be made.

III. Provided always, and be it enacted, That the said Company shall not carry the said Rail-way along any highway, but shall merely cross the same in the line of the said road whatever be the angle at which such line shall intersect the said highway; and before they shall in any way obstruct such highway with their works, they shall turn the said highway at their own charges so as to leave an open and good passage for carriages free from obstructions, and when their works are completed, they shall replace the said highway, under a penalty of five pounds currency, for any contravention, over and above all damage sustained by any party; but in any case the rail itself, provided it does not rise above or sink below the surface of the road more than one inch, shall not be deemed an obstruction.

How the Rail-way shall be carried across roads.

Rail itself not an obstruction.

IV. And be it enacted, That for the purposes of this Act, the said Company shall and may by some sworn Land Surveyor for Lower Canada, and by an Engineer and Engineers by them to be appointed, cause to be taken and made, surveys and levels of the lands through which the said intended Rail-way is to be carried, together with a map or plan of such Rail-way, and of the course and direction thereof, and of the said lands through which the same is to pass, and the lands intended to be taken for the several purposes authorized by this Act, so far as then ascertained, and also a book of reference for the said Rail-way, in which shall be set forth a description of the said several lands, and the names of the owners, occupiers and proprietors thereof, so far as they can be ascertained by the said Corporation, and in which shall be contained every thing necessary for the right understanding of such map or plan; which said map or plan and book of reference shall be examined and certified by the person performing the duties formerly assigned to the Surveyor General or his Deputies, who shall deposit copies thereof in the office of the Prothonotary of the Court of Queen's Bench for the District of Montreal, and also in the office of the Secretary of the Province, and shall also deliver one copy thereof to the said Company; and all persons shall have liberty to resort to such copies so to be deposited as aforesaid, and to make extracts or copies thereof as occasion shall require, paying to the said Secretary of the Province, or to the said Prothonotary, at the rate of six pence, current money of this Province, for every hundred words; and the said triplicates of the said map or plan and book of reference,

Company shall take surveys and levels of the lands through which the Rail-way is to be carried, and make a map and book of reference.

The same to be examined and deposited.

Copies or extracts may be taken and used.

Certified
copies to be
evidence.

reference, so certified, or a true copy or copies thereof, certified by the Secretary of the Province, or by the Prothonotary of the Court of Queen's Bench for the said District, shall severally be, and are hereby declared to be good evidence in the Courts of Law and elsewhere.

When the
Rail-way pas-
ses any high-
way, the rail,
&c., to be
within one
inch of the
surface.

V. Provided always, and be it enacted, That where the said Rail-way shall cross or be carried along any public highway, (which word shall in this Act include all public streets, lanes or other public ways or communications,) neither the rail nor any other part of the Rail-way or works connected therewith, shall rise above the level of such street or highway, or sink below the level of such street or highway more than one inch; and the said Rail-way may be carried across any highway within the limits aforesaid.

Provisions as
to bridges car-
rying the
Rail-way over
any highway.

VI. Provided always, and be it enacted, That where any bridge shall be erected or made by the said Company, for the purposes of carrying the said Rail-way over across any highway, the space of the arch of any such bridge shall be formed and shall at all times be and be continued of such breadth as to leave a clear and open space under every such arch of not less than twenty feet, and of a height from the surface of such highway to the centre of such arch, of not less than sixteen feet; and the descent under any such bridge shall not exceed one foot in twenty feet.

As to bridges
for carrying
any highway
over the Rail-
way.

VII. Provided always, and be it enacted, That in all places where it may be necessary to erect, build or make any bridge or bridges for carrying any highway over the Rail-way, the ascent of every such bridge for the purpose of every such highway shall not rise more than one foot in twenty feet; and a good and sufficient fence shall be made on each side of every such bridge, which fence shall not be less than four feet above the surface of such bridge.

Precautions to
be observed
when the
Rail-way cross-
es a highway
on a level.

VIII. Provided always, and be it enacted, That the said Company shall, at each and every place where the said Rail-way shall cross any highway on a level, erect and keep up a sign-board stretching across the highway at such height as to leave sixteen feet from the highway to the lower edge of the sign-board, and having the word "RAIL-WAY CROSSING" painted on each side of such sign-board, in both languages, and in letters not less than six inches in length; and for each and every neglect to comply with the requirements of this section, the said Company shall incur a penalty not exceeding five pounds currency.

Company not
to deviate more
than one mile
from the line
shewn as
aforesaid.

IX. And be it enacted, That the said Company, in making the said intended Rail-way, shall not deviate more than a mile from the line of the Rail-way, or from the places assigned to the several works of the Company in the map or plan and book of reference deposited aforesaid, nor cut, carry, place, lay down or convey the said Rail-way into, through, across, under or over any part of the lands or grounds shewn and mentioned in such map or plan and book of reference, as being required for such purpose, or as being within one mile of the said line and of the places assigned therein to the said works respectively, (save in such instances as are herein specially provided for,) without the consent of the party or parties who could, under the provisions of this Act, convey such lands.

Except by
consent.

X. And be it enacted, That the said Company may make, carry or place their said intended Rail-way and works, into, across or upon the lands of any person or party whomsoever on the line aforesaid, or within the distance aforesaid from such line, although the name of such party be not entered in the said book of reference, through error, want of sufficient information, or any other cause, or although some other person or party be erroneously mentioned as the owner of or party entitled to convey, or interested in such lands.

Effect of errors in the book of reference.

XI. And be it enacted, That the lands or grounds to be taken or used for such intended Rail-way, and the ditches, drains and fences to separate the same from the adjoining lands, shall not exceed thirty yards in breadth, except in such places where the said intended Rail-way shall be raised more than five feet higher, or cut more than five feet deeper than the present surface of the land, and in such places where it shall be judged necessary to have off-sets for the locomotives or other engines and carriages using the said intended Rail-way to be or pass each other (and not above one hundred yards in breadth in any such place,) or where any houses, ware-houses, wharves, toll-houses, watch-houses, weighing-beams, cranes, fixed engines or inclined planes, may be intended to be erected, or goods, wares or merchandize be delivered, (and then not more than two hundred yards in length, by one hundred and fifty yards in breadth,) without the consent of some party who can, under the provisions of this Act, convey such lands to the said Company, and the places at which such extra breadth is to be taken, shall be shewn on the said map or plan, so far as the same may be then ascertained, but their not being so shewn shall not prevent the Company from taking such extra breadth, provided it be taken upon the line shewn or within the distance aforesaid from such line: Provided always, that no land shall be taken by the said Company from any public highway, but their right shall be limited to the laying down across the same, that is in the line of the said Rail-way, at whatever angle it may intersect such highway, the rails and other contrivances, forming part of the said Rail-way, subject to the limitations mentioned in the fifth Section, or any other part of this Act.

Lands taken for Rail-way not to exceed thirty yards in breadth.

Exceptions for deep cutting, off-sets, &c.

And for stations for machinery, &c.

Proviso as to lands forming part of public roads, &c.

XII. And be it enacted, That it shall be lawful for the said Company to take, use, occupy and hold, but not to alienate, so much of the Public Beach or Beach-road, or of the land covered with the waters of the River Richelieu, as may be required for the Wharves and other works of the said Rail-way, and other works which they are hereby authorized to construct, doing no damage to nor causing any obstruction in the navigation of the said river.

Company may use Beaches, &c. doing no damage to the navigation.

XIII. And be it enacted, That after any lands or grounds shall be set out and ascertained in manner aforesaid, for making and completing the said Rail-way and other works, and other the purposes and conveniences hereinbefore mentioned, it shall and may be lawful for all bodies politic, corporate, or collegiate, corporations aggregate or sole, communities, *grevés de substitution*, guardians, curators, executors, administrators, and all other trustees or persons whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether infants, issue unborn, lunatics, idiots, *femes-covert*, or other persons or parties, who are or shall be seized, possessed of or interested in any lands or grounds which shall be so set out and ascertained as aforesaid, or any part thereof, to contract for, sell and convey unto the said Company, all or any part of such lands or grounds which shall under this Act be set out and ascertained as aforesaid; and that all contracts, agreements,

After any lands have so been set out, all bodies corporate, &c., may sell their property therein to the company.

Proviso.
Parties may, before any lands are so set out, agree with the Company as to the price if they be afterwards required.

agreements, sales, conveyances and assurances so to be made, shall be valid and effectual in law to all intents and purposes whatsoever; any law, statute, usage or custom to the contrary thereof in any wise notwithstanding; and that all bodies politic, corporate or collegiate, or communities, and all persons whatsoever, so conveying as aforesaid, are hereby indemnified for what he, she, or they, or any of them shall respectively do by virtue of or in pursuance of this Act: Provided always, that before the map or plan and book of reference shall be deposited as aforesaid, and before the lands required for the said Rail-way and works shall be set out and ascertained, it shall be lawful for any party who might under this Act convey any lands to the said Company, if the same were so set out and ascertained, to agree with the Company for the price to be paid for such lands if they shall be thereafter so set out and ascertained; and such agreement shall be binding, and the price agreed upon shall be the price to be paid by the Company for the same lands, if they shall be afterwards so set out and ascertained, within one year from the date of such agreement, and although such land may in the mean time have become the property of a third party; and possession of the same may be taken and the agreement and price may be dealt with, as if such price had been fixed by an award of Arbitrators as hereinafter mentioned.

Where no power is vested in any party to sell, a fixed annual rent to be established instead of a principal sum.

Privilege granted for securing such Rent or any purchase money not paid.

XIV. Provided always, and be it enacted, That any body politic, community, corporation, or other party, who cannot in common course of law sell or alienate any lands or grounds so set out and ascertained, shall agree upon a fixed annual rent as an equivalent, and not upon a principal sum, to be paid for the lands or grounds so set out and ascertained as necessary for making the said Rail-way, and other the purposes and conveniences relative thereto and connected therewith; and in case the amount of such rent shall not be fixed by voluntary agreement or compromise, it shall be fixed in the manner hereinafter prescribed, and all proceedings shall in that case be regulated as hereinafter prescribed; and for the payment of the said annual rent, and every other annual rent agreed upon or ascertained, and to be paid by the said Company for the purchase of any lands, or for any part of the purchase money of any land, which the vendor shall agree to leave in the hands of the said Company, the said Rail-way and the Tolls to be levied and collected thereon shall be, and are hereby made liable and chargeable, in preference to all other claims or demands thereon whatsoever, the deed creating such charge and liability being duly registered.

Agreement with proprietors in common to a certain extent shall bind the rest.

XV. Provided always, and be it enacted, That whenever there shall be more than one party proprietor of any land or property *par indivis*, any agreement made in good faith between the said Company and any party or parties proprietor, or being together proprietors, of one third or more of such land or property, as to the amount of compensation for the same or for any damages thereto, shall be binding as between the remaining proprietor or proprietors *par indivis*, and the Company, and the proprietor or proprietors who have so agreed, may deliver possession of such land or property to the Company, or empower them to enter upon the same, as the case may be.

The Company to apply to the owners of the lands touching the compensation to be paid for them, or for any right exercised.

XVI. And be it enacted, That so soon as the said map or plan and book of reference shall have been deposited as aforesaid, and notice of its being so deposited shall have been given during at least one calendar month, in at least one newspaper published in the City of Montreal, in the English language, and in at least one newspaper there published in the French language, it shall be lawful for the said Company to apply to the several owners of or parties hereby empowered to convey the lands through which such

Rail-way

Rail-way is intended to be carried, or which may suffer damage from the taking of materials, or the exercise of any of the powers granted to the said Company by this Act, and to agree with such owners or parties respectively, touching the compensation to be paid to them by the said Company for the purchase thereof, and for their respective damages, and to make such agreements and contracts with the said parties touching the said lands, or the compensation to be paid for the same, or for the damages, or as to the mode in which the said compensation shall be ascertained, as to such parties and the said Company shall seem expedient; and in case of disagreement between the said Company and the said owners or parties, or any of them, then all questions which shall arise between them and the said Company shall be settled as follows, that is to say :

Or as to mode of establishing such compensation.

How the same shall be settled when the parties cannot agree.

The deposit of the map or plan and book of reference, and the notice of such deposit, given as aforesaid, shall be deemed a general notice to all such parties as aforesaid of the lands which will be required for the said Rail-way and works :

Legal effect of map and book of reference.

The Company shall serve a notice upon the opposite party, containing—a description of the lands to be taken, or of the powers intended to be exercised with regard to any lands (describing them)—a declaration that the Company are ready to pay some certain sum (or rent, as the case may be) as compensation for such lands or for the damages arising from the exercise of such power—and the name of a person whom they appoint as their Arbitrator if their offer be not accepted; and such notice shall be accompanied by the certificate of some sworn Surveyor for Lower Canada, disinterested in the matter, and not being the Arbitrator named in the notice, that the land (if the notice relate to the taking of land) is shewn on the map or plan deposited as aforesaid, as being required for the said Rail-way and works, or as being within the limits of deviation hereby allowed from the line of the said Rail-way, that he knows such land, or the amount of damages likely to arise from the exercise of such powers, and that the sum so offered is in his opinion a fair compensation for such land and for such damages as aforesaid :

Notice to opposite party.

Offer.

Name of Arbitrator.

Certificate of a Surveyor that the offer is a fair one, &c.

If the opposite party be absent from the District of Montreal or be unknown to the said Company, then upon application to any Justice of the Court of Queen's Bench for the said District, accompanied by such certificate as aforesaid, and by an affidavit of some Officer of the Company, that such opposite party is so absent, or that after diligent inquiry the party on whom the notice ought to be served cannot be ascertained, such Justice shall order a notice as aforesaid (but without the certificate) to be inserted three times in the course of one calendar month in some newspaper published in the City of Montreal in the English language, and in some newspaper there published in the French language :

If the party be absent or unknown.

If within ten days after the service of such notice, or within one month after the first publication thereof as aforesaid, the opposite party shall not notify to the Company that he accepts the sum offered by the said Company, or notify to them the name of a person whom he appoints as Arbitrator, then any Justice of the Court of Queen's Bench may, on the application of the said Company, appoint some sworn Surveyor for Lower Canada, resident in the District of Montreal, to be sole Arbitrator for determining the compensation to be paid by the Company :

Party not accepting the Company's offer, and not appointing an Arbitrator.

Opposite party appointing an Arbitrator.

Third Arbitrator.

If the opposite party shall, within the time aforesaid, notify to the said Company the name of the person such party shall appoint as Arbitrator, then the said two Arbitrators shall jointly appoint a third, or if they cannot agree upon a third, then any Justice of the Court of Queen's Bench shall, on the application of the said party or of the Company, (previous notice of at least one clear day having been given to the other party,) appoint a third Arbitrator :

Duties of Arbitrators after being sworn.

The said Arbitrators, or any two of them, or the sole Arbitrator, being sworn before some Commissioners for receiving affidavits to be used in the Court of Queen's Bench, faithfully and impartially to perform the duties of their office, shall proceed to ascertain the compensation to be paid by the Company, in such way as they or he, or a majority of them, shall deem best, and the award of such Arbitrators, or of any two of them, or of the sole Arbitrator, shall be final and conclusive ; Provided, that no such award shall be made or any official act done by such majority, except at a meeting held at a time and place of which the other Arbitrator shall have had at least one clear day's notice, or to which some meeting at which the third Arbitrator was present shall have been adjourned ; but no notice to the Company or opposite party shall be necessary, but they shall be held sufficiently notified through the Arbitrator they shall have appointed, or whose appointment they shall have required :

Proviso. Award not to be made except at proper meetings or times.

Costs how taxed and paid.

Provided always, that the award given by any sole Arbitrator shall never be for a less sum than that offered by the Company as aforesaid ; and if in any case where three Arbitrators shall have been appointed, the sum awarded be not greater than that offered by the Company, the costs of the arbitration shall be borne by the opposite party, and deducted from the compensation, otherwise they shall be borne by the Company, and in either case they may, if not agreed upon, be taxed by any Justice of the Court of Queen's Bench aforesaid :

Arbitrators may examine witnesses on oath. False statement to be perjury.

The Arbitrators, or a majority of them, or the sole Arbitrator, may examine on oath, or solemn affirmation, the parties or such witnesses as shall voluntarily appear before him or them, and may administer such oath or affirmation ; and any wilful false statement made by any witness, under such oath or affirmation, shall be deemed wilful and corrupt perjury, and punishable accordingly :

Time within which award must be made.

The Justice of the Court of Queen's Bench by whom any Third Arbitrator or sole Arbitrator shall be appointed, shall, at the same time, fix a day on or before which the award shall be made, and if the same be not made on or before such day, or some other day to which the time for making it shall have been prolonged, either by the consent of the parties, or by the order of a Justice of the said Court, (as it may be for reasonable cause shewn, on the application of such sole Arbitrator or one of the Arbitrators after one clear day's notice to the others,) then the sum offered by the Company as aforesaid shall be the compensation to be paid by them :

Time may be prolonged in certain cases.

If the party appointed by such Judge as third Arbitrator or sole Arbitrator shall die before the award be made, or shall be disqualified, or refuse or fail to act within a reasonable time, then, upon the application of either party, the Judge or any other Judge of the said Court being satisfied by affidavit or otherwise of such disqualification, refusal or failure, may, in his discretion, appoint another in his stead ; and, if the Arbitrator appointed by the said Company or by the opposite party shall die before the award

award shall be made, or shall leave the Province, or become unable to act within a reasonable time, (such fact being ascertained to the satisfaction of some Judge of the said Court, as attested by his Certificate to that effect,) the said Company, or the opposite party (as the case may be) may appoint another in his stead, notifying the other Arbitrators of such appointment; but no recommencement or repetition of prior proceedings shall be required:

The Company may desist from any such Notice as aforesaid, and afterwards give new Notice with regard to the same or other lands, to the same or any other party, but they shall in any such case be liable to the party first notified for all damages or costs by him incurred in consequence of such first Notice and desistment; and no change of owner after the notice shall affect the proceedings, but the party notified shall be still deemed the owner, except as to the payment of the sum awarded:

Company may desist, paying costs.

It shall be no disqualification to the Surveyor or other person offered or appointed as Valuator, or as Arbitrator, that he be professionally employed by the Company or by the opposite party, or that he have previously expressed an opinion as to the amount of compensation, or that he be related or of kin to any member of the Company, provided he be not himself personally interested in the amount of such compensation; and no cause of disqualification shall be urged against any Arbitrator appointed by a Justice of the Court of Queen's Bench after his appointment, but shall be made before the same, and its validity or invalidity summarily determined by such Justice; and no cause of disqualification shall be urged against any Arbitrator appointed by the Company, or by the opposite party, after the appointment of a third Arbitrator; and the validity or invalidity of any cause of disqualification urged against any such Arbitrator, before the appointment of a third Arbitrator, shall be summarily determined by any Justice of the said Court on the application of either party, after one clear day's notice to the other, and if such cause be determined to be valid, the appointment shall be null, and the party offering the person so adjudged to be disqualified shall be held to have appointed no Arbitrator:

Arbitrators not disqualified by certain circumstances.

Cause of disqualification when to be urged. How tried and determined.

No award made as aforesaid shall be invalidated by any want of form or other technical objection, if the requirements of this Act shall have been complied with, and if the award shall state clearly the sum awarded, and the lands or other property, right or thing for which such sum is to be the compensation; nor shall it be necessary that the party or parties to whom the sum is to be paid be named in the award.

Awards not to be avoided by mere want of form. Parties need not be named in it.

XVII. And be it enacted, That upon payment or legal tender of the compensation or annual rent so awarded, agreed upon or determined as aforesaid to the party entitled to receive the same, or upon the deposit of the amount of such compensation in the manner hereinafter mentioned, the award or agreement shall vest in the said Company the power forthwith to take possession of the lands, or to exercise the right, or to do the thing for which such compensation or annual rent shall have been awarded or agreed upon: and if any resistance or forcible opposition shall be made by any person or party to their so doing, any Justice of the Court of Queen's Bench may, on proof to his satisfaction that the requirements of this Act had been complied with, issue his Warrant to the Sheriff of the District, or to any Bailiff of the Court (as in his discretion may be most suitable,) to put the said Company in possession, and to put down such resistance or opposition, which such Sheriff or Bailiff, taking with him sufficient assistance, shall accordingly

Possession may be taken on payment, tender or deposit of the sum awarded.

Warrant of possession in case of resistance.

Proviso : such Warrant may be obtained before award on certain conditions.

accordingly do ; Provided also, that such warrant of possession shall also be granted by any such Justice upon proof by affidavit to his satisfaction that immediate possession of the land, or power to do the thing in question, is necessary to the carrying on of the works of the said Company, the adverse party being summoned, by one clear day's notice, to appear before such Judge, and the Company giving such security as the said Judge shall direct, to pay the sum to be awarded, with interest from the day on which the warrant shall be granted and all lawful costs, such security not being for less than twice the sum offered by the Company in the notice to such adverse party.

As to incumbrances upon lands so purchased or taken.

Compensation to stand in the place of the land.

Proviso Proceedings if the company have reason to fear incumbrances or claims by other parties than the vendor.

XVIII. And be it enacted, That the compensation awarded as aforesaid or agreed upon by the said Company, and any party who might under this Act validly convey the lands, or then in lawful possession thereof as proprietor, for any lands which might be lawfully taken under this Act without the consent of the proprietor, shall stand in the stead of such land ; and any claim to, or hypothec or incumbrance upon the said land, or any portion thereof, shall, as against the said Company, be converted into a claim to the said compensation, or to a like proportion thereof, and they shall be responsible accordingly whenever they shall have paid such compensation, or any part thereof, to a party not entitled to receive the same, saving always their recourse against such party : Provided always, that if the said Company shall have reason to fear any such claims, *hypothèques* or incumbrances, or if any party to whom the compensation or annual rent, or any part thereof, shall refuse to execute the proper conveyance and guarantee, or if the party entitled to claim the same cannot be found, or be unknown to the Company, or if for any other reason the Company shall deem it advisable, it shall be lawful for them to pay such compensation into the hands of the Prothonotary of the said Court of Queen's Bench, with the interest thereon for six months, and to deliver to the said Prothonotary an authentic copy of the conveyance, or of the award or agreement if there be no conveyance, and such award or agreement shall thereafter be deemed to be the title of the said Company to the land therein mentioned, and proceedings shall thereupon be had for the confirmation of the title of the said Company, in like manner as in other cases of confirmation of title, except that in addition to the usual contents of the notice, the Prothonotary shall state that the title of the Company, (that is the conveyance, agreement or award,) is under this Act, and shall call upon all persons entitled to, or to any part of the land, or representing, or being the husbands of any parties so entitled, to file their oppositions for their claims to the compensation, or any part thereof, and all such oppositions shall be received and adjudged upon by the Court, and the judgment of confirmation shall forever bar all claims to the lands, or any part thereof, (including dower not yet open,) as well as all hypothecs or incumbrances upon the same ; and the Court shall make such order for the distribution, payment or investment of the compensation, and for the securing of the rights of all parties interested as to right and justice, according to the provisions of this Act and to law shall appertain ; and the costs of the said proceedings, or any part thereof, shall be paid by the said Company, or by any other party, as the Court shall deem it equitable to order ; and if judgment of confirmation be obtained in less than six months from the payment of the compensation to the Prothonotary, the Court shall direct a proportionate part of the interest to be returned to the Company, and if from any error, fault or neglect of the Company it shall not be obtained until after the six months are expired, the Court shall order the Company to pay to the Prothonotary the interest for such further period as may be right.

Costs and interests how paid, &c.

XIX. Provided always, and be it enacted, That with regard to any lands which could not be taken without the consent of some party entitled under this Act to convey the same, or in any case in which the requirements of this Act shall not have been complied with, and in all cases where land shall have been taken or damage shall have been done by the Company without previously complying with the requirements of this Act, the rights of the company and of other parties shall be governed by the ordinary rules of law.

Proviso as to lands as to which this Act shall not have been complied with.

XX. And be it enacted, That all suits for indemnity for any damage, or injury sustained by reason of the powers and authority given by this Act, shall be brought within six calendar months next after the time of such supposed damage sustained; or in case there shall be a continuation of damage, then within six calendar months next after the doing or committing such damage shall cease, and not afterwards, and the Defendant or Defendants shall and may plead the general issue and give this Act and the special matter in evidence at any trial to be had thereupon, and may aver that the same was done in pursuance and by authority of this Act.

Applications for indemnity to be made within a certain time.

General issue.

XXI. And be it enacted, That if any person shall by any means or in any manner or way whatsoever, obstruct or interrupt the free use of the said Rail-way, or the carriages, engines or other works incidental or relative thereto, or connected therewith, such person shall for every such offence incur a forfeiture or penalty of not less than five pounds nor exceeding ten pounds currency; one half of which penalty and forfeiture, to be recovered before one or more Justices of the Peace for the District, shall go to the prosecutor or informer, and the other half to Her Majesty, Her Heirs and Successors, and shall be paid into the hands of the Receiver General, and be applied for the public uses of this Province and the support of the Government thereof.

Penalty on persons obstructing the free use of the Rail-way, &c.

How recoverable and applicable.

XXII. And be it enacted, That if any person or persons shall wilfully and maliciously, and to the prejudice of the said Rail-way authorized to be made by this Act, break, throw down, damage or destroy the same, or any part thereof, or any of the houses, warehouses, toll-houses, watch-houses, weigh-beams, cranes, carriages, engines, inclined planes, machines or other works or devices, incidental and relative thereto, or connected therewith, or do any other wilful hurt or mischief, or wilfully or maliciously obstruct or interrupt the free use of the said Rail-way, or works, or shall obstruct, hinder or prevent the carrying on, completing, supporting and maintaining the said intended Rail-way, or works, such person or persons shall be adjudged guilty of felony, and the Court by and before whom such person or persons shall be tried and convicted shall have power and authority to cause such person or persons to be punished in like manner as felons are directed to be punished by the laws in force in this Province, or in mitigation thereof to award such sentence as the law directs in cases of simple larceny, as to such Court shall seem fitting.

Punishment of persons breaking down or obstructing or damaging the Rail way or works.

XXIII. And to the end that the said Company may be enabled to carry on so useful an undertaking: Be it enacted, That it shall and may be lawful for the said Company and their successors, to raise and contribute among themselves, in such proportions as to them shall seem meet and convenient, a competent sum of money for the making and completing the said Rail-way and all such other works, matters and conveniences as may be found necessary for making, effecting, preserving, improving, completing, maintaining and using the said Rail-way, and other works: Provided

Company to contribute among themselves the necessary sums.

always,

Proviso.
Books of sub-
scription to be
opened.

always, that the before mentioned John E. Mills, John Molson, William Workman, Benjamin Brewster, C. H. Castle, Peter Warren Dease, A. M. Delisle, and William Dobie Lindsay, (being the Provisional Committee named for that purpose,) or a majority of them, shall cause books of subscription to be opened at the City of Montreal, at such place therein as they shall from time to time appoint, until the first meeting of Proprietors hereinafter provided for, for receiving the signatures of persons willing to become subscribers to the said undertaking, and for this purpose they shall give public notice in some newspaper published in the District of Montreal in the English language, and in some newspaper there published in the French language, of the time and place at which such books will be opened and ready for receiving signatures as aforesaid, and of the persons by them authorized to receive such subscriptions; and every person who or whose Attorney shall write his or her signature in such book as a subscriber to the said undertaking, shall thereby become a Member of the said Corporation, and shall have the same rights and privileges, as such, as are hereby conferred on the several persons who are herein mentioned by name as Members of the said Corporation: Provided always, that the sums so raised shall not exceed the sum of forty thousand pounds currency of this Province, in the whole, except as hereinafter mentioned, and that the same be divided into such numbers of shares as hereinafter directed, at a price of fifty pounds, currency aforesaid, per share; and the money so to be raised is hereby directed and appointed to be laid out and applied in the first place for and towards the payment, discharge and satisfaction of all fees and disbursements for obtaining and passing this Act, and for making the surveys, plans and estimates incident thereto, and all other expenses relating thereto, and all the rest, residue and remainder of such money for and towards making, completing and maintaining the said Rail-way and other the purposes of this Act, and to no other use, intent or purpose whatever.

Proviso.
Capital limited
and divided
into shares of
£50 each.

Order of
charges on the
Capital.

Capital
to be divided
into shares.

To be personal
property and
transferable.

Rights of
Shareholders
to profits, &c.

Their liabili-
ties.

XXIV. And be it enacted, That the said sum of Forty thousand pounds currency, or such part thereof as shall be raised by the several persons hereinbefore named, and by such other person or persons who shall or may at any time become a subscriber or subscribers to the said Rail-way, shall be divided and distinguished into Eight hundred equal parts or shares, at a price not exceeding Fifty pounds, currency aforesaid per share; and that the shares be deemed personal estate, and shall be transferable as such; and that the said eight hundred shares shall be and are hereby vested in the said several subscribers and their several respective heirs, executors, curators, administrators and assigns, to their and every of their proper use and behoof, proportionally to the sum they and each of them shall severally subscribe and pay thereunto; and all and every the bodies politic, corporate or collegiate, or communities, and all and every person or persons, their several and respective heirs, successors, executors, curators, administrators and assigns, who shall severally subscribe and pay the sum of Fifty pounds, or such sum or sums as shall be demanded in lieu thereof, towards carrying on and completing the said Rail-way, shall be entitled to and receive, after the said Rail-way shall be completed, the entire and net distribution of the profits and advantages that shall and may arise and accrue by virtue of the sum and sums of money to be raised, recovered or received by the authority of this Act, in proportion to the number of shares so held; and every body politic, corporate or collegiate, or community, person or persons, having such property of one eight hundredth part or share in the said undertaking, and so in proportion as aforesaid, shall bear and pay an adequate and proportional sum of money towards carrying on the said undertaking in manner by this Act directed and appointed.

XXV. And be it enacted, That in case the said sum of Forty thousand pounds, hereinbefore authorized to be raised, shall be found insufficient for the purposes of this Act, then and in such case it shall be lawful for the said Company to raise and contribute amongst themselves, in manner and form aforesaid, and in such shares and proportions as to them shall seem meet, or by the admission of new subscribers, a further or other sum of money for completing and perfecting the said intended Rail-way and other works or conveniences incidental or relative thereto, or hereby authorized, not exceeding the sum of twenty-five thousand pounds, currency aforesaid; and every subscriber towards raising such further or other sum of money shall be proprietor in the said undertaking, and have a like right of voting in respect of his, her or their shares in the said additional sum so to be raised, and shall also be liable to such obligations, and stand interested in all the profits and powers of the said undertaking, in proportion to the sum he, she or they shall or may subscribe thereto, as generally and extensively as if such other or further sum had been originally raised as a part of the said first sum of forty thousand pounds; any thing herein contained to the contrary notwithstanding.

If this sum should not be sufficient, the Company may raise a further sum.

XXVI. And be it enacted, That the said Company may from time to time lawfully borrow either in this Province or elsewhere such sum or sums of money, not exceeding at any time the sum of Twenty-five thousand pounds, currency, as they may find expedient, and at such rate of interest not exceeding six *per cent. per annum*, as they may think proper; and may make the bonds, debentures or other securities, they shall grant for the sums so borrowed payable either in currency or in sterling, and at such place or places within or without this Province as they may deem advisable, and may hypothecate and pledge the lands, tolls, revenues, and other property of the said Company for the due payment of the said sums and the interest thereon.

Company may borrow a sum not exceeding at one time £25,000 currency.

And hypothecate their property.

XXVII. And be it enacted, That the number of votes to which each proprietor of shares in the said undertaking shall be entitled on every occasion when, in conformity to the provisions of this Act, the votes of the Members of the said Company are to be given, shall be in the proportion to the number of shares held by him, that is to say: one vote for each share less than fifty; Provided always, that no one Proprietor as aforesaid shall have more than fifty votes; and all Proprietors of shares, whether resident in this Province or elsewhere, may vote by proxy, if he, she or they shall see fit, provided that such proxy do produce from his constituent or constituents an appointment in writing in the words or to the effect following, that is to say:

Votes of proprietors according to the number of their shares.

Proviso. Proprietors may vote by proxy.

“ I, _____ of _____ one of the Proprietors of the *Montreal and Province Line Junction Rail-way*, do hereby nominate, constitute, and appoint _____ of _____ to be my proxy, in my name, and in my absence to vote or give my assent or dissent to any business, matter or thing relating to the said undertaking that shall be mentioned or proposed at any meeting of the Proprietors of the said undertaking, or any of them, in such manner as he the said _____ shall think proper, according to his opinion and judgment, for the benefit of the said undertaking, or any thing appertaining thereto. In witness whereof, I have hereunto set my hand and seal, the _____ day of _____ in the _____ year _____ ”

Form of appointment of proxy.

And

Questions to be decided by majority of votes.

And such vote or votes by proxy shall be as valid as if such principal or principals had voted in person ; and whatever question, election of proper Officers, or matters or things shall be proposed, discussed, or considered in any public meeting of the Proprietors to be held by virtue of this Act, shall be determined by the majority of votes and proxies then present and so given as aforesaid, and all decisions and acts of any such majority shall bind the said Company, and be deemed the decision and acts of the said Company.

None but a British subject to be President or Treasurer.

XXVIII. Provided always, and be it enacted, That no Proprietor who shall not be a natural born subject of Her Majesty, or a subject of Her Majesty naturalized under an Act of the British Parliament, or an Act of the Parliament of this Province, shall be elected President or Treasurer of the said Company.

Liability of Shareholders limited.

XXIX. And be it enacted, That no Shareholder in the said Company of Proprietors shall be in any manner whatsoever liable for or charged with any debt or demand due by the said Company beyond the payment of the extent of his, her or their share in the Capital of the said Company not paid up.

First General Meeting to be held in the City of Montreal.

XXX. And be it enacted, That the first General Meeting of the Proprietors for putting this Act in execution, may be held at the City of Montreal whenever the eight hundred shares in the said undertaking shall have been subscribed for, provided that public notice thereof be given during one week in some newspaper published in the english language, and in some newspaper published in the french language, in the District of Montreal, and signed by at least five subscribers to the said undertaking holding among them at least one hundred shares ; and at such said General Meeting the Proprietors assembled, with such proxies as shall be present, shall choose nine persons, being each a Proprietor of not less than five shares in the said undertaking, to be Directors of the said Company, in such manner as is hereinafter directed, and shall also proceed to pass such Rules and Regulations and By-Laws as shall seem to them fit, provided they be not inconsistent with this Act.

To elect a Board of nine Directors.

In January 1850, and in each year thereafter, a Board of Directors to be elected.

XXXI. And be it enacted, That the Directors first appointed (or those appointed in their stead in case of vacancy) shall remain in office until the election of Directors in the month of January, one thousand eight hundred and fifty, and that in the month of January in the said year and each year thereafter, and on such day of the month as shall be appointed by any By-Law, an Annual General Meeting of the said Proprietors shall be held to choose Directors in the room of those whose office may at that time become vacant, and generally to transact the business of the Company ; but if at any time it shall appear to any five or more of such Proprietors holding together one hundred shares at least, that for more effectually putting this Act in execution, a Special General Meeting of Proprietors is necessary to be held, it shall be lawful for such five or more of them to cause fifteen days' notice at least to be given thereof in two public newspapers as aforesaid, or in such manner as the Company shall by any By-Law direct or appoint, specifying in such notice the time and place, and the reason and intention of such Special Meetings, respectively ; and the Proprietors are hereby authorized to meet pursuant to such notices, and proceed to the execution of the powers by this Act given them, with respect to the matters so specified only ; and all such acts of the Proprietors or the majority of them, at such Special Meetings assembled, such majority not having either as principals or proxies less than one hundred shares, shall be as valid to all intents and purposes

Special Meetings of Proprietors may be called.

Quorum at Special Meetings.

purposes as if the same were done at Annual Meetings: Provided always, that it shall and may be lawful for the said Proprietors in case of the death, absence, resignation or removal of any person elected a Director to manage the affairs of the said Company in manner aforesaid, to appoint another or others in the room or stead of those of the Directors who may die, or be absent, resign, or be removed as aforesaid; any thing in this Act to the contrary notwithstanding; but if such appointment be not made, such death, absence, or resignation shall not invalidate the acts of the remaining Directors.

Proviso:
Vacancies
among the Di-
rectors may be
filled by those
remaining.

XXXII. And be it enacted, That at each of the said Annual Meetings of Proprietors three of the said nine Directors shall retire in rotation, the order of retirement of the said first elected nine Directors being decided by lot, but the Directors then or at any subsequent time retiring shall be eligible for re-election: Provided always, that no such retirement shall have effect unless the Proprietors shall at such Annual Meeting proceed to fill up the vacancies thus occurring in the Direction.

Three Direc-
tors shall an-
nually retire
by lot, but may
be re-elected.
Proviso.

XXXIII. And be it enacted, That the Directors shall, at their first (or at some other) Meeting after the day appointed for the Annual General Meeting in each year, elect one of their number to be the President of the said Company, who shall always (when present) be the Chairman of, and preside at all Meetings of the Directors, and shall hold his office until he shall cease to be a Director, or until another President shall be elected in his stead: and the said Directors may, in like manner, elect a Vice-President, who shall act as Chairman in the absence of the President.

Directors to
elect a Presi-
dent;

And Vice-
President.

XXXIV. And be it enacted, That any Meeting of the said Directors, at which not less than five Directors shall be present, shall be competent to use and exercise all and any of the powers hereby vested in the said Directors of the said Company: Provided always, that no one Director, though he may be a Proprietor of many shares, shall have more than one vote at any meeting of the Directors, except the President or Vice-President, when acting as Chairman, or any temporary Chairman, who, in case of the absence of the President and Vice-President, may be chosen by the Directors present, either of whom when presiding at a meeting of the Directors shall, in case of a division of equal numbers, have the casting vote, although he may have given one vote before: And provided also, that such Directors shall from time to time be subject to the examination and control of the said Annual and Special Meetings of the said Proprietors as aforesaid, and shall pay due obedience to all By-Laws of the Company and to such orders and directions, in and about the premises, as they shall from time to time receive from the said Proprietors at such Annual or Special Meetings; such orders and directions not being contrary to any express directions or provisions in this Act contained: And provided also, that the act of any majority of a Quorum of the Directors present at any meeting regularly held shall be deemed the act of the Directors.

Five Directors
to be a *Quo-
rum* for busi-
ness.

Proviso as to
votes.

Casting vote
of Chairman.

Proviso:
Directors sub-
jected to the
control of
Meetings.

Proviso:
Acts of a ma-
jority to be
valid.

XXXV. Provided always, and be it enacted, That no person holding any office, place or employment, or being concerned or interested in any contract or contracts under the said Company, shall be capable of being chosen a Director or of holding the office of Director.

No officer or
contractor to
be a Direc-
tor.

XXXVI. And be it enacted, That every such Annual Meeting shall have power to appoint not exceeding three Auditors to audit all accounts of money laid out and disbursed

Annual Meet-
ing may ap-
point three

Auditors to
audit all ac-
counts.

Power of the
Directors to
make calls.

Proviso.

Proviso.

Other powers
of the Direc-
tors.

Further power
may be given
by By-laws.

Shareholders
bound to pay
calls.

Penalty for
neglect.

Forfeiture for
not paying
calls.

disbursed on account of the said undertaking, by the Treasurer, Receiver or Receivers, and other Officer or Officers to be by the said Directors appointed, or by any other person or persons whatsoever, employed by, or concerned for or under them, in and about the said undertaking; and to that end the said Auditors shall have power to adjourn themselves over from time to time, and from place to place, as shall be thought convenient by them: And the said Directors chosen under the authority of this Act, shall have power from time to time to make such call or calls of money from the Proprietors of the said Rail-way and other works, to defray the expense of, or to carry on the same, as they from time to time shall find wanting and necessary for these purposes: Provided, however, that no call do exceed the sum of Five pounds current money of this Province, for every share of Fifty pounds: And provided also, that no calls be made but at the distance of at least one calendar month from each other: And such Directors shall have full power and authority to direct and manage all and every the affairs of the said Company as well in contracting for and purchasing lands, rights, and materials for the use of the said Company, as in employing, ordering and directing the work and workmen, and in placing and removing under-officers, clerks, servants and agents, and in making all contracts and bargains touching the said undertaking: And to affix or authorize any person to affix the Common Seal of the Company to any Act, Deed, By-Laws, Notice or other document whatsoever; and any such Act, Deed, By-Laws, Notice or other document bearing the Common Seal of the Company, and signed by the President, Vice-President, or any Director, or by order of the Directors, shall be deemed the Act of the Directors and of the Company, nor shall the authority of the signer of any document purporting to be so signed and sealed, to sign the same and affix the said Seal thereto be liable to be called in question by any party except the Company: and the Directors shall have such other and further powers as, being vested in the Company by this Act, shall be conferred upon the said Directors by the By-Laws of the Company.

XXXVII. And be it enacted, That the owner or owners of one or more shares in the said undertaking shall pay his, her or their shares and proportion of the monies to be called for as aforesaid, to such person or persons, and at such time and place as the said Directors shall from time to time appoint and direct, of which one month's notice at least shall be given in two newspapers as aforesaid, or in such other manner as the said Proprietors or their successors shall by any By-Law direct or appoint; and if any person or persons shall neglect or refuse to pay his, her or their rateable or proportionable part or share of the said money, to be called for as aforesaid, at the time and place so appointed, he, she or they, neglecting or refusing shall forfeit a sum not exceeding the rate of five pounds for every one hundred pounds of his, her or their respective share or shares in the said undertaking: and in case such person or persons shall neglect to pay his, her or their rateable calls as aforesaid, for the space of two calendar months after the time appointed for the payment thereof as aforesaid, then he, she or they shall forfeit his, her and their respective share and shares in the said undertaking, and all the profit and benefit thereof; all which forfeitures shall go to the rest of the Proprietors of the said undertaking, their successors and assigns, for the benefit of the said Proprietors, in proportion to their respective interests; and in every such case such calls shall be payable with interest from the time the same shall be so appointed to be paid until the payment thereof.

XXXVIII. Provided always, and be it enacted, That no advantage shall be taken of the forfeiture of any share or shares of the said undertaking, unless the same shall be declared to be forfeited at some Annual or Special Meeting of the said Company, assembled after such forfeiture shall be incurred ; and every such forfeiture shall be an indemnification to and for every Proprietor so forfeiting against all action and actions, suits or prosecutions whatever, to be commenced or prosecuted for any breach of contract or other agreement between such Proprietor and the other Proprietors with regard to carrying on the said Rail-way or undertaking.

Forfeiture to be declared at some General Meeting.

XXXIX. And be it enacted, That the said Company shall always have power and authority at any General Meeting assembled as aforesaid, to remove any person or persons chosen upon such Board of Directors as aforesaid, and to elect others to be Directors in the room of those who shall die, resign or be removed, and to remove any other Officer or Officers under them, and to revoke, alter, amend or change any of the By-Laws or Orders prescribed with regard to their proceedings amongst themselves (the method of calling General Meetings, and their time and place of assembling, and manner of voting, and of appointing Directors, only, excepted,) and shall have power to make such new Rules, By-Laws and Orders, for the good government of the said Company and their servants, agents and workmen, for the good and orderly making, maintaining and using the said Rail-way and all other works connected therewith, or belonging thereto, or hereby authorized, and for the well governing of all persons whatsoever travelling upon or using the said Rail-way and other works, or transporting any goods, wares, merchandize and other commodities thereon ; and by such By-Laws to impose and inflict such fines or forfeitures upon the persons guilty of a breach of such By-Laws or Orders as to such General Meeting shall seem meet, not exceeding the sum of twenty-five pounds, current money of this Province, for every offence ; such fines or forfeitures to be levied and recovered by such ways and means as are hereinafter mentioned ; which said By-laws and Orders shall be put into writing under the common seal of the said Company, and shall be kept in the office of the Company, and a printed or written copy of so much of them as may relate to or affect any party other than the members or servants of the Company, shall be affixed openly in the office of the said Company, and in all and every of the places where Tolls are to be gathered, and in like manner as often as any change or alteration shall be made to the same ; and the said By-laws and Orders so made and affixed as aforesaid, shall be binding upon and observed by all parties, and shall be sufficient in any Court of Law or Equity to justify all persons who shall act under the same, and any copy of the said By-laws or any of them certified as correct by the President, or some person authorized by the Directors to give such certificate, and bearing the Common Seal of the Company, shall be deemed authentic, and shall be received as evidence of such By-Laws in any Court without further proof.

Company may remove any Director, and elect others in case of death, removal, &c.

And so of Officers ; And make By-laws.

Penalties under By-laws, limited.

By-laws to be in writing, and published.

Certified copies to be evidence.

XL. And be it enacted, That it shall and may be lawful to and for the several Proprietors of the said Rail-way or undertaking to sell or dispose of his, her or their share or shares therein, subject to the rules and conditions herein mentioned ; and every purchaser shall have a duplicate of the deed of bargain and sale and conveyance made unto him or her, and one part of such deed, duly executed by seller and purchaser, shall be delivered to the said Directors or their Clerk for the time being, to be filed and kept for the use of the said Company, and an entry thereof shall be made in a book or books to be kept by the said Clerk for that purpose, for which no more than one

Proprietors may dispose of their shares, and how. Transfer to be notified to the Company.

shilling

shilling and three pence shall be paid, and the said Clerk is hereby required to make such entry accordingly; and until such duplicate of such deed shall be so delivered to the said Directors or their Clerk, and filed and entered as above directed, such purchaser or purchasers shall have no part or share of the profits of the said undertaking, nor any interest for the said share or shares, paid unto him, her or them, nor any vote as a Proprietor or Proprietors.

Form of the transfer appointed.

XLI. And be it enacted, That the sale of the said shares shall be in the form following, varying the names and descriptions of the contracting parties, as the case may require :

The form.

“ I, A. B, in consideration of the sum of _____ paid
 “ to me by C. D. of _____ do hereby bargain, sell and transfer to
 “ the said C. D. _____ share (or shares) of the Stock of the *Mont-*
 “ *real and Province Line Junction Rail-way Company*, to hold to him the said C. D.
 “ his heirs, executors, curators, administrators and assigns, subject to the same rules and
 “ orders, and on the same conditions that I held the same immediately before the execu-
 “ tion hereof. And I, the said C. D, do hereby agree to accept of the said
 “ _____ share (or shares) subject to the same rules, orders and conditions.
 “ Witness our hands and seals, this _____ day of
 “ in the year _____ ”

Proviso.

Provided always, that no such transfer of any share shall be valid until all calls or instalments then due thereon shall have been paid up.

Directors may appoint a Treasurer and Clerks, &c.

Duty of the Clerk.

XLII. And be it enacted, That it shall and may be lawful to and for the said Directors, and they are hereby authorized from time to time to nominate and appoint a Treasurer or Treasurers, and a Clerk or Clerks to the said Company, taking such security for the due execution of the respective offices as the said Directors shall think proper; and such Clerk shall in a proper book or books enter and keep a true and perfect account of the names and places of abode of the several Proprietors of the said Rail-way and other works, and of the several persons who shall from time to time become owners and proprietors of, or entitled to any share or shares therein, and of all the other acts, proceedings and transactions of the said Company, and of the Directors for the time being, by virtue of and under the authority of this Act.

Company may establish Tolls for all goods, &c. passing on the Rail-way.

How Tolls may be recovered if not duly paid.

Seizure of goods, &c.

XLIII. And be it enacted, That it shall and may be lawful to and for the said Company from time to time, and at all times hereafter, to ask, demand, take and recover, to and for their own proper use and behoof, for all goods, wares, merchandize and commodities, of whatever description, transported upon the said Rail-way, such Tolls as they may deem expedient; which said Tolls shall be from time to time fixed and regulated by By-laws of the Company, or by the Directors if thereunto authorized by the said By-laws, and shall be paid to such person or persons, and at such place or places near to the said Rail-way, in such manner and under such regulations as the said Company or the said Directors shall direct and appoint; and in case of denial or neglect of payment of any such rates or dues, or any part thereof, on demand, to the person or persons appointed to receive the same as aforesaid, the said Company may sue for and recover the same in any Court having competent jurisdiction, or the person or persons to whom the said rates or dues ought to be paid, may and he is, and they are hereby empowered to seize and detain such goods, wares, merchandize or other commodities,
 for

for or in respect whereof such rates or dues ought to be paid, and detain the same until payment thereof; and in the meantime the said goods, wares, merchandize or other commodities shall be at the risk of the owner or owners thereof; and the said Company or the said Directors shall have full power, from time to time, at any General Meeting, to lower or reduce all or any of the said Tolls, and again to raise the same, as often as it shall be deemed necessary for the interests of the said undertaking: Provided always, that the same Tolls shall be payable at the same time and under the same circumstances upon all goods and upon all persons, so that no undue advantage, privilege or monopoly may be afforded to any person or class of persons by any By-law relating to the said Tolls.

Tolls may be lowered and again raised.

Proviso against monopoly.

XLIV. And in order to ascertain the amount of the clear profits of the said undertaking: Be it enacted, That the said Company, or the Directors for managing the affairs of the said Company, shall and they are hereby required to cause a true, exact and particular account to be kept and annually made up and balanced on the first Monday of the month of February in each and every year, of the money collected and received by the said Company, or by the Directors or Treasurer of the said Company, or otherwise, for the use of the said Company, by virtue of this Act, and of the charges and expenses attending the erecting, making, supporting, maintaining and carrying on their works, and of all other receipts and expenditure of the said Company or the said Directors; and at the General Meetings of the Proprietors of the said undertaking, to be from time to time holden as aforesaid, a dividend shall be made out of the clear profits of the said undertaking, unless such Meetings shall declare otherwise; and such dividend shall be at and after the rate of so much per share upon the several shares held by the Proprietors, in the joint stock of the said Company, as such Meeting or Meetings shall think fit to appoint or determine: Provided always, that no dividend shall be made whereby the capital of the said Company shall be in any degree reduced or impaired, nor shall any dividend be paid in respect of any share, after a day appointed for payment of any call for money in respect thereof, until such call shall have been paid.

Account of the profits of the undertaking to be annually made up at certain periods.

Dividends to be made at General Meetings.

Proviso: Capital not to be impaired.

XLV. Provided always, and be it enacted, That whenever the said Company shall have declared for the then preceding year a dividend or dividends exceeding ten per cent. currency on each and every share in the said undertaking, the said Company shall and they are hereby directed and required to pay over, as a duty to Her Majesty, Her Heirs and Successors, recoverable as other duties are, one moiety of the net income from the said Rail-way accruing thereafter over and above the said ten per cent. per share, first payable to the said Proprietors: Provided always, that no such duty shall be payable until the dividends declared shall in the whole have amounted to ten *per cent. per annum* on the paid up stock of the said Company from the time it was paid up; this provision being made as an allowance to the Company for the loss of interest on the money expended before the work shall produce any income.

A duty to be payable on profits exceeding ten per cent.

Proviso.

XLVI. Provided always, and be it enacted, That in all cases where there shall be a fraction in the distance which goods, wares, merchandize or other commodities or passengers shall be conveyed or transported on the said Rail-way, such fraction shall, in ascertaining the said rates, be deemed and considered as a whole mile; and that in all cases where there shall be the fraction of a ton in the weight of any such goods, wares, merchandize or other commodities, a proportion of the said rates shall be demanded and taken by the said Company to the number of quarters of a ton contained therein;

Fractions in distance or weight of goods, &c. how ascertained and regulated.

therein ; and in all cases where there shall be a fraction of a quarter of a ton, such fraction shall be deemed and considered as a whole quarter of a ton.

Directors may fix the price for the carriage of parcels, &c. Tables of Tolls to be publicly affixed.

XLVII. Provided always, and be it enacted, That it shall and may be lawful to and for the Directors of the said Company, from time to time, to make such regulations for ascertaining and fixing the price or sum or sums of money to be charged or taken for the carriage of any parcel not exceeding one hundred and twenty pounds weight as aforesaid, upon the said Rail-way, or any part thereof, as to them shall seem fit and reasonable ; and that the said Company shall from time to time print and stick up, or cause to be printed and stuck up in their office, and in all and every of the places where the Tolls are to be collected, in some conspicuous place there, a printed board or paper ascertaining all the Tolls payable under this Act, and particularising the price or sum or sums of money to be charged or taken for the carriage of such parcels not exceeding one hundred and twenty pounds weight as aforesaid.

Provision as to the carriage of H. M.'s. Mail, Soldiers, Police Force, &c.

XLVIII. Provided always, and be it enacted, That the said Company shall at all times when thereunto required by Her Majesty's Deputy Post Master General, the Commander of the Forces, or any person having the superintendance or command of any Police Force, carry Her Majesty's Mail, Her Majesty's Naval or Military Forces or Militia, and all artillery, ammunition, provisions or other stores for their use, and all Policemen, Constables, and others, travelling on Her Majesty's Service, on their said Rail-way, on such terms and conditions and under such regulations as the said Company and the said Deputy Post Master General, the Commander of the Forces, or person in command of any Police Force, respectively, shall agree upon, or if they cannot agree, then on such terms and conditions and under such regulations as the Governor or Person administering the Government shall in Council make ; Provided that by such regulations the Company shall not be required to start any train or steamboat at any other time than their ordinary time of starting the same, but that they may be required to provide a separate carriage for the Mail and the person or persons in charge thereof : And provided also, that any further enactments which the Legislature of this Province may hereafter deem it expedient to make, with regard to the carriage of the said Mail or Her Majesty's Forces and other persons and articles as aforesaid, or the rates to be paid for carrying the same, or in any way respecting the use of any Electric Telegraph, or other service to be rendered by the Company to the Government, shall not be deemed an infringement of the privileges intended to be conferred by this Act.

Proviso as to starting of Trains, &c.

Proviso : The Legislature may make further provision.

Company to divide their lands from those adjoining if required.

XLIX. And be it enacted, That the said Company shall, within six calendar months after any lands shall be taken for the use of the said Rail-way or undertaking, and if thereunto required by the proprietors of the adjoining lands respectively, but not otherwise, divide and separate, and keep constantly divided and separated, the lands so taken from the lands or grounds adjoining thereto, with a sufficient post and rail, hedge, ditch, bank, or other fence sufficient to keep off hogs, sheep and cattle, to be set and made on the lands or grounds which shall be purchased by, conveyed to or vested in the said Company as aforesaid, and shall at their own costs and charges, from time to time, maintain, support and keep in sufficient repair the said posts, rails, hedges, ditches, trenches, banks, and other fences so set up and made as aforesaid.

The Rail-way to be

L. And be it enacted, That as soon as conveniently may be after the said Rail-way shall be completed, the said Company shall cause the same to be measured, and stones
or

or posts, with proper inscriptions on the sides thereof denoting the distance, to be erected and for ever after maintained, at the distance of every mile from each other.

measured and
miles marked.

LI. And be it enacted, That the said Company shall and are hereby required and directed to take sufficient security, by one or more bond or bonds, in a sufficient penalty or penalties, from their Treasurer, Receiver and Collectors for the time being of the monies to be raised by virtue of this Act, for the faithful execution by such Treasurer, Receiver and Collectors of his and their office and offices respectively.

Treasurer,
Receiver and
Collector to
give security.

LII. And be it enacted, That the several persons who shall subscribe to advance any money for and towards making and maintaining the said Rail-way and other works connected therewith or hereby authorized, and those who shall accept of any transfer, of any share or shares in the Stock of the said Company, and their several heirs, executors, administrators, curators and assigns, or others legally representing them, and having the lawful possession or control of such share or shares, (all of whom shall be deemed proprietors of such share or shares for the purposes of this Section,) shall and they are hereby required to pay the sum or sums of money by them respectively subscribed, or such parts or portions thereof as shall from time to time be called for by the said Company, under and by virtue of the powers and directions of this Act, to such person or persons, and at such times and places as shall be directed by the said Company or the said Directors in manner before mentioned; and in case any person or persons shall neglect or refuse to pay the same at the time and in the manner required for that purpose, it shall be lawful for the said Company to sue for and recover the same with interest and costs in any Court of Law having competent jurisdiction; and in any such action it shall be sufficient to allege that the defendant is the proprietor of a share (or of any number of shares, stating such number) in the stock of the said Company; that certain sums of money were duly called for upon such share or shares by the said Company, under the authority of and in the manner provided by this Act, and were due and payable at a certain time or times, wherefore an action hath accrued to the said Company to recover such sum or sums with interest and costs; and the production of the newspapers containing such calls shall be evidence that the same were made as therein stated; and neither in such action, nor in any other action, suit or legal proceeding by the Company, shall the election of the Directors, or the authority of them, or of any Attorney acting in the name of the Company, be called in question except by the Company, nor shall it in any such case be necessary to name the Directors or any of them.

Company may,
by action, com-
pel the persons
subscribing to
pay the
amount of their
shares.

What shall be
alleged and
proved in such
action.

LIII. And be it enacted, That all fines and forfeitures imposed by this Act, or which shall be lawfully imposed by any By-law, to be made in pursuance thereof, (of which By-law, when produced, all Justices are hereby required to take notice,) the levying and recovering of which fines and forfeitures are not particularly herein directed, shall, upon proof of the offence before any one or more Justice or Justices of the Peace for the District, either by the confession of the party or parties, or by the oath or affirmation of any one credible witness (which oath or affirmation such Justice or Justices are hereby empowered and required to administer without fee or reward,) be levied by distress and sale of the offender's goods and chattels, by Warrant under the hand and seal or hands and seals of such Justice or Justices; and all such fines, forfeitures or penalties by this Act imposed or authorized to be imposed, the application whereof is not hereinbefore particularly directed, shall be paid into the hands of the Treasurer or Receiver

Forfeitures
how to be re-
covered and
applied, when
not otherwise
provided for.

Levy by dis-
tress and sale
of goods and
chattels.

Imprisonment
for want of
sufficient chat-
tels.

Receiver of the monies to be raised by virtue of this Act, and shall be applied and disposed of for the use of the said Rail-way or undertaking, and the overplus of the money raised by such distress and sale, after deducting the penalty and the expenses of the levying and recovering thereof, shall be rendered to the owner of the goods so distrained and sold; and for want of sufficient goods and chattels whereof to levy the said penalties and expenses, the offender shall be sent to the Common Gaol for the District of Montreal, there to remain without bail or mainprize for such term not exceeding one month as such Justice or Justices shall think proper, unless such penalty or forfeiture, and all expenses attending the same, shall be sooner paid and satisfied.

Appeal to the
General Ses-
sions.

LIV. And be it enacted, That if any person or persons shall think himself, herself or themselves aggrieved by any thing done by any Justice or Justices of the Peace in pursuance of this Act, every such person or persons may, within four calendar months after the doing thereof, appeal to the Justices of the Peace at the General Quarter or General Sessions to be holden in and for the District.

Limitation of
actions for
things done
in pursuance
of this Act.

LV. And be it enacted, That if any action or suit shall be brought or commenced against any person or persons for any thing done or to be done in pursuance of this Act, or in the execution of the powers and authorities or of the orders and directions hereinbefore given or granted, every such action or suit shall be brought or commenced within six calendar months next after the fact committed; or in case there shall be a continuation of damage, then within six calendar months next after the doing or committing such damage shall cease, and not afterwards; and the Defendant or Defendants in such action or suit shall and may plead the general issue, and give this Act and the special matter in evidence at any trial to be held thereupon, and that the same was done in pursuance and by the authority of this Act, and if it shall appear to have been so done, or if any action or suit shall be brought after the time so limited for bringing the same, or if the Plaintiff or Plaintiffs shall be nonsuit, or discontinue his, her or their action or suit after the Defendant or Defendants shall have appeared, or if judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have full costs, and shall have such remedy for the same as any Defendant or Defendants hath or have for costs of suit in other cases by law.

General issue.

Costs to De-
fendant if the
Plaintiff fail.

Contra-
ventions not other-
wise punisha-
ble, to be a
misdemeanor.

LVI. And be it enacted, That any contravention of this Act by the said Company or by any other party, for which no punishment or penalty is herein provided, shall be a misdemeanor, and shall be punishable accordingly; but such punishment shall not exempt the said Company (if they be the offending party) from the forfeiture of this Act and the privileges hereby conferred on them, if by the provisions thereof or by law the same be forfeited by such contravention.

Her Majesty
may assume
the Rail-way
on certain con-
ditions.

LVII. And be it enacted, That Her Majesty, Her Heirs and Successors, may at any time before or after the said Rail-way is completed assume the possession and property thereof, and of all the property which the said Company is hereby empowered to hold and shall then have, and of all the rights, privileges and advantages vested by this Act in the said Company (all which shall after such assumption be vested in Her Majesty, Her Heirs and Successors,) on giving to the said Company three months' notice of the intention to assume the same, and on paying to the said Company, within three months of the expiration of such notice, the whole amount of their Capital Stock then paid up and expended, and twenty per centum increase thereon, together with any sums

bona

bonâ fide furnished or advanced by the Shareholders in the said Company towards the completing and improving the said road and other works connected therewith with interest on the paid up Capital, from the time of the paying up of the same until the time of the opening of the said Rail-way.

LVIII. And be it enacted, That the said Company, to entitle themselves to the benefits and advantages to them granted by this Act, shall and they are hereby required to make and deposit the map or plan and book of reference mentioned in the fifth Section of this Act within one year after the passing thereof, and to make and complete the said Rail-way from the present terminus of the Champlain and Saint Lawrence Rail-road in manner aforesaid, within six years from the passing of this Act; and if the said map or plan and book of reference be not so made and deposited within the said space of one year, or if the said Rail-way shall not be so made and completed within the said period so as to be used by the public as aforesaid, then and in either case this Act, and every matter and thing therein contained, shall cease, and be utterly null and void.

Map and Book of reference to be deposited, and the Rail-way to be completed within certain periods, or this Act to be void.

LIX. And be it enacted, That the said Company shall annually submit to the three Branches of the Legislature, within the first fifteen days after the opening of each Session of the Provincial Parliament, after the opening of the said Rail-way or any part thereof to the public, a detailed and particular account attested upon oath, of the monies by them received and expended under and by virtue of this Act, with a classified statement of the amount of tonnage and of passengers that have been conveyed along the said Rail-way; And no further provisions which the Legislature may hereafter make with regard to the form or details of such account, or the mode of attesting or rendering the same, shall be deemed an infringement of the privileges hereby granted to the said Company.

Company annually to submit to the Legislature detailed accounts.

Further provision may be made touching such accounts.

LX. 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.

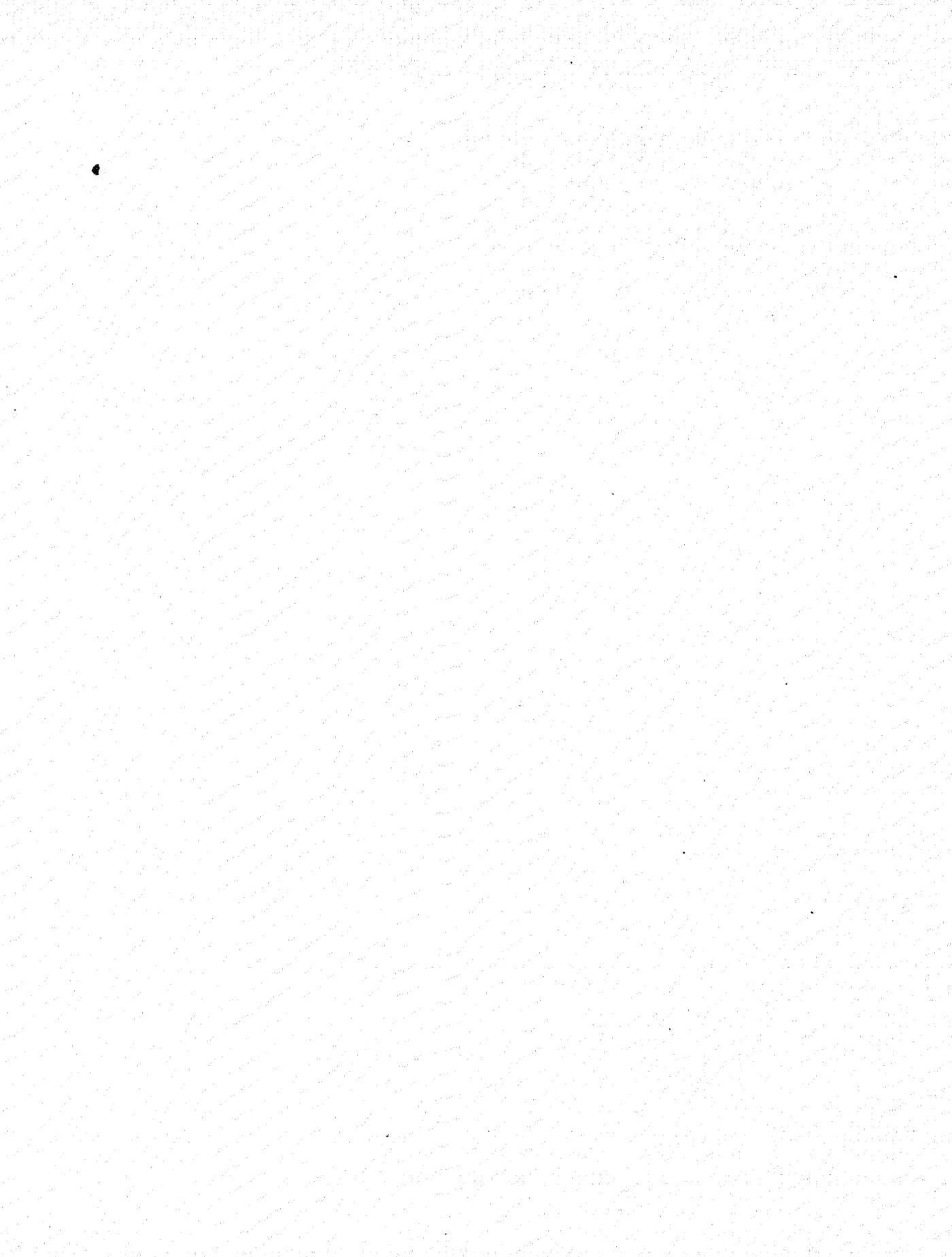
Saving of Her Majesty's rights, &c.

LXI. And be it enacted, That nothing herein contained shall be construed to except the Rail-way by this Act authorized to be made, from the provisions of any general Act relating to Rail-ways which may be passed during the present or any future Session of Parliament.

Company not to be exempted from the operation of any General Rail-way-law.

LXII. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and as such shall be judicially taken notice of by all Judges; Justices of the Peace and others, without being specially pleaded.

Public Act.





ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. CXXII.

An Act to incorporate *The Canada, New Brunswick and Nova Scotia
Rail-way Company.*

Reserved for the signification of Her Majesty's pleasure, 26th July, 1847.
The Royal Assent given by Her Majesty in Council on the 15th April, 1848; and Proclamation made thereof
by His Excellency JAMES, EARL OF ELGIN AND KINCARDINE, in the Canada Gazette of the 24th June, 1848.

WHEREAS the construction of a Rail-way from Montreal, through the Eastern Townships, to Point Levy, opposite to Quebec, and thence, by Rivière-du-Loup, to the Province Line of New Brunswick, to meet a Rail-road to be continued through that Province, and also the adjoining Province of Nova Scotia to Halifax, would tend much to advance the prosperity of this Province, and would greatly contribute to promote the trade and facilitate the communication between this Province of Canada and the Provinces of New Brunswick and Nova Scotia; And whereas the several persons hereinafter named are desirous to make and maintain the said Rail-way: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Honorable the Speaker of the Legislative Assembly Sir Allan Napier MacNab, Knight, the Honorable John Molson, the Honorable Adam Ferrie, the Honorable James Ferrier, the Honorable John Nelson, the Honorable Robert W. Harwood, Sir George Simpson, Peter Warren Dease, Allan M'Donell, Robert Armour, Charles H. Castle, John Try, Henry Corse, John Matthewson, William B. Jarvis, Joseph Cary and Josiah Timmis, Junior, Esquires, together with such other person or persons as shall, under the provisions of this Act, become subscribers to and proprietors of any share or shares in the Rail-way hereby authorized to be made and other works and property hereinafter mentioned, and their several and respective heirs, executors, administrators, curators and assigns, being proprietors of any such share or shares, are and shall be united into a Company for carrying on, making, completing and maintaining the said intended Rail-way and other works, according to the rules, orders and directions hereinafter expressed, and shall for that purpose be one body politic and corporate by the name of *The Canada, New Brunswick and Nova Scotia Rail-way Company*, and by that name shall have perpetual succession and shall have a common seal, and other the usual powers and rights of bodies corporate not inconsistent with this Act, and by that

Preamble.

Certain persons incorporated for the purposes of this Act; and certain corporate powers conferred on them.

Corporate name.

Word 'Lands' how understood in this Act.

Mortmain Laws not to apply.

Rail-way may be made on any plan.

Direction of the said Rail-road.

Governor in Council to determine gauge.

Power to the Company to set out and survey lands necessary for their works, &c.

To get and place materials.

To erect building, machinery, &c.

that name shall and may sue and be sued, and also shall and may have power and authority to purchase and hold lands, (which word shall throughout this Act be understood to include the land and all that is upon or below the surface thereof, and all the real rights and appurtenances thereunto belonging,) for them and their successors and assigns, for the use of the said Rail-way and works, without Her Majesty's *Lettres d'Amortissement*, (saving nevertheless to the Seigneur or Seigniors within whose *censive* the lands, tenements and hereditaments so purchased may be situate, his and their several and respective *droits d'indemnité*, and all other Seigniorial rights whatever,) and also to alienate and convey any of the said lands, purchased for the purposes aforesaid, and any person or persons, bodies politic or corporate, or communities may give, grant, bargain, sell or convey to the said Company any lands for the purposes aforesaid, and the same may re-purchase of the said Company without *Lettres d'Amortissement*: And the said Company shall be and are hereby authorized and empowered from and after the passing of this Act, by themselves, their deputies, agents, officers, workmen and servants, to make and complete a Rail-way to be called *The Canada, New Brunswick and Nova Scotia Rail-way*, with one or more sets of Rail or Tracks, and to be worked by locomotive engines, or on the atmospheric principle, or in such other mode as the said Company may deem expedient, from Melbourne or Drummondville to Point Levy, opposite to Quebec, and thence by Rivière-du-Loup to the Province Line of New Brunswick, and to erect wharves, warehouses, stores and other buildings at their termination, and at such other places on the line of the said Rail-way as they may deem expedient.

II. Provided always, and be it enacted, That the Governor in Council shall determine the gauge which shall be used in the Rail-road, and such determination shall be declared by Proclamation in the Official Gazette, and shall thereupon be binding on the said Company.

III. And be it enacted, That for the purposes aforesaid, the said Company, their deputies, servants, agents and workmen, are hereby authorized and empowered to enter into and upon any lands and grounds of the Queen's Most Excellent Majesty, not hereinafter excepted, or of any person or persons, bodies politic or corporate, or collegiate, or communities or parties whatsoever, and to survey and take levels of the same, or any part thereof, and to set out and ascertain such parts thereof as they shall think necessary and proper for making the said intended Rail-way and other works hereby authorized, and all such works, matters and conveniences as they shall think proper and necessary for making, effecting, preserving, improving, completing, maintaining and using the said intended Rail-way and other works, and also to bore, dig, cut, trench, get, remove, take, carry away, and lay earth, clay, stone, soil, rubbish, trees, roots of trees, beds of gravel or sand, or any other matters or things which may be dug or got in making the said intended Rail-way or other works, on or out of the lands or grounds of any person or persons adjoining or lying convenient thereto, and which may be proper, requisite or necessary for making or repairing the said intended Rail-way, or the works incidental or relative thereto, or which may hinder, prevent or obstruct the making, using or completing, extending or maintaining the same respectively, according to the intent and purpose of this Act; and to make, build, erect and set up, in or upon the said intended Rail-way, or upon their lands adjoining or near the same respectively, such and so many houses, warehouses, toll-houses, watch-houses, telegraphs or other signals, weighing beams, cranes, fire-engines, steam-engines, or other engines, either

either stationary or locomotive, inclined planes, machines, and other works, ways, roads and conveniences, as and when the said Company shall think requisite and convenient for the purposes of the said Rail-way and works; and also from time to time to alter, repair, divert, widen, enlarge and extend the same, and also to make, maintain, repair and alter any fences or passages over, under or through the said intended Rail-way, and to construct, erect and keep in repair any bridges, arches and other works upon and across any rivers or brooks for the making, using, maintaining and repairing of the said intended Rail-way; and to turn any such brook, river or water-course, and to change its course; and to construct, erect, make and do all other matters and things which they shall think convenient and necessary for the making, effecting, extending, preserving, improving, completing, and easy using of the said intended Rail-way and other works, in pursuance of, and according to the true intent and meaning of this Act, they, the said Company, doing as little damage as may be, in the execution of the several powers to them hereby granted, and making satisfaction in manner hereinafter mentioned to the owners or proprietors of, or the persons interested in the lands, tenements and hereditaments, water, water-courses, brooks or rivers respectively, which shall be taken, used, removed, prejudiced, or of which the course shall be altered, or for all damages to be by them sustained in or by the execution of all or any of the powers given by this Act; and this Act shall be sufficient to indemnify the said Company and their servants, agents or workmen, and all other persons whatsoever for what they, or any of them, shall do by virtue of the powers hereby granted, subject nevertheless to such provisions and restrictions as are hereinafter mentioned.

Bridges and other works for passing streams, &c.

Other works necessary for the Rail-way.

As little damage as possible to be done, and compensation to be made.

IV. Provided always, and be it enacted, That the said Company shall not carry the said Rail-way along any highway but shall merely cross the same in the line of the said road, whatever be the angle at which such line shall intersect the said highway; and before they shall in any way obstruct such highway with their works, they shall turn the said highway at their own charges so as to leave an open and good passage for carriages free from obstructions, and when their works are completed, they shall replace the said highway or street, under a penalty of not exceeding five pounds currency, for any contravention, over and above all damages sustained by any party: but in any case the rail itself, provided it does not rise above or sink below the surface of the road more than one inch, shall not be deemed an obstruction.

How the Rail-way shall be carried across roads.

Rail itself not an obstruction.

V. And be it enacted, That for the purposes of this Act, the said Company shall and may by some sworn Land Surveyor for Lower Canada, and by an Engineer or Engineers by them to be appointed, cause to be taken and made, surveys and levels of the lands through which the said intended Rail-way is to be carried, together with a map or plan of such Rail-way, and of the course and direction thereof, and of the said lands through which the same is to pass, and the lands intended to be taken for the several purposes authorized by this Act, so far as then ascertained, and also a book of reference for the said Rail-way, in which shall be set forth a description of the said several lands, and the names of the owners, occupiers, and proprietors thereof, so far as they can be ascertained by the said Corporation, and in which shall be contained every thing necessary for the right understanding of such map or plan; which said map or plan and book of reference shall be examined and certified by the persons performing the duties formerly assigned to the Surveyor General, or his Deputies, who shall deposit copies thereof in the office of the Prothonotary of the Court of Queen's Bench for the District of Quebec, and also in the office of the Secretary of the Province,

Company to take surveys and levels of the lands through which the Rail way is to be carried, and make a map and book of reference.

The same to be examined and deposited.

Copies or extracts may be taken and used.

Certified copies to be evidence.

When the Rail-way passes any high-way, &c. to be within one inch of the surface.

Precautions to be observed when the Rail-way crosses a highway on a level.

Company not to deviate more than one mile from the line shewn as aforesaid.

Except by consent.

Effect of errors in the books of reference.

Lands taken not to exceed thirty yards in breadth.

Exceptions for deep cutting, off-sets, &c.

Province, and shall also deliver one copy thereof to the said Company; and all persons shall have liberty to resort to such copies so to be deposited as aforesaid, and to make extracts or copies thereof as occasion shall require, paying to the said Secretary of the Province, or to the said Prothonotary, at the rate of six pence current money of this Province for every hundred words; and the said triplicates of the said map or plan and book of reference, so certified, or a true copy or copies thereof, certified by the Secretary of the Province, or by the Prothonotary of the Court of Queen's Bench for the said District, shall severally be, and are hereby declared to be good evidence in the Courts of Law and elsewhere.

VI. Provided always, and be it enacted, That where the said Rail-way shall cross or be carried along any public highway, (which word shall in this Act include all public streets, lanes or other public ways or communications,) neither the rail nor any other part of the Rail-way or works connected therewith, shall rise above the level of such highway, or sink below the level of such highway, more than one inch; and the said Rail-way may be carried across any highway within the limits aforesaid.

VII. Provided always, and be it enacted, That the said Company shall, at each and every place where the said Rail-way shall cross any highway on a level, erect and keep up good and sufficient gates across the highway; and for each and every neglect to comply with the requirements of this section, the said Company shall incur a penalty not exceeding five pounds currency.

VIII. And be it enacted, That the said Company, in making the said intended Rail-way, shall not deviate more than a mile from the line of the Rail-way or from the places assigned to the several works of the Company, in the map or plan and book of reference deposited aforesaid, nor cut, carry, place, lay down or convey the said Rail-way into, through, across, under and over any part of any lands or grounds not shewn and mentioned in such map or plan and book of reference, as being required for such purpose, or as being within one mile of the said line and of the places assigned therein to the works respectively, (save in such instances as herein specially provided for,) without the consent of the party or parties who could, under the provisions of this Act, convey such lands.

IX. And be it enacted, That the said Company may make, carry or place their said intended Rail-way and works, into, across or upon the lands of any person or party whomsoever on the line aforesaid, or within the distance aforesaid from such line, although the name of such party be not entered in the said book of reference, through error, want of sufficient information, or any other cause, or although some other person or party be erroneously mentioned as the owner of or party entitled to convey, or interested in such lands.

X. And be it enacted, That the lands or grounds to be taken or used for such intended Rail-way, and the ditches, drains and fences to separate the same from the adjoining lands, shall not exceed thirty yards in breadth, except in such places where the said intended Rail-way shall be raised more than five feet higher, or cut more than five feet deeper than the present surface of the land, and in such places where it shall be judged necessary to have off-sets for the locomotives or other engines and carriages using the said Rail-way to be or pass each other (and not above one hundred yards in

in breadth in any such place,) or where any houses, ware-houses, wharves, toll-houses, watch-houses, weighing-beams, cranes, fixed engines or inclined planes, may be intended to be erected, or goods, wares or merchandize be delivered, (and then not more than one mile in length, by one hundred and fifty yards in breadth,) without the consent of some party who can, under the provisions of this Act, convey such lands to the said Company, and the places at which such extra breadth is to be taken, shall be shewn on the said map or plan, so far as the same may be then ascertained, but their not being so shewn shall not prevent the Company from taking such extra breadth, provided it be taken upon the line shewn or within the distance aforesaid from such line: Provided always, that no land shall be taken by the said Company from any public highway, but their right shall be limited to the laying down across the same, that is in the line of the said Rail-way at whatever angle it may intersect such highway, the rails and other contrivances, forming part of the said Rail-way, subject to the limitations mentioned in the fifth Section, or any other part of this Act.

And for stations for machinery, &c.

Proviso as to lands forming part of public roads, &c.

XI. And be it enacted, That it shall be lawful for the said Company to take, use, occupy and hold, but not to alienate, so much of the Public Beach or Beach Road or of the land covered with the waters of the rivers which the said Rail-way may cross, start from or terminate at, as may be required for the wharves and other works of the said Rail-way, and other works which they are hereby authorized to construct, doing no damage to nor causing any obstruction in the navigation of the said rivers.

Company may use Beaches, &c. doing no damage to the navigation.

XII. And be it enacted, That after any lands or grounds shall be set out and ascertained in manner aforesaid, for making and completing the said Rail-way and other works, and other the purposes and conveniences hereinbefore mentioned, it shall and may be lawful for all bodies politic, corporate, or collegiate, corporations aggregate or sole, communities, *grevés de substitution*, guardians, curators, executors, administrators, and all other trustees or persons whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether infants, issue unborn, lunatics, idiots, *femes-covert*, or other persons or parties, who are or shall be seized, possessed of or interested in any lands or grounds which shall be so set out and ascertained as aforesaid, or any part thereof, to contract for, sell and convey unto the said Company, all or any part of such lands or grounds which shall under this Act be set out and ascertained as aforesaid; and that all contracts, agreements, sales, conveyances and assurances so to be made, shall be valid and effectual in law to all intents and purposes whatsoever; any law, statute, usage or custom to the contrary thereof in any wise notwithstanding; and that all bodies politic, corporate or collegiate, or communities, and all persons whatsoever, so conveying as aforesaid, are hereby indemnified for what he, she, or they, or any of them shall respectively do by virtue of or in pursuance of this Act: Provided always, that before the map or plan and book of reference shall be deposited as aforesaid, and before the lands required for the said Rail-way and works shall be set out and ascertained, it shall be lawful for any party who might under this Act convey any lands to the said Company, if the same were so set out and ascertained, to agree with the Company for the price to be paid for such lands if they shall be thereafter so set out and ascertained; and such agreement shall be binding, and the price agreed upon shall be the price to be paid by the Company for the same lands, if they shall be afterwards so set out and ascertained, within one year from the date of such agreement, and although such land may in the mean time have become the property of a third party; and possession of the

After any lands have been set out, all bodies corporate, &c. may sell their property therein to the Company.

Proviso. Parties may, before any lands are so set out, agree with the Company as to the price if they be afterwards required.

the

the same may be taken and the agreement and price may be dealt with, as if such price had been fixed by an award of Arbitrators as hereinafter mentioned.

Where no power is vested in any party to sell, a fixed annual rent to be established.

Privilege granted for securing such rent or any purchase money not paid.

XIII. Provided always, and be it enacted, That any body politic, community, corporation, or other party, who cannot in common course of law sell or alienate any lands or grounds so set out and ascertained, shall agree upon a fixed annual rent as an equivalent, and not upon a principal sum, to be paid for the lands or grounds so set out and ascertained as necessary for making the said Rail-way, and other the purposes and conveniences relative thereto and connected therewith; and in case the amount of such rent shall not be fixed by voluntary agreement or compromise, it shall be fixed in the manner hereinafter prescribed; and all proceedings shall in that case be regulated as hereinafter prescribed; and for the payment of the said annual rent, and every other annual rent agreed upon or ascertained, and to be paid by the said Company for the purchase of any lands, or for any part of the purchase money of any land, which the vendor shall agree to leave in the hands of the said Company, the said Rail-way and the Tolls to be levied and collected thereon shall be, and are hereby made liable and chargeable, in preference to all other claims or demands thereon whatsoever, the deed creating such charge and liability being duly registered.

Agreement with proprietors *par indivis* to a certain extent shall bind the rest.

XIV. Provided always, and be it enacted, That whenever there shall be more than one party proprietor of any land or property *par indivis*, any agreement made in good faith between the said Company and any party or parties proprietor, or being together proprietors, of one third or more of such land or property, as to the amount of compensation for the same or any damages thereto, shall be binding as between the remaining proprietor or proprietors *par indivis* and the Company; and the proprietor or proprietors who have so agreed, may deliver possession of such land or property to the Company, or empower them to enter upon the same, as the case may be.

The Company to apply to the owners of lands touching the compensation to be paid for the same or for any right exercised upon them.

Or as to mode of establishing such compensation.

How the same shall be settled when the parties cannot agree.

XV. And be it enacted, That so soon as the said map or plan and book of reference shall have been deposited as aforesaid, and notice of its being so deposited shall have been given during at least one calendar month, in at least one newspaper published in the City of Montreal and Quebec, in the English and French language, it shall be lawful for the said Company to apply to the several owners of or parties hereby empowered to convey the lands through which such Rail-way is intended to be carried, or which may suffer damage from the taking of materials, or the exercise of any of the powers granted to the said Company by this Act, and to agree with such owners or parties respectively, touching the compensation to be paid to them by the said Company for the purchase thereof, and for their respective damages, and to make such agreements and contracts with the said parties touching the said lands, or the compensation to be paid for the same, or for the damages, or as to the mode in which the said compensation shall be ascertained, as to such parties and the said Company shall seem expedient; And in case of disagreement between the said Company and the said owners or parties, or any of them, then all questions which shall arise between them and the said Company shall be settled as follows, that is to say:

Legal effect of map and book of reference.

The deposit of the map or plan and book of reference, and the notice of such deposit, given as aforesaid, shall be deemed a general notice to all such parties as aforesaid, of the lands which will be required for the said Rail-way and works.

The Company shall serve a notice upon the opposite party, containing a description of the lands to be taken, or of the powers intended to be exercised with regard to any lands (describing them,) a declaration that the Company are ready to pay some certain sum (or rent, as the case may be) as compensation for such lands or for the damages arising from the exercise of such power, and the name of a person whom they appoint as their Arbitrator if their offer be not accepted, and such notice shall be accompanied by the certificate of some sworn Surveyor for Lower Canada, disinterested in the matter, and not being the Arbitrator named in the notice, that the land (if the notice relate to the taking of land) is shewn on the map or plan deposited as aforesaid, as being required for the said Rail-way and works, or as being within the limits of deviation hereby allowed from the line of the said Rail-way, that he knows such land, or the amount of damages likely to arise from the exercise of such powers, and that the sum so offered is in his opinion a fair compensation for such land and for such damages as aforesaid.

Notice to opposite party

Offer.

Name of Arbitrator.

Certificate of a Surveyor that the offer is a fair one, &c.

If the opposite party be absent from the District in which the land shall be situate, or be unknown to the said Company, then upon application to any Justice of the Court of Queen's Bench for the said District, accompanied by such certificate as aforesaid, and by an affidavit of some Officer of the Company, that such opposite party is so absent, or that after diligent inquiry the party on whom the notice ought to be served cannot be ascertained, such Justice shall order a notice as aforesaid (but without the certificate) to be inserted during one calendar month in some newspaper published in the City of Montreal or Quebec, as the case may require, in the English and French languages.

If the party be absent or unknown.

If within ten days after the service of such notice, or within one month after the first publication thereof as aforesaid, the opposite party shall not notify to the Company that he accepts the sum offered by the said Company, or to notify to them the name of a person whom he appoints as Arbitrator, then any Justice of the Court of Queen's Bench for the District in which the land is situate, may, on application of the said Company, appoint some sworn Surveyor for Lower Canada to be sole Arbitrator for determining the compensation to be paid by the Company.

Party not accepting the Company's offer, and not appointing an Arbitrator.

If the opposite party shall, within the time aforesaid, notify to the said Company the name of the person such party shall appoint as Arbitrator, then the said two Arbitrators shall jointly appoint a third, or if they cannot agree upon a third, then any Justice of the Court of Queen's Bench shall, on the application of the said party or of the Company, (previous notice of at least one clear day having been given to the other party,) appoint a third Arbitrator.

Opposite party appointing an Arbitrator.

Third Arbitrator.

The said Arbitrators or any two of them, or the sole Arbitrator, being sworn before some Commissioner for receiving affidavits to be used in the said Court of Queen's Bench, faithfully and impartially to perform the duties of their office, shall proceed to ascertain the compensation to be paid by the Company, in such way as they or he, or a majority of them, shall deem best, and the award of such Arbitrators, or any two of them, or of the sole Arbitrator, shall be final and conclusive: Provided, that no such award shall be made or any official act done by such majority, except at a meeting held at a time and place of which the other Arbitrator shall have had at least one clear day's notice, or to which some meeting at which the third Arbitrator was present shall have been adjourned; but no notice to the Company or opposite party shall be necessary, but they

Duties of Arbitrators after being sworn.

Proviso. Award not to be made except at proper meetings or times.

they shall be held sufficiently notified through the Arbitrator they shall have appointed, or whose appointment they shall have required.

Costs how
paid and taxed.

Provided always, that the award given by any sole Arbitrator shall never be for a less sum than that offered by the Company as aforesaid; and if in any case where three Arbitrators shall have been appointed, the sum awarded be not greater than that offered by the Company, the costs of the arbitration shall be borne by the opposite party, and deducted from the compensation, otherwise they shall be borne by the Company, and in either case they may, if not agreed upon, be taxed by any Justice of the Court of Queen's Bench.

Arbitrators
may examine
witnesses on
oath.
False state-
ment to be
perjury.

The Arbitrators, or a majority of them, or the sole Arbitrator, may examine on oath, or solemn affirmation, the parties or such witnesses as shall voluntarily appear before him or them, and may administer such oath or affirmation; and any wilfully false statement made by any witness, under such oath or affirmation, shall be deemed wilful and corrupt perjury, and punishable accordingly.

Time within
which award
must be made.

The Justice of the Court of Queen's Bench by whom any third Arbitrator or sole Arbitrator shall be appointed, shall, at the same time, fix a day on or before which the award shall be made, and if the same be not made on or before such day, or some other day to which the time for making it shall have been prolonged, either by the consent of the parties, or by the order of a Justice of the said Court, (as it may be for reasonable cause shewn, on the application of such sole Arbitrator, or one of the Arbitrators, after one clear day's notice to the others,) then the sum offered by the Company as aforesaid shall be the compensation to be paid by them.

Time may be
prolonged in
certain cases.

Arbitrators
dying, &c.

If the party appointed by any Judge as third Arbitrator or sole Arbitrator shall die before the award be made, or shall refuse to act or fail to act, within a reasonable time, then upon the application of either party, the Judge (or any other Judge of the said Court) being satisfied by affidavit or otherwise of such disqualification, refusal or failure, may, in his discretion, appoint another in his stead; and, if the Arbitrator appointed by the said Company or by the opposite party shall die before the award shall be made, or shall leave the Province, or become unable to act within a reasonable time, (such fact being ascertained to the satisfaction of some Judge of the said Court as attested by his Certificate to that effect,) the said Company or the opposite party (as the case may be) may appoint another in his stead, notifying the other Arbitrators of such appointment.

Company may
desist, paying
costs.

The Company may desist from any such Notice as aforesaid, and afterwards give new Notice with regard to the same or other lands, to the same or any other party, but they shall in any such case be liable to the party first notified for all damages or costs by him incurred in consequence of such first Notice and desistment: and no change of owner after the Notice shall affect the proceedings, but the party notified shall be still deemed the owner, except as to the payment of the sum awarded.

Change of
owner.

Arbitrators not
disqualified by
certain circum-
stances.

It shall be no disqualification to the Surveyor or other person offered or appointed as Valuator, or as Arbitrator, that he be professionally employed by the Company or by the opposite party, or that he have previously expressed an opinion as to the amount of compensation, or that he be related or of kin to any member of the Company, provided

provided he be not himself personally interested in the amount of such compensation ; and no cause of disqualification shall be urged against any Arbitrator appointed by a Justice of the Court of Queen's Bench after his appointment, but shall be made before the same, and its validity or invalidity summarily determined by such Justice ; and no cause of disqualification shall be urged against any Arbitrator appointed by the Company, or by the opposite party, after the appointment of a third Arbitrator ; and the validity or invalidity of any cause of disqualification urged against any such Arbitrator, before the appointment of a third Arbitrator, shall be summarily determined by any Justice of the said Court, on the application of either party, after one clear day's notice to the other, and if such cause be determined to be valid, the appointment shall be null, and the party offering the person so adjudged to be disqualified shall be held to have appointed no Arbitrator.

Cause of disqualification when to be urged.

How tried and determined.

No award made as aforesaid shall be invalidated by any want of form or other technical objection, if the requirements of this Act shall have been complied with, and if the award shall state clearly the sum awarded, and the lands or other property, right or thing for which such sum is to be the compensation ; nor shall it be necessary that the party or parties to whom the sum is to be paid be named in the award.

Award not to be avoided by mere want of form.
Parties need not be named in it.

XVI. And be it enacted, That upon payment or legal tender of the compensation or annual rent so awarded, agreed upon or determined as aforesaid to the party entitled to receive the same, or upon the deposit of the amount of such compensation in the manner hereinafter mentioned, the award or agreement shall vest in the said Company the power forthwith to take possession of the lands, or to exercise the right, or to do the thing for which such compensation or annual rent shall have been awarded or agreed upon ; and if any resistance or forcible opposition shall be made by any person or party to their so doing, any Justice of the Court of Queen's Bench for the District in which the land may lie, may, on proof to his satisfaction, that the requirements of this Act have been complied with, issue his Warrant to the Sheriff of the District, or to any Bailiff of the Court, (as in his discretion may be most suitable), to put the said Company in possession, and to put down such resistance or opposition, which such Sheriff or Bailiff, taking with him sufficient assistance, shall accordingly do ; Provided always, that such warrant of possession may also be granted by any such Justice, upon proof by affidavit to his satisfaction that immediate possession of the land or power to do the thing in question is necessary to the carrying on of the works of the said Company, the adverse party being summoned by one clear day's notice, to appear before such Judge, and the Company giving such security as the said Judge shall direct, to pay the sum to be awarded with interest from the day on which the warrant shall be granted, and all lawful costs, such security not being for less than twice the sum offered by the Company in the notice to such adverse party.

Possession may be taken on payment, tender or deposit of the sum awarded.

Warrant of possession in case of resistance.

Proviso : Warrant may be had before award on certain conditions.

XVII. And be it enacted, That the compensation awarded as aforesaid or agreed upon by the said Company, and any party who might under this Act validly convey the lands, or then in lawful possession thereof as proprietor, for any lands which might be lawfully taken under this Act without the consent of the proprietor, shall stand in the stead of such land ; and any claim to, or hypothec or incumbrance upon the said land, or any portion thereof, shall, as against the said Company, be converted into a claim to the said compensation, or to a like proportion thereof, and they shall be responsible accordingly whenever they shall have paid such compensation, or any part thereof, to a party

As to claims to or upon lands purchased or taken.

Compensation to stand in the place of the land.

not

Proviso.
Proceedings if
the Company
have reason to
fear incum-
brances, or
claims by
other parties
than the
vendor.

not entitled to receive the same, saving always their recourse against such party: Provided always, that if the said Company shall have reason to fear any such claims, hypothecs or incumbrances, or if any party to whom the compensation or annual rent, or any part thereof, shall be payable, shall refuse to execute the proper conveyance and guarantee, or if the party entitled to claim the same cannot be found, or be unknown to the Company, or if for any other reason the Company shall deem it advisable, it shall be lawful for them to pay such compensation into the hands of the Prothonotary of the said Court of Queen's Bench, with the interest thereon for six months, and to deliver to the said Prothonotary an authentic copy of the conveyance, or of the award or agreement if there be no conveyance, and such award or agreement shall thereafter be deemed to be the title of the said Company to the land therein mentioned, and proceedings shall thereupon be had for the confirmation of title, except that in addition to the usual contents of the notice, the Prothonotary shall state that the title of the Company, (that is the conveyance, agreement or award,) is under this Act, and shall call upon all persons entitled to, or to any part of the land, or representing, or being the husbands of any parties so entitled, to file their oppositions for their claims to the compensation, or any part thereof, and all such oppositions shall be received and adjudged upon by the Court, and the Judgment of confirmation shall for ever bar all claims to the lands, or any part thereof, (including dower not yet open,) as well as all hypothecs or incumbrances upon the same; and the Court shall make such order for the distribution, payment or investment of the compensation, and for the securing of the rights of all parties interested as to right and justice, according to the provisions of this Act and to law shall appertain; and the costs of the said proceedings, or any part thereof, shall be paid by the said Company, or by any other party, as the Court shall deem it equitable to order; and if Judgment of confirmation be obtained in less than six months from the payment of the compensation to the Prothonotary, the Court shall direct a proportionate part of the interest to be returned to the Company, and if from any error, fault or neglect of the Company it shall not be obtained until after the six months have expired, the Court shall order the Company to pay to the Prothonotary the interest for such further period as may be right.

Costs and inter-
est law
paid.

Proviso as to
cases where
this Act shall
not have been
complied with.

XVIII. Provided always, and be it enacted, That with regard to any lands which could not be taken without the consent of some party entitled under this Act to convey the same, or in any case in which the requirements of this Act shall not have been complied with, and in all cases where land shall have been taken, or damage shall have been done by the Company, without previously complying with the requirements of this Act, the rights of the Company and of other parties shall be governed by the ordinary rules of law.

Applications
for indemnity
to be made
within a cer-
tain time.

XIX. And be it enacted, That all suits for indemnity for any damage or injury sustained by reason of the powers and authority given by this Act shall be made within six calendar months next after the time of such supposed damage sustained, or in case there shall be a continuation of damage, then within six calendar months next after the doing or committing such damage shall cease, and not afterwards.

Penalty on
persons ob-
structing the
free use of the
Rail-way.

XX. And be it enacted, That if any person shall by any means or in any manner or way whatsoever, obstruct or interrupt the free use of the said Rail-way, or the carriages, vessels, engines or other works incidental or relative thereto, or connected therewith,

therewith, such person shall for every such offence incur a forfeiture or penalty of not less than one pound five shillings nor exceeding ten pounds currency; one half of which penalty and forfeiture, to be recovered before one or more Justices of the Peace for the District, shall go to the prosecutor or informer, and the other half to Her Majesty, Her Heirs and Successors, and shall be paid into the hands of the Receiver General, and be applied for the public uses of this Province and the support of the Government thereof.

How recover-
able and appli-
cable.

XXI. And be it enacted, That if any person or persons shall wilfully and maliciously, and to the prejudice of the said Rail-way authorized to be made by this Act, break, throw down, damage or destroy the same, or any part thereof, or any of the houses, warehouses, toll-houses, watch-houses, weigh-beams, cranes, carriages, vessels, engines, inclined planes, machines or other works or devices, incidental and relative thereto or connected therewith, or do any other wilful hurt or mischief, or wilfully or maliciously obstruct the free use of the said Rail-way, vessels or works, or shall obstruct, hinder or prevent the carrying on, completing, supporting and maintaining the said intended Rail-way, or works, such person or persons shall be adjudged guilty of felony, and the Court by and before whom such person or persons shall be tried and convicted shall have power and authority to cause such person or persons to be punished in like manner as felons are directed to be punished by the laws in force in this Province, or in mitigation thereof to award such sentence as the law directs in cases of simple larceny, as to such Court shall seem fitting.

Punishment of
persons break-
ing down, or
obstructing or
damaging the
Rail-way or
works.

XXII. And to the end that the said Company may be enabled to carry on so useful an undertaking: Be it enacted, That it shall and may be lawful for the said Company and their successors, to raise and contribute among themselves, in such proportions as to them shall seem meet and convenient, a competent sum of money for the making and completing the said Rail-way, and all such other works, matters and conveniences as may be found necessary for making, effecting, preserving, improving, completing, maintaining and using the said Rail-way, and other works: Provided always, that the before mentioned Sir Allan Napier McNabb, John Molson, Adam Ferrie, James Ferrier, John Neilson, R. U. Harwood, Sir George Simpson, P. W. Dease, A. McDonell, Robert Armour, C. H. Castle, John Try, Henry Corse, John Mathewson, William B. Jarvis, Joseph Cary, and Josiah Timmis, Junior, or any majority of them, shall cause books of subscription to be opened at such places as they shall appoint, for receiving the signatures of persons willing to become subscribers to the said undertaking, and for this purpose they shall give public notice in some newspapers in the English and French languages, of the time and places at which such books will be opened and ready for receiving signatures as aforesaid, and of the Bankers by them authorized to receive such subscriptions; and every person who or whose Attorney shall write her or his signature in such book as a subscriber to the said undertaking, shall thereby become a Member of the said Corporation, and shall have the same rights and privileges, as such, as are hereby conferred on the several persons who are herein mentioned by name as Members of the said Corporation: Provided always, that the sums so raised shall not exceed the sum of three millions of pounds currency, of this Province, in the whole, except as hereinafter mentioned, and that two millions of pounds be first raised by one hundred thousand shares of twenty pounds sterling, on one hundred dollars, currency, each share; and the money so to be raised is hereby directed and appointed to be laid out and applied in the first place for and towards the payment, and discharge and satisfaction of all fees and disbursements for obtaining

Company to
contribute
among them-
selves the ne-
cessary sums
for carrying on
their under-
taking.

Proviso.
Books of sub-
scription to be
opened.

Proviso.
Capital limited
and divided
into shares of
£20 Sterling
each.
Order of
charges on the
Capital.

obtaining and passing this Act, and for making the surveys, plans and estimates incident thereto, and all other expenses relating thereunto, and all the rest, residue and remainder of such money for and towards making, completing and maintaining the said Rail-way and other the purposes of this Act, and to no other use, intent or purpose whatever.

Capital to be divided into shares.

To be personal property and transferable.

Rights of Shareholders to profits, &c.

Their liabilities.

If this sum should not be sufficient, the Company may raise a further sum.

Company may borrow a limited sum of money.

XXIII. And be it enacted, That the said sum of two millions of pounds, currency, or such part thereof as shall be raised by the several persons hereinbefore named, and by such other person or persons who shall or may at any time become a subscriber or subscribers to the said Rail-way, shall be divided into one hundred thousand equal parts or shares, of twenty pounds sterling per share; and that the shares be deemed personal estate, and shall be transferable as such; and that the said one hundred thousand shares shall be and are hereby vested in the said several subscribers and their several respective heirs, executors, curators, administrators and assigns, proportionally to the sum they and each of them shall severally subscribe and pay thereunto; and all and every the bodies politic, corporate or collegiate, or communities, and all and every person or persons, their several and respective successors, executors, curators, administrators and assigns, who shall severally subscribe and pay the sum of twenty pounds, or such sums as shall be demanded in lieu thereof, towards carrying on and completing the said Rail-way, shall be entitled to and receive, after the said Rail-way shall be completed, the entire and net distribution of the profits and advantages that shall and may arise and accrue by virtue of the money to be raised, recovered or received by the authority of this Act, in proportion to the number of shares so held; and every body politic, corporate or collegiate, or community, person or persons, having such property or share in the said undertaking, and so in proportion as aforesaid, shall bear and pay an adequate and proportional sum of money towards carrying on the said undertaking in manner by this Act directed and appointed.

XXIV. And be it enacted, That in case the said sum of two millions of pounds, hereinbefore authorized to be raised, shall be found insufficient for the purposes of this Act, then and in such case it shall be lawful for the said Company to raise and contribute amongst themselves, in manner and form aforesaid, and in such shares and proportions as to them shall seem meet, or by the admission of new subscribers, a further or other sum of money for completing and perfecting the said intended Rail-way and other works or conveniences incidental or relative thereto, or hereby authorized, not exceeding the sum of one million pounds, currency aforesaid; and every subscriber, towards raising such further or other sum of money, shall be proprietor in the said undertaking, and have a like right of voting in respect of his, her or their shares in the said additional sum so to be raised, and shall also be liable to such obligations, and stand interested in all the profits and powers of the said undertaking, in proportion to the sum he, she or they shall or may subscribe thereto, as generally and extensively as if such other or further sum had been originally raised as a part of the said first sum of two millions of pounds; any thing herein contained to the contrary notwithstanding.

XXV. And be it enacted, That the said Company may from time to time lawfully borrow either in this Province or elsewhere such sum or sums of money, not exceeding at any time one fourth part of the amount paid up, as they may find expedient, and at such rate of interest not exceeding six per cent. per annum, as they may think proper; and may make the bonds, debentures or other securities they shall grant for the sums so borrowed payable either in currency or in sterling, and at such place or places

places as the Shareholders in Great Britain and the said Provinces may deem advisable, and may give security on the tolls, revenues, and other property of the said Company for the due payment of the said sums and the interest thereon.

And hypothecate their property.

XXVI. And be it enacted, That the number of votes to which each Proprietor of shares in the said undertaking shall be entitled on every occasion when, in conformity to the provisions of this Act, the votes of the Members of the said Company are to be given, shall be in the proportion to the number of shares held by him, that is to say: one vote for any less number than five shares, and each holder or proprietor of every five shares and upwards, shall have two votes for every five shares, unless objected to by the Shareholders in Great Britain, and all Proprietors of shares may vote by proxy, if he, she or they shall see fit, provided that such proxy do produce from his constituent or constituents, an appointment in writing, in the words or to the effect following, that is to say :

Votes of Proprietors according to the number of their shares.

Proprietors may vote by proxy.

“ I, _____ of
 “ one of the Proprietors of *The Canada, New Brunswick and Nova Scotia Rail-way*,
 “ do hereby nominate, constitute, and appoint _____ of
 “ to be my proxy, in my name, and in my absence to vote or give my assent or dissent
 “ to any business, matter or thing relating to the said undertaking, that shall be men-
 “ tioned or proposed at any meeting of the Proprietors of the said undertaking, or any
 “ of them, in such manner as he the said _____ shall
 “ think proper, according to his opinion and judgment, for the benefit of the said
 “ undertaking, or any thing appertaining thereto. In witness whereof, I have here-
 “ unto set my hand and seal, the _____ day of
 “ in the year _____ ”

Form of appointment of proxy.

And such vote or votes by proxy shall be as valid as if such principal or principals had voted in person; and whatever question, election of proper Officers, or matters or things shall be proposed, discussed, or considered in any public meeting of the Proprietors to be held by virtue of this Act, shall be determined by the majority of votes and proxies then present and so given as aforesaid, and all decisions and acts of any such majority shall bind the said Company, and be deemed the decision and acts of the said Company.

Questions to be decided by majority of votes.

XXVII. Provided always, and be it enacted, That no Proprietor who shall not be a natural born subject of Her Majesty, or a subject of Her Majesty naturalized under an Act of the British Parliament, or an Act of the Parliament of this Province, shall be elected an officer of the said Company.

None but a British subject to be President or Treasurer.

XXVIII. And be it enacted, That no Shareholder in the said Company shall be in any manner whatsoever liable for or charged with the payment of any debt or demand due by the said Company beyond the extent of his, her or their share in the Capital of the said Company not paid up.

Liability of Shareholders limited.

XXIX. And be it enacted, That the First General Meeting of the Proprietors for putting this Act in execution, may be held at Quebec whenever sufficient shares have been subscribed for, provided that public notice thereof be given during the week in some newspapers published in the English and French languages, and signed by at least _____

The first General Meeting of the proprietors to be held at Montreal.

To elect a
board of twelve
Directors.
Qualification.

least five of the subscribers to the said undertaking holding among them at least one hundred shares ; and at such said General Meeting, the Proprietors assembled, with such proxies as shall be present, shall choose twelve Directors, being each a Proprietor of not less than ten shares in the said undertaking, to be Directors of the said Company, to act in concert with Directors to be appointed by the Shareholders in Great Britain, who shall determine the number of Directors to be appointed in this Province as well as in New Brunswick and Nova Scotia, in such manner as is hereinafter directed, and shall also proceed to pass such Rules and Regulations and By-Laws as shall seem to them fit, provided they be not inconsistent with this Act.

In the month
of January,
1850, and of
each year
thereafter, a
Board of Di-
rectors to be
elected.

Special Meet-
ings of Pro-
prietors may
be called.

Quorum at
Special Meet-
ings.

Proviso:
Vacancies
among the Di-
rectors may be
filled by those
remaining.

XXX. And be it enacted, That the Directors first appointed (or those appointed in their stead in case of vacancy) shall remain in office until the election of Directors in the month of January, one thousand eight hundred and fifty, and that in the month of January in the said year and each year thereafter, and on such day of the month as shall be appointed by any By-Law, an Annual General Meeting of the said Proprietors shall be held to choose Directors in the room of those whose office may at that time become vacant, and generally to transact the business of the Company ; but if at any time it shall appear to any five or more of such Proprietors holding together one hundred shares at least, that for more effectually putting this Act in execution, a Special General Meeting of Proprietors is necessary to be held, it shall be lawful for such five or more of them to cause fifteen days' notice at least to be given thereof in two public newspapers as aforesaid, or in such manner as the Company shall by any By-Law direct or appoint, specifying in such notice the time and place, and the reason and intention of such Special Meetings, respectively ; and the Proprietors are hereby authorized to meet pursuant to such notices, and proceed to the execution of the powers by this Act given them, with respect to the matters so specified only ; and all such acts of the Proprietors or the majority of them, at such Special Meetings assembled, such majority not having either as principals or proxies less than one hundred shares, shall be as valid to all intents and purposes as if the same were done at Annual Meetings : Provided always, that it shall and may be lawful for the said Proprietors at such Special Meetings, (in like manner as at Annual Meetings,) in case of the death, absence, resignation or removal, (and at any General Meeting of the Proprietors, Annual or Special, any Director may be removed) of any person elected a Director to manage the affairs of the said Company in manner aforesaid, to appoint another or others in the room or stead of those of the Directors who may die, resign, or be removed as aforesaid, any thing in this Act to the contrary notwithstanding ; but if such appointment be not made, such death, absence, or resignation shall not invalidate the acts of the remaining Directors.

Two Direc-
tors shall an-
nually retire
by lot, but may
be re-elected.
Proviso.

XXXI. And be it enacted, That at each of the said Annual Meetings of Proprietors, two of the said Directors shall retire in rotation, the order of retirement of the said first elected Directors being decided by lot, but the Directors then or at any subsequent time retiring shall be eligible for re-election : Provided always, that no such retirement shall have effect, unless the Proprietors shall at any such Annual Meeting proceed to fill up the vacancies thus occurring in the Direction.

Directors to
elect a Presi-
dent ;

XXXII. And be it enacted, That the Directors shall, at their first (or at some other) Meeting after the day appointed for the Annual General Meeting in each year, elect one of their members to be the Chairman of the said Company, who shall always (when present) be the Chairman of, and preside at all Meetings of the Directors, and shall

shall hold his office until he shall cease to be a Director, or until another Chairman shall be elected in his stead; and the said Directors may, in like manner, elect a Deputy Chairman, who shall act as Chairman in the absence of the President.

And Vice-President.

XXXIII. And be it enacted, That any Meeting of the said Directors, at which not less than five Directors shall be present, shall be competent to use and exercise all and any of the powers hereby vested in the said Directors of the said Company: Provided always, that no one Director, though he may be a Proprietor of many shares, shall have more than one vote at any meeting of the Directors, except the Chairman or Deputy Chairman, when acting as Chairman, or any temporary Chairman, who, in case of the absence of the President and Vice-President, may be chosen by the Directors present, either of whom when presiding at a meeting of the Directors shall, in case of a division of equal numbers, have the casting vote, although he may have given one vote before: And provided also, that such Directors shall from time to time be subject to the examination and control of the said Annual and Special Meetings of the said Proprietors as aforesaid, and shall pay due obedience to all By-Laws of the Company and to such orders and directions, in and about the premises, as they shall from time to time receive from the said Proprietors at such Annual or Special Meetings; such orders and directions not being contrary to any express directions or provisions in this Act contained: And provided also, that the act of any majority of a *Quorum* of the Directors present at any meeting regularly held shall be deemed the act of the Directors.

Five Directors to be a *Quorum* for business.
Proviso.

Casting vote of Chairman.

Proviso: Directors subjected to the control of Meetings.

Proviso: Acts of a majority to be valid.

XXXIV. Provided always, and be it enacted, That no person holding any office, place or employment, or being concerned or interested in any contract or contracts under the said Company, shall be capable of being chosen a Director or of holding the office of Director.

No officer or contractor to be a Director.

XXXV. And be it enacted, That every such Annual Meeting shall have power to appoint not exceeding three Auditors to audit all accounts of money laid out and disbursed on account of the said undertaking, by the Directors and Managers and other Officer and Officers to be by the said Directors appointed, or by any other person or persons whatsoever, employed by, or concerned for or under them, in and about the said undertaking; and to that end, the said Auditors shall have power to adjourn themselves over from time to time, and from place to place, as shall be thought convenient by them: And the said Directors chosen under the authority of this Act, shall have power from time to time to make such call or calls of money from the Proprietors of the said Rail-way and other works, to defray the expense of, or to carry on the same, as they from time to time shall find wanting and necessary for those purposes: Provided, however, that no call do exceed the sum of two pounds ten shillings, current money of this Province, for every share of twenty pounds sterling, or twenty-five pounds currency: And provided also, that no calls be made but at the distance of at least three calendar months from each other: And such Directors shall have full power and authority to direct and manage all and every the affairs of the said Company as well in contracting for and purchasing lands, rights, and materials for the use of the said Company, as in employing, ordering and directing the work and workmen, and in placing and removing under-officers, clerks, servants, and agents, and in making all contracts and bargains touching the said undertaking; and to affix or authorize the Secretary or his Deputy to affix the Common Seal of the Company to any Act, Deed, By-Laws, Notice or other Document whatsoever; and any such

Annual Meeting may appoint three Auditors to audit all accounts.

Power of the Directors to make calls.

Proviso.

Calls how to made.

Other powers of the Directors.

such Act, Deed, By-Laws, Notice or other Document bearing the Common Seal of the Company, and signed by the President, Vice-President, or any Director, or by order of the Directors, shall be deemed the act of the Directors and of the Company, nor shall the authority of the signer of any Document purporting to be so signed and sealed, to sign the same and affix the said Seal thereto, be liable to be called in question by any party except the Company: and the Directors shall have such other and further powers as, being vested in the Company by this Act, shall be conferred upon the said Directors by the By-Laws of the Company.

Further powers may be conferred by By-law.

Shareholders bound to pay calls.

Penalty for neglect.

Forfeiture for not paying calls.

XXXVI. And be it enacted, That the owner or owners of one or more shares in the said undertaking shall pay his, her or their shares and proportion of the money to be called for as aforesaid, to such Bankers, and at such time and place as the said Directors shall appoint and direct, of which three months' notice at least shall be given in two newspapers as aforesaid, or in such other manner as the said Proprietors or their successors shall by any By-Law direct or appoint; and if any person or persons shall neglect or refuse to pay his, her or their rateable or proportionable part or share of the said money, to be called for as aforesaid, at the time and place so appointed, he, she or they, neglecting or refusing shall forfeit a sum not exceeding the rate of five pounds for every one hundred pounds of his, her or their respective share or shares in the said undertaking: and in case such person or persons shall neglect to pay his, her or their rateable calls as aforesaid, for the space of six calendar months after the time appointed for the payment thereof as aforesaid, then he, she or they shall forfeit his, her and their respective share and shares in the said undertaking, and all the profit and benefit thereof; all which forfeitures shall go to the rest of the Proprietors of the said undertaking, their successors and assigns, for the benefit of the said Proprietors, in proportion to their respective interests; and in every case such calls shall be payable with interest from the time the same shall be so appointed to be paid until the payment thereof.

Forfeitures to be declared at some General Meeting.

XXXVII. Provided always, and be it enacted, That no advantage shall be taken of the forfeiture of any share or shares of the said undertaking, unless the same shall be declared to be forfeited at some Annual or Special Meeting of the said Company, assembled after such forfeiture shall be incurred; and every such forfeiture shall be an indemnification to and for every Proprietor so forfeiting against all action and actions, suits or prosecutions whatever, to be commenced or prosecuted for any breach of contract or other agreement between such Proprietor and the other Proprietors with regard to carrying on the said Rail-way or undertaking.

Company may remove any Director, and may elect others in case of death, removal, &c.

And so of Officers.

May make By-laws, &c.

XXXVIII. And be it enacted, That the said Company shall always have power and authority at any General Meeting assembled as aforesaid, to remove any person or persons chosen upon such Board of Directors as aforesaid, and to elect others to be Directors in the room of those who shall die, resign or be removed, and subject to the concurrence of the Directors in Great Britain, to remove any other Officer or Officers under them, and to revoke, alter, amend or change any of the By-laws or Orders prescribed with regard to their proceedings amongst themselves (the method of calling General Meetings, and their time and place of assembling, and manner of voting, and of appointing Directors, only, excepted,) and shall have power to make such new Rules, By-laws and Orders, for the good government of the said Company and their servants, agents and workmen, for the good and orderly making, maintaining

maintaining and using the said Rail-way and all other works connected therewith, or belonging thereto, or hereby authorized, and for the well governing of all persons whatsoever travelling upon or using the said Rail-way and other works, or transporting any goods, wares, merchandize or other commodities thereon; and by such By-Laws to impose and inflict such fines or forfeitures upon the persons guilty of a breach of such By-laws or Orders, as to such General Meeting shall seem meet, not exceeding the sum of ten pounds, current money of this Province, for every offence; such fines or forfeitures to be levied and recovered by such ways and means as are hereinafter mentioned; which said By-laws and Orders being put into writing under the common seal of the said Company, shall be kept in the office of the Company, and a printed or written copy of so much of them as may relate to or affect any party other than members or servants of the Company, shall be affixed openly in the Office of the said Company and in all and every of the places where Tolls are to be gathered, and in like manner as often as any change or alteration shall be made to the same; and the said By-laws and Orders so made and published as aforesaid, shall be binding upon and observed by all parties, and shall be sufficient in any Court of Law or Equity to justify all persons who shall act under the same, and any copy of the said By-Laws, or any of them certified as correct by the President or some person authorized by the Directors to give such certificate, and bearing the Common Seal of the Company, shall be deemed authentic, and shall be received as evidence of such By-laws in any Court without further proof.

Penalties under By-laws limited.

By-laws to be in writing, and published.

Certified copies to be evidence.

XXXIX. And be it enacted, That it shall and may be lawful to and for the several Proprietors of the said Rail-way or undertaking to sell or dispose of his, her or their share or shares therein, subject to the rules and conditions herein mentioned; and every purchaser shall have a duplicate of the deed of bargain and sale and conveyance made unto him or her, and one part of such deed, duly executed by seller and purchaser, shall be delivered to the said Directors or their Clerk for the time being, to be filed and kept for the use of the said Company, and an entry thereof shall be made in a book or books to be kept by the said Clerk for that purpose, for which no more than one shilling and three pence, shall be paid, and the said Clerk is hereby required to make such entry accordingly; and until such duplicate of such deed shall be so delivered to the said Directors or their Clerk, and filed and entered as above directed, such purchaser or purchasers shall have no part or share of the profits of the said undertaking, nor any interest for the said share or shares, paid unto him, her or them, nor any vote as a Proprietor or Proprietors.

Proprietors of the said Rail-way may dispose of their shares, and how.

Transfer to be notified to the Company.

1s. 3d.

XL. And be it enacted, That the sale of the said shares shall be in the form following, varying the names and descriptions of the contracting parties, as the case may require :

Form of the transfer of Shares.

“ I, A. B. in consideration of the sum of _____ paid
 “ to me by C. D. of _____ do hereby bargain, sell and transfer to the
 “ said C. D. _____ share (or shares) of the Stock of the *Canada, Nova*
 “ *Scotia and New Brunswick Rail-way Company*, to hold to him the said C. D.,
 “ his heirs, executors, curators, administrators and assigns, subject to the same rules
 “ and orders, and on the same conditions that I held the same immediately before the
 “ execution hereof. And I, the said C. D., do hereby agree to accept of the said
 “ share (or shares) subject to the same rules, orders
 “ and _____

The form.

“ and conditions. Witness our hands and seals, this _____ day of _____
“ _____ in the year _____ .”

Provide. Provided always, that no such transfer of any share shall be valid until all calls or instalments then due thereon shall have been paid up.

Directors may appoint a Treasurer and Clerks, &c. Duty of the Clerk. XLI. And be it enacted, That it shall and may be lawful to and for the said Directors, and they are hereby authorized to nominate and appoint the Bankers, Secretary, Solicitor and Clerks to the said Company, taking such security for the due execution of their respective offices as the said Directors shall think proper; and in proper books shall be kept a true and perfect account of the names and places of abode of the several Proprietors of the said Rail-way and other works, and of the several persons who shall from time to time become owners and Proprietors of, or entitled to any share or shares therein, and of all the other acts, proceedings and transactions of the said Company and of the Directors for the time being, by virtue of and under the authority of this Act.

Company of Proprietors may establish Tolls for all goods, &c., passing on the Rail-way. How Tolls may be recovered if not duly paid. Seizure of goods, &c. Tolls may be lowered and again raised. Provide against monopoly. XLII. And be it enacted, That it shall and may be lawful to and for the said Company from time to time, and at all times hereafter, to ask, demand take and recover, to and for their own proper use and behoof, for all goods, wares, merchandize and commodities, of whatever description, transported upon the said Rail-way, such Tolls as they, with the approbation of the Governor in Council, may deem expedient; which said Tolls shall be from time to time fixed and regulated by By-laws of the Company, or by the Directors if thereunto authorized by the said By-laws, and shall be paid to such person or persons, and at such place or places near to the said Rail-way, in such manner and under such regulations as the said Company or the said Directors shall direct and appoint; and in case of denial or neglect of payment of any such rates or dues, or any part thereof, on demand, to the person or persons appointed to receive the same as aforesaid, the said Company may sue for and recover the same in any Court having competent jurisdiction, or the person or persons to whom the said rates or dues ought to be paid, may and he is, and they are hereby empowered to seize and detain such goods, wares, merchandize or other commodities, for or in respect whereof such rates or dues ought to be paid, and detain the same until payment thereof; and in the meantime the said goods, wares, merchandize or other commodities shall be at the risk of the owner or owners thereof; and the said Company or the said Directors shall have full power, from time to time, at any General Meeting, with the like approbation aforesaid, to lower or reduce all or any of the said Tolls, and again to raise the same, as often as it shall be deemed necessary for the interests of the said undertaking: Provided always, that the same Tolls shall be payable at the same time and under the same circumstances upon all goods and upon all persons, so that no undue advantage, privilege or monopoly may be afforded to any person or class of persons by any By-law relating to the said Tolls.

Account of profits to be annually made up at certain periods. XLIII. And in order to ascertain the amount of the clear profits of the said undertaking—Be it enacted, That the said Company, or the Directors for managing the affairs of the said Company, shall and they are hereby required to cause a true, exact and particular account to be kept and semi-annually made up and balanced to the first day of January and the first day of July in each year, of the money collected and received by the said Company, or by the Directors or Managers and Clerks of the said

said Company, or otherwise, for the use of the said Company, by virtue of this Act, and of the charges and expenses attending the erecting, making, supporting, maintaining and carrying on their works, and of all other receipts and expenditure of the said Company or the said Directors; and at the General Meetings of the Proprietors of the said undertaking, to be from time to time holden as aforesaid, a dividend shall be made out of the clear profits of the said undertaking, unless such Meetings shall declare otherwise; and such dividend shall be at and after the rate of so much per share upon the several shares held by the Proprietors, in the joint stock of the said Company, as such meeting or meetings shall think fit to appoint or determine: Provided always, that no dividend shall be made whereby the capital of the said Company shall be in any degree reduced or impaired, nor shall any dividend be paid in respect of any share, after a day appointed for payment of any call for money in respect thereof, until such call shall have been paid.

Dividends to be made from time to time at General Meetings.

Proviso. Capital not to be impaired.

XLIV. Provided always, and be it enacted, That in all cases where there shall be a fraction in the distance which goods, wares, merchandize or other commodities or passengers shall be conveyed or transported on the said Rail-way, such fraction shall, in ascertaining the said rates, be deemed and considered as a whole mile, and that in all cases where there shall be the fraction of a ton in the weight of any such goods, wares, merchandize or other commodities, a proportion of the said rates shall be demanded and taken by the said Company, to the number of quarters of a ton contained therein; and in all cases where there shall be a fraction of a quarter of a ton, such fraction shall be deemed and considered as a whole quarter of a ton.

Fractions in distance or weight of goods how ascertained, and regulated.

XLV. Provided always, and be it enacted, That it shall and may be lawful to and for the Directors of the said Company, with the like approbation aforesaid, from time to time, to make such regulations for ascertaining and fixing the price or sum or sums of money to be charged or taken for the carriage of any parcel not exceeding one hundred and twenty pounds weight as aforesaid, upon the said Rail-road, or any part thereof, as to them shall seem fit and reasonable; and that the said Company shall from time to time print and stick up, or cause to be printed and stuck up in their office, and in all and every of the places where the Tolls are to be collected, in some conspicuous place there, a printed board or paper ascertaining all the Tolls payable under this Act, and particularising the price or sum or sums of money to be charged or taken for the carriage of such parcels not exceeding one hundred and twenty pounds weight as aforesaid.

Directors may make By-laws for fixing the price for the carriage of parcels.

Tables of Toll: to be publicly affixed.

XLVI. Provided always, and be it enacted, That the said Company shall at all times when thereunto required by Her Majesty's Deputy Post Master General, the Commander of the Forces, or any person having the superintendence or command of any Police Force, carry Her Majesty's Mail, Her Majesty's Naval or Military Forces or Militia, and all artillery, ammunition, provisions or other stores for their use, and all Policemen, Constables, and others, travelling on Her Majesty's Service, on their said Rail-way, on such terms and conditions and under such regulations as the said Company and the said Deputy Post Master General, the Commander of the Forces, or person in command of any Police Force, respectively, shall agree upon, or if they cannot agree, then on such terms and conditions and under such regulations as the Governor or Person administering the Government shall in Council make; Provided that by such regulations the Company shall not be required to start any train at any other time than their ordinary time of starting the same, but that they may be required to provide

Provision as to the carriage of H. M.'s Mail, Soldiers, Police Force, &c.

Proviso as to starting of Trains, &c.

Proviso: The Legislature may make further provision.

provide a separate carriage for the Mail and the person or persons in charge thereof: And provided also, that any further enactments which the Legislature of this Province may hereafter deem it expedient to make, with regard to the carriage of the said Mail or Her Majesty's Forces and other persons and articles as aforesaid, or the rates to be paid for carrying the same, or in any way respecting the use of any Electric Telegraph, or other service to be rendered by the Company to the Government, shall not be deemed an infringement of the privileges intended to be conferred by this Act.

Company to divide their lands taken from those adjoining, if required.

XLVII. And be it enacted, That the said Company shall, within six calendar months after any lands shall be taken for the use of the said Rail-way or undertaking, and if thereunto required by the proprietors of the adjoining lands respectively, but not otherwise, divide and separate, and keep constantly divided and separated, the lands so taken from the lands or grounds adjoining thereto, with a sufficient post and rail, hedge, ditch, bank, or other fence sufficient to keep off hogs, sheep and cattle, to be set and made on the lands or grounds which shall be purchased by, conveyed to or vested in the said Company as aforesaid, and shall at their own costs and charges, from time to time, maintain, support and keep in sufficient repair the said posts, rails, hedges, ditches, trenches, banks, and other fences so set up and made as aforesaid.

Rail-way to be measured and miles marked.

XLVIII. And be it enacted, That as soon as conveniently may be after the said Rail-way shall be completed, the said Company shall cause the same to be measured, and stones or posts, with proper inscriptions on the sides thereof denoting the distance, to be erected and maintained, at the distance of every mile from each other.

Treasurer, Receiver and Collector to give security.

XLIX. And be it enacted, That the said Company shall and are hereby required and directed to take sufficient security, by one or more bond or bonds, in a sufficient penalty or penalties, from their Managers and Collectors for the time being of the monies to be raised by virtue of this Act, for the faithful execution by such Managers and Collectors of his and their office and offices respectively.

Company may by action compel the persons subscribing to pay the amount of their shares.

L. And be it enacted, That the several persons who shall subscribe to advance any money for and towards making and maintaining the said Rail-way and other works connected therewith or hereby authorized, and those who shall accept of any transfer of any share or shares in the Stock of the said Company, and their several heirs, executors, administrators, curators, and assigns, or others legally representing them, and being in lawful possession of such share or shares, (all of whom shall be deemed proprietors of such share or shares for the purposes of this Section,) shall and they are hereby required to pay the sum or sums of money by them respectively subscribed, or such parts or portions thereof as shall from time to time be called for by the said Company, under and by virtue of the powers and directions of this Act, to such person or persons, and at such times and places as shall be directed by the said Company or the said Directors, in manner before mentioned; and in case any person or persons shall neglect or refuse to pay the same at the time and in the manner required for that purpose, it shall be lawful for the said Company to sue for and recover the same with interest and costs in any Court of Law having competent jurisdiction; and in any such action it shall be sufficient to allege that the defendant is the proprietor of a share (or of any number of shares, stating such number) in the stock of the said Company; that certain sums of money were duly called for upon such share or shares by the said Company, under the authority of and in the manner provided by this Act, and

What shall be alleged and proved to sustain such action.

were

were due and payable at a certain time or times, whereby an action hath accrued to the said Company to recover such sum or sums with interest and costs; and the production of the newspapers containing such calls shall be evidence that the same were made as therein stated; and neither in such action, nor in any other action, suit or legal proceeding by the Company, shall the election of the Directors, or the authority of them, or of the Solicitor acting in the name of the Company, be called in question except by the Company, nor shall it in any such case be necessary to name the Directors, or any of them.

LI. And be it enacted, That all fines and forfeitures imposed by this Act, or which shall be lawfully imposed by any By-law to be made in pursuance thereof, (of which By-law, when produced, all Justices are hereby required to take notice,) the levying and recovering of which fines and forfeitures are not particularly herein directed, shall, upon proof of the offence before any one or more Justice or Justices of the Peace for the District, either by the confession of the party or parties, or by the oath or affirmation of any one credible witness (which oath or affirmation such Justice or Justices are hereby empowered and required to administer without fee or reward,) be levied by distress and sale of the offender's goods and chattels, by Warrant under the hand and seal or hands and seals of such Justice or Justices; and all such fines, forfeitures or penalties by this Act imposed or authorized to be imposed, the application whereof is not hereinbefore particularly directed, shall be paid into the hands of the Treasurer or Receiver of the monies to be raised by virtue of this Act, and shall be applied and disposed of for the use of the said Rail-road or undertaking, and the overplus of the money raised by such distress and sale, after deducting the penalty and the expenses of the levying and recovering thereof, shall be rendered to the owner of the goods so distrained and sold; and for want of sufficient goods and chattels whereof to levy the said penalty and expenses, the offender shall be sent to the Common Gaol for the District wherein he is convicted, there to remain without bail or mainprize for such term not exceeding one month as such Justice or Justices shall think proper, unless such penalty and forfeiture and all expenses attending the same shall be sooner paid and satisfied.

Forfeitures under this Act how recovered and applied, when not otherwise provided for.

Levy by distress and sale of goods and chattels.

Imprisonment for want of sufficient chattels.

LII. And be it enacted, That if any person or persons shall think himself, herself or themselves aggrieved by any thing done by any Justice or Justices of the Peace in pursuance of this Act, every such person or persons may, within four calendar months after the doing thereof, appeal to the Justices of the Peace at the General Quarter or General Sessions to be holden in and for the District.

Appeal to the General Sessions.

LIII. And be it enacted, That if any action or suit shall be brought or commenced against any person or persons for any thing done or to be done in pursuance of this Act, or in the execution of the powers and authorities, or of the orders and directions hereinbefore given or granted, every such action or suit shall be brought or commenced within six calendar months next after the fact committed; or in case there shall be a continuation of damage, then within six calendar months next after the doing or committing such damage shall cease, and not afterwards.

Limitation of actions for things done in pursuance of this Act.

LIV. And be it enacted, That any contravention of this Act by the said Company or by any other party, for which no punishment or penalty is herein provided, shall be

Any contravention of this Act not other-

wise punishable, to be a misdemeanor.

a misdemeanor, and shall be punishable accordingly; but such punishment shall not exempt the said Company (if they be the offending party) from the forfeiture of this Act and the privileges hereby conferred on them, if by the provisions thereof or by law the same be forfeited by such contravention.

Her Majesty may assume the Rail-way on certain conditions.

LV. And be it enacted, That Her Majesty, Her Heirs and Successors may at any time after twenty-one years from the complete construction of the said Rail-way assume the possession and property thereof, and of all the property which the said Company is hereby empowered to hold and shall then have, and of all the rights, privileges and advantages vested by this Act in the said Company, (all which shall after such assumption be vested in Her Majesty, Her Heirs and Successors,) on giving to the said Company three years' notice of the intention to assume the same, and on paying to the said Company, within three months of the expiration of such notice, the whole current amount of their Capital Stock according to its value at that time, and twenty per cent. additional thereon.

Map and book of reference to be deposited, and the Rail-way completed within certain periods, or this Act to be void.

LVI. And be it enacted, That the said Company, to entitle themselves to the benefits and advantages to them granted by this Act, shall and they are hereby required to make and deposit the map or plan and book of reference mentioned in the fifth Section of this Act within twelve months after the passing thereof, and to make and complete the said Rail-way from Melbourne aforesaid to the Province Line in the first section mentioned in manner aforesaid, as soon as possible from the passing of this Act; and if the said map or plan and book of reference be not so made and deposited within the said twelve months, or if the said Rail-way shall not be so made and completed within the period of twelve years so as to be used by the public as aforesaid, then and in either case this Act and every matter and thing therein contained, shall cease and be utterly null and void.

Company annually to submit detailed accounts to the Legislature.

LVII. And be it enacted, That the said Company shall annually submit to the three Branches of the Legislature, within the first fifteen days after the opening of each Session of the Provincial Parliament, after the opening of the said Rail-way or any part thereof to the public, a detailed and particular account, attested upon oath, of the monies by them received and expended under and by virtue of this Act, with a classified statement of the amount of tonnage and of passengers that have been conveyed along the said Rail-way; And no further provisions which the Legislature may hereafter make with regard to the form or details of such account, or the mode of attesting or rendering the same, shall be deemed an infringement of the privileges hereby granted to the Company.

Further provision may be made touching such accounts.

Saving of Her Majesty's rights, &c.

LVIII. 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.

What must be done before commencing operations.

LIX. And be it enacted, That the said Company shall not proceed to lay down or commence the construction of the said Rail-road until shares to the amount of five hundred thousand pounds shall have been taken in the Capital Stock of the said Company, and ten per cent. thereon shall have been paid into the hands of the Treasurer of the said Company, nor until the said election of Directors hereinbefore in that behalf provided shall have been held.

LX. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and as such shall be judicially taken notice of by all Judges, Justices of the Peace and others, without being specially pleaded. Public Act.

LXI. And be it enacted, That nothing herein contained shall be construed to except the Rail-road by this Act authorized to be made, from the provisions of any general Act relating to Rail-roads, which may be passed during the present or any future Session of Parliament. Company not exempted from any general Rail-way law.

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Law Printer to the Queen's Most Excellent Majesty.





ANNO DECIMO ET UNDECIMO
VICTORIÆ REGINÆ.

CAP. CXXIII.

An Act for incorporating *The Toronto and Goderich Railway Company.*

Reserved for the signification of Her Majesty's pleasure, 28th July, 1847.

The Royal Assent given by Her Majesty in Council on the 15th April, 1848; and Proclamation made thereof by His Excellency JAMES, EARL OF ELGIN AND KINCARDINE, in the Canada Gazette of the 24th June, 1848.

WHEREAS the Honorable Henry John Boulton, the Honorable Adam Fergusson, John Cameron, Alexander M. Clark, William Clarke, Adam Johnston Fergusson, Thomas Galt, John Galt, William Charles Gwynne, John Wellington Gwynne, George Herrick, Samuel Peters Jarvis, John Macdonell, Joseph C. Morrison, Alexander D. Fordyce, and others, have associated themselves together as a Joint Stock Company, for the purpose of constructing a Rail-way from the City of Toronto, passing through the town of Guelph and the waste lands of the Crown lying to the north of a tract of land commonly known as the Huron Tract, to the Port of Goderich on Lake Huron; And whereas the said Joint Stock Company has caused a survey of the said route to be made; And whereas the said Honorable Henry John Boulton and others have presented their petition, praying to be incorporated under the name and style of *The Toronto and Goderich Rail-way Company*; And whereas George J. Grange, and one hundred and ninety-nine others, inhabitants and freeholders of the District of Wellington, through which District it is proposed that the said Rail-road shall pass, have also presented a petition, praying that the prayer of the petition of the said Honorable Henry John Boulton and others shall be granted; And whereas Arthur Ackland, and sixty-eight others, inhabitants and freeholders of the District of Huron, through which District it is also proposed that the said Rail-way shall pass, have likewise presented a petition, and have thereby prayed that the prayer of the said petition of the said Honorable Henry John Boulton and others shall be granted; And whereas the construction of the said Rail-way would in a very important manner tend to advance the interests and to promote the settlement of the several Districts through which the said Rail-road is proposed to be constructed, and would be attended with results highly beneficial to the Province; And whereas it is therefore expedient that the prayer of the said petition of the said Honorable Henry John Boulton and others should be granted; And whereas it is highly expedient to encourage the investment of British Capital in undertakings of this nature, and for that purpose to give facilities to persons residing in Great Britain and Ireland to become Shareholders in such undertakings; Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, 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

Preamble.

Certain persons incorporated, for the purposes of this Act.

of the same, That the Honorable Henry John Boulton, the Honorable Adam Fergusson, John Cameron, Alexander M. Clark, William Clarke, Adam Johnston Fergusson, Thomas Galt, John Galt, William Charles Gwynne, John Wellington Gwynne, George Herrick, Samuel Peters Jarvis, William Botsford Jarvis, John Macdonell, Joseph C. Morrison, and Alexander D. Fordyce, together with such other persons or person, Corporations or Corporation, as shall, under the provisions of this Act become subscribers to, and proprietors of any share or shares in the Rail-way hereby authorized to be constructed, and their several and respective successors, executors, administrators and assigns shall be, and they are hereby declared to be united into a Company for making and maintaining the said Rail-way and other works by this Act authorized to be constructed, and for the other purposes herein declared, according to the provisions and restrictions hereinafter mentioned, and for that purpose shall be one body corporate by the name and style of *The Toronto and Goderich Rail-way Company*, and by that name shall have perpetual succession, and shall have a common seal, and by that name shall and may sue and be sued, and also shall have power and authority, from time to time, to purchase, have, hold, take and receive by gift, grant, devise, bargain and sale, or otherwise, and also by deed of bargain and sale, or otherwise, to sell lands, tenements and hereditaments for the purposes of the said Rail-way and all other the purposes herein contained, without incurring any penalties or forfeitures whatever, and the said Company, their successors and assigns, shall be, and are hereby authorized and empowered from and after the passing of this Act, by themselves, their deputies, agents, officers, workmen and servants, to make and complete a Rail-way, to be called *The Toronto and Goderich Rail-way*, from the waters of Lake Ontario, within the City of Toronto, passing through or immediately contiguous to the town of Guelph, and from thence through the waste lands of the Crown lying to the north of the said Huron Tract, to the waters of Lake Huron, within the limits of the town of Goderich, in such a course as shall appear to the said Company to be most expedient.

Name of Company, and corporate powers.

Course of the Rail-way.

Governor in Council to fix the Gauge of the Rail-way.

II. Provided always, and be it enacted, That the Governor in Council shall determine the gauge which shall be used in the said Rail-way, and such determination shall be declared by proclamation in the Official Gazette, and shall thereupon be binding on the said Company.

Company empowered to enter upon lands of Her Majesty, and others, for the purposes of survey, &c.

Getting and laying materials.

Constructing works of divers kinds.

III. And be it enacted, That it shall and may be lawful for the said Company, their agents and workmen, and all other persons by them authorized, and they are hereby empowered to enter into and upon the lands of the Queen's Most Excellent Majesty, and of any persons or person, bodies or body politic, corporations, aggregate or sole whatever, and to survey and take levels of the same or of any part thereof, and to set out and appropriate for the purposes of this Act, such parts thereof as they are by this Act empowered to take or use, and in and upon such lands or any lands adjoining thereto, to bore, dig, cut, embank and to remove or lay, and also to use, work and manufacture any earth, stone, rubbish, trees, gravel or sand or any other matter or things which may be dug or obtained thereon or otherwise, in the execution of any of the powers of this Act, and which may be proper or necessary for making, maintaining, altering, repairing or using the said Rail-way and other works by this Act authorized, or which may obstruct the making, maintaining, altering, repairing, or using the same respectively, according to the true intent and meaning of this Act, and also for the purposes and according to the provisions and restrictions of this Act, to make or construct such inclined planes, tunnels, embankments, aqueducts, bridges, roads, ways, passages,

passages, conduits, drains, piers, arches, cuttings and fences, as the said Company shall think proper, and to make drains or conduits into, through or under any lands adjoining the said Rail-way, for the purpose of conveying water from or to the said Rail-road; and also in or upon the said Rail-way or any lands adjoining or near thereto, to erect and make such toll and other houses, warehouses, yards, stations, engines and other works and conveniences connected with the said Rail-road, as the said Company shall think proper, and also from time to time to alter, repair, or discontinue the before mentioned works, or any of them, and to substitute others in their stead, and generally to do and execute all other matters and things necessary or convenient for constructing, maintaining, altering or repairing and using the said Rail-way or other works by this Act authorized, they, the said Company, their agents and workmen doing as little damage as may be in the execution of the several powers to them hereby granted, and the said Company making full satisfaction in manner hereinafter mentioned to all persons and corporations interested in any lands which shall be taken, used, or injured, and for all damages to be by them sustained in or by the execution of all or any of the powers hereby granted, and this Act shall be sufficient to indemnify the said Company and all other persons for what they or any of them shall do by virtue of the powers hereby granted, subject however to such restrictions and provisions as are hereinafter mentioned and contained.

Satisfaction to be made.

IV. And be it enacted, That the lands to be taken for the line of the said Rail-way shall not exceed thirty-three yards in breadth, except in those places upon the line of such Rail-way where a greater breadth shall be judged necessary for carriages to wait, load or unload, or to turn or pass each other, or for raising embankments for crossing valleys or low grounds, or for cuttings, or for the erection or establishment of any fixed or permanent machinery, toll-house, warehouse, wharf or other erections and buildings, or for the protection of the said Rail-road from the falling of timber growing upon or along the line of the said Rail-way, and not in any place exceeding two hundred yards in breadth, except at the terminus of the said Rail-way, and at each of such termini not exceeding three hundred yards square, unless with the previous consent in writing of the owners or occupiers of any land which the said Company shall be desirous of appropriating to the obtaining of greater space: Provided always, that nothing in this Act contained shall prevent the said Company from purchasing, having, holding, using and enjoying of any estate or interest; but they are hereby authorized from time to time, to purchase, have, hold, take, receive, use and enjoy without the line of the said Rail-way, either at the termini or at any of the stations of the said Rail-way, or along the line of the said Rail-road, any lands, tenements and hereditaments which it shall please Her Majesty, Her Heirs and Successors to give, grant, sell and convey, or which any person or persons, body or bodies politic, corporations, aggregate or sole, shall give, grant, sell or convey unto and to the use of, or in trust for the said Company, their successors and assigns; so as the aggregate quantity of such lands so held shall not exceed five hundred thousand acres, and it shall and may be lawful for the said Company from time to time, by deed of bargain and sale, or otherwise, to grant, bargain, sell and convey any of such lands: Provided always, that it shall not be lawful for the said Company to retain in their possession, use and enjoyment, or to purchase, have, hold, take, receive, use or enjoy any such lands without the line of the said Rail-way otherwise than for the better and more effectually repairing, maintaining and using the said Rail-way and other works hereby authorized, after the expiration of ten years from and after the completion of the said Rail-road: And provided also, that nothing in this

Lands taken for the Rail-way not to exceed a certain breadth except in certain cases.

Proviso: Company may by consent of parties purchase and hold other real property.

Extent limited.

Proviso: time of holding the same limited.

Act

Proviso: Com-
pany may ap-
portion such
lands among
the sharehold-
ers.

Act contained shall prevent the said Company, under the seal of the said Company, from granting, conveying and assuring, but they are hereby authorized to grant, convey and assure any of such lands, without the line of the said Rail-way and not necessary to be used therewith, or with the other works hereby authorized unto and to the use of the several and respective members of the said Company, in proportion to the shares respectively held by them, in such manner as shall be regulated at a general meeting of the said Company, convened for the purpose of apportioning such lands, of the time and place of holding which meeting, at least three months' notice shall be published in one or more of the newspapers published in the several Districts through which the said Rail-way shall pass, and shall also be transmitted by post, by the Secretary of the said Company, to the direction of the several and respective members of, and proprietors of shares in the said Company, at least four months before the day appointed for holding any such meeting.

Company to
cause survey
of lands to be
made, and
a plan and
book of refer-
ence, which
shall be depo-
sited for public
inspection.

V. And be it enacted, That for the purposes of this Act, the said Company shall and may by some sworn Land Surveyor in the Province, and by an Engineer by them to be appointed, cause to be taken and made surveys and levels of the said lands through which the said intended Rail-way is to be carried, together with a map or plan of such intended Rail-road, and the course and direction thereof, and of the said lands through which the same is to pass, and also a book of reference of the said Rail-way, in which shall be set forth a description of the said several lands, and the names of the owners, occupiers and proprietors thereof, so far as the same can be ascertained, and in which shall be contained every thing that is necessary for the right understanding of such map or plan, copies of which said map or plan and book of reference shall, on the completion of such survey, map and book of reference, be deposited by the said Company, in the offices of the respective Clerks of the Peace for the several Districts through which the said Rail-way or any part thereof shall pass, and also in the office of the Secretary of the Province; and all persons shall have liberty to resort to such copies so to be deposited as aforesaid, and to make extracts from or copies thereof as occasion shall require, paying to the said Secretary of this Province, or to the said respective Clerks of the Peace at the rate of six pence, current money of this Province, for every hundred words, and the said copies of the said map or plan and book of reference so deposited, or a true copy or copies thereof, certified by the Secretary of the Province, or by one of the said Clerks of the Peace for the said respective Districts, shall severally be and they are hereby declared to be good evidence in the Courts of Law and elsewhere.

Copies of the
same may be
obtained, and
be evidence.

Company may
construct tun-
nels, &c.

VI. And be it enacted, That in case it shall be found necessary to form shafts, pits, eyes or openings to or from any tunnel to be made for the purposes of this Act, it shall be lawful for the said Company to sink and construct such shafts, pits, eyes or openings in such places as the said Company shall think necessary.

Provisions in
case the road
shall cross a
highway, &c.

VII. And be it enacted, That when the said Rail-way shall be carried over or across any highway, otherwise than on a level, the same shall be carried over or across such highway at the expense of the said Company by means of a bridge, and the space of the arch of any such bridge shall be formed and shall at all times be kept and continued by the said Company of such breadth as to leave a clear and open space under every such arch of not less than fifteen feet, and of a height, from the surface of such public highway to the centre of such arch, of not less than sixteen feet, and the descent under any such bridge shall not exceed one foot in thirteen, and that in all places where it shall

shall be necessary to erect, build or make any bridge or bridges for carrying any public highway or carriage road over the said Rail-way, the ascent of every such bridge for the purpose of every such road, shall not be more than a foot in thirteen feet, and a good and sufficient fence shall be made at the expense of the said Company, on each side of every such bridge, not less than four feet above the surface of such bridge, and that in all places where the said Rail-way shall cross any public highway on a level, the ledge or flange of the said Rail-way for the purpose of guiding the wheels of the carriages, shall not rise above nor sink below the level of such road more than one inch; and that in all such places the said Company shall erect and at all times maintain a good and sufficient gate on each side of such Rail-road where the said public highway shall communicate therewith, which gates shall be constantly kept shut, except at such times as they shall be required to be opened for the use of any person or persons using such public highway, and desiring to cross the said Rail-way, and every person so using the said public highway and requiring the said gates to be opened for the purpose aforesaid, shall and is hereby required to cause the said gates and each of them to be shut so soon as he shall have used the same respectively for the purpose aforesaid, under the penalty of one pound five shillings currency in default thereof for every such offence, to be recovered in like manner as any other penalty under this Act may be recovered: Provided always, and be it enacted, that the said Company shall, at each and every place where the Rail-way shall cross any highway on a level, erect and keep up a sign-board stretching across the highway at such height as to leave sixteen feet from the highway to the lower edge of the sign-board, and having the words "RAIL-WAY CROSSING" painted on each side of such sign-board, in letters not less than six inches in length; and for each and every neglect to comply with the requirements of this section, the Company shall incur a penalty not exceeding twenty-five shillings currency.

Proviso: Precautions to be observed when the Rail-Road crosses a highway on a level.

VIII. And be it enacted, That after any lands or tenements shall be set out and ascertained in manner aforesaid for making and completing the said Rail-way and other works and other purposes and conveniences hereby authorized, it shall and may be lawful for all bodies politic, corporate or collegiate, corporations, aggregate or sole, executors or administrators, mortgagees, and all other trustees or persons whomsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether infants, issue unborn, lunatics, idiots, *femes-covert*, mortgagees, *cestuique trustent*, or other person or persons who are or shall be seized, possessed of or interested in any lands or tenements which shall be set out and ascertained as aforesaid, or any part thereof, to contract for and to sell and convey unto the said Company, their successors and assigns, all or any part of such lands or tenements which shall from time to time be set out and ascertained as aforesaid; and that all contracts, agreements, sales, conveyances and assurances so to be made, shall be valid and effectual in the law to all intents and purposes whatsoever, any law, statute, usage or custom to the contrary thereof in any wise notwithstanding; and all bodies politic, corporations, aggregate or sole, and all persons whomsoever so conveying as aforesaid, are hereby indemnified for what he, she or they or any of them shall respectively do by virtue of or in pursuance of this Act; and all such contracts, agreements, sales, conveyances and assurances shall and may be registered by the said Company in the Registry Offices of the respective Counties wherein such lands shall respectively be situated, upon a memorial thereof duly executed by any of the grantors named therein respectively, or by the Secretary of the said Company in the name of, and on behalf of, and under the seal of the said Company, in like manner as any other conveyances of land may by law be registered.

Company may contract with owners of lands, or those representing them.

Conveyances to be valid.

Must be registered within a certain time.

Company may agree with owners, &c. as to compensation.

In case of disagreement, or in case of proprietors of lands being *femes-covert*, &c. price of land may be deposited with Court of Chancery.

On payment or tender of compensation, lands, &c. to vest in the Company.

Proceedings to take place on such payments being made to Court of Chancery.

Arbitration of the amount of compensation.

IX. And be it enacted, That it shall and may be lawful for the said Company to apply to the several owners and occupiers of the lands and tenements and hereditaments through which the said Rail-way is intended to be carried, and to agree with such owners or occupiers respectively touching the compensation to be paid to them by the said Company for the purposes of the said Rail-way and other works, and for the respective damages of such owners and occupiers; and in case of disagreement between the said Company and the said owners or occupiers, or any of them, or in case of the said Company being unable to ascertain who is or are the owner or owners of any of such lands, or in case of the absence of any of such owners, or in case of any such owners or persons interested in such lands being *femes-covert*, infants, idiots, lunatics of unsound mind, or for any reason incapable of contracting with the said Company, or of conveying and assuring such lands to the said Company, or of releasing the said Company from all claims for such damage, then and in any of such cases it shall and may be lawful for the said Company to deposit such sum as they shall be willing to give for such lands and damages in the Court of Chancery, together with six months' interest thereon, in such manner as the said Court shall, upon the motion of the said Company, direct, for the benefit of all persons, bodies corporate, or communities interested in any of such lands, tenements or hereditaments, that shall or may be required by the said Company, and shall by the said Company be taken or affected or prejudiced by the execution of any of the powers hereby granted; and immediately upon the payment or tender of such sum or sums as shall be contracted or agreed upon between the said Company and the several parties interested in any of such lands, and upon payment of such sum or sums in respect of any such lands into the Court of Chancery as aforesaid, then such lands, tenements, hereditaments and premises respectively may be immediately entered upon and taken possession of by the said Company, and shall be and become vested in the said Company, and applied to the purpose of making, maintaining and repairing the said Rail-road and other works and conveniences thereto appertaining.

X. And be it enacted, That upon such payment being made into the Court of Chancery as aforesaid, it shall be the duty of the said Company to cause a notice to be published for three months in some newspaper published in the District in which such respective pieces of land lie, or in case of there being no newspaper published in any of such Districts, then such notice shall be published in some newspaper published in one of the Districts adjoining the District in which such lands shall lie; and such notice shall state the amount paid into the said Court of Chancery, and the particular piece or parcel of land in respect of which such amount is so paid; and it shall and may be lawful for the owners or occupiers of such respective lands, tenements and hereditaments, or any of the persons interested therein, to summon the said Company at any time within twelve months from the first publication of such notice to appear before the Chairman of the General Quarter Sessions of the Peace at the then next Court of General Quarter Sessions to be held in the District where such respective pieces or parcels of land shall lie; and the said complainant and the said Company may thereupon severally and respectively nominate and appoint any two Justices of the Peace in and for such District, who, together with such Chairman, may enter upon and view the place or places in question, and shall take down in writing the evidence upon oath of such persons as may be brought before them to give evidence touching the matters in controversy, which oaths the said Chairman is hereby authorized and required to administer; and the said Chairman and two Justices so appointed as aforesaid, are

are

are hereby authorized to assess and ascertain the sum or sums of money to be paid by the said Company for the purchase of the said respective pieces of land and damages; and shall, in estimating the value of such respective pieces of land and the amount of such damages, take into consideration any damage or inconvenience as well as any advantage or convenience which may accrue or arise to the respective owners and occupiers of or persons interested in such respective pieces of land; and the decision of the said Chairman and Justices, or a majority of them, shall be final and conclusive between all parties whomsoever; and in the event of the amount so assessed or ascertained as the purchase money and damage in respect of such respective pieces or parcels of land being the same as or less than the amount paid into the said Court of Chancery in respect thereof, then the costs of the said Company incidental to such enquiry shall be deducted and paid out of the said sum so paid into the said Court of Chancery; but in case the amount so assessed or ascertained shall be greater than the sum so paid into the said Court in respect of such respective pieces of land, it shall and may be lawful for the said Chairman to issue his warrant directed to the Sheriff of any of the Districts through which such Rail-way shall pass, requiring him to make the excess of such amount so assessed over and above the sum so paid into the said Court of Chancery, together with the costs attending the said enquiry out of the goods, chattels and effects of the said Company; and the said Chairman is hereby authorized to tax the costs of both parties attending and incidental to the said enquiry: Provided always, that no greater fees or disbursements shall be allowed than are allowed upon proceedings in the said Court of General Quarter Sessions; And provided also, that the said Chairman shall be entitled to tax and allow to himself and each of the said Justices the sum of thirty shillings for every day during which they shall be engaged in such enquiry; and the evidence taken upon such enquiry, together with the judgment or decision given thereon, shall be filed of record in the said Court of General Quarter Sessions of the Peace, and the decision of the said Chairman and Justices, or of the majority of them, shall be certified by the said Chairman, under the hand and seal of the said Court of Chancery, and filed of record in the said Court of Chancery.

XI. And be it enacted, That the said Company shall and they are hereby required, at their own expense, after any lands shall be taken and used for the purposes of the said Rail-way and other works, to separate the same and to keep the same constantly separated from the lands adjoining to the said Rail-way and other works, with good and sufficient posts, rails, hedges, ditches, mounds or other fences, in case the owners of such lands adjoining to such Rail-road or other works, or any of them respectively, shall at any time desire the same to be fenced off, or in case the said Company shall think proper to fence off the same; and in case the lands on either side of the said Rail-way shall be owned or occupied by the same person, then to enable such person, his or her servants and workmen to cross the said Rail-way, the said Company shall make and maintain all necessary gates and stiles in all such fences to be made as aforesaid, all such gates being made to open towards such lands and not towards such Rail-road, and also all such bridges, arches or culverts as shall be necessary for the more commodious communication between the said lands on either side of the said Rail-road: Provided always, that the power to cause such gates, stiles, bridges, arches and culverts to be erected at the expense of the said Company, shall cease after the expiration of two years from and after the completion of the said Rail-way; And provided also, and be it enacted, that in every case in which the owner of any lands, or other person or persons by this Act authorized and capacitated to convey, shall in

Enhanced value of other lands to be considered.

Decision to be final.

As to costs.

Proviso as to fees.

Proviso as to taxation of fees.

Evidence to be recorded.

Company to keep Rail-road separate from lands adjoining it by ditches, fences, &c.

Crossings, &c. to be allowed in certain cases.

Proviso.

Proviso as to compensation allowed in certain cases.

their

their arrangements with the said Company have received or agreed to receive compensation for gates, stiles, bridges, arches or culverts, instead of the same being erected or found by the said Company, for the purpose of facilitating the passage to or from either side of the land severed or divided by the said Rail-way, it shall not be lawful for any such owner, or those claiming under him, to pass, and they shall ever be prevented from passing or crossing the said Rail-way from one part to the other part of their lands so severed and divided, otherwise than by a gate, stile, bridge, arch or culvert to be erected and maintained at the charge of such owners, under the inspection and direction of and according to plans and specifications to be furnished or approved by the Engineer of the said Company.

Penalty on persons obstructing Rail-way.

XII. And be it enacted, That if any person shall by any means or in any manner or way whatsoever, obstruct or interrupt the free use of the said Rail-way or the carriages, engines or other works incidental or relative thereto, or connected therewith, such person shall, for every such offence, incur a forfeiture or penalty of not less than one pound five shillings, nor exceeding ten pounds, one-half of which penalty and forfeiture (to be recovered at the Court of General Quarter Sessions of the Peace of the District wherein the offence shall be committed,) shall go to the prosecutor or informer, and the other half to the said Company.

All applications for indemnity under this Act, to be made within a certain time.

XIII. And be it enacted, That all suits for indemnity for any damage or injury sustained by reason of the powers and authority given by this Act shall be made within six calendar months next after the time of such supposed damage sustained, or in case there shall be a continuation of damage, then within six calendar months next after the doing or committing such damage shall cease, and not afterwards.

Punishment of persons breaking down or obstructing or damaging the Rail-way, &c.

XIV. And be it enacted, That if any person or persons shall wilfully and maliciously, and to the prejudice of the said Rail-way authorized to be made by this Act, break, throw down, damage or destroy the same, or any part thereof, or any of the houses, warehouses, toll-houses, watch-houses, weigh-beams, cranes, carriages, vessels, engines, inclined planes, machines, or other works or devices, incidental and relative thereto or connected therewith, or do any other wilful hurt or mischief, or wilfully or maliciously obstruct or interrupt the free use of the said Rail-road, vessels, or works, or shall obstruct, hinder or prevent the carrying on, completing, supporting and maintaining the said intended Rail-way, vessels or works, such person or persons shall be adjudged guilty of a misdemeanor, and the Court by and before whom such person or persons shall be tried and convicted shall have power and authority to cause such person or persons to be punished in like manner as persons convicted of a misdemeanor are directed to be punished by the laws in force in this Province, or in mitigation thereof to award such sentence as the law directs in cases of simple larceny, as to such Court shall seem fitting.

Company to contribute among themselves the necessary sums. Proviso: Capital limited, and divided into shares of £25 each.

XV. And be it enacted, That it shall and may be lawful for the said Company of Proprietors and their successors, to raise and contribute among themselves, in such proportions as to them shall seem meet and convenient, a competent sum of money for carrying into effect the purposes of this Act; Provided always, that the sums so raised shall not exceed the sum of seven hundred and fifty thousand pounds, currency of this Province, in the whole, except as hereinafter mentioned, and that the sum be divided into shares at a price of twenty-five pounds, currency aforesaid, per share, which

which shares shall be regarded as personal estate and transferable as such, and the money so to be raised is hereby directed and appointed to be laid out and applied in the first place for and towards the payment, discharge and satisfaction of all fees and disbursements for obtaining and passing this Act, and for making the surveys, plans and estimates incident thereto, and all other expenses relating thereunto and all the rest, residue and remainder of such money for and towards making, completing and maintaining the said Rail-way and other the purposes of this Act, and to no other use, intent or purpose whatever.

Order of charges on the Capital.

XVI. And be it enacted, That until the first meeting of Shareholders, as hereinafter mentioned, the said Honorable Henry John Boulton, the Honorable Adam Fergusson, John Cameron, Alexander M. Clark, William Clarke, Adam Johnston Fergusson, Thomas Galt, John Galt, William Charles Gwynne, John Wellington Gwynne, George Herrick, Samuel Peters Jarvis, William Botford Jarvis, John Macdonell, Joseph C. Morrison, and Alexander D. Fordyce, shall be the first Directors of the said Company, five of whom shall form a quorum, and be competent to exercise the hereby power vested in them, and shall be and are hereby empowered and authorized to issue shares in the Capital Stock of the said Company, in such manner as they or the survivors of them shall think fit, and to such persons, bodies politic, corporations, aggregate or sole, as may be desirous of becoming Shareholders in the said Company, and shall and may purchase, have, hold, and take to and for the use of the said Company, all lands which by this Act the said Company is authorized to purchase, have, hold, take and enjoy, and they or the survivors of them, and all subsequent Directors of the said Company, shall have power and authority to establish and have a place of business or office in the City of London, in England, and to open Books of Subscription in London for the Stock of the said Corporation, to receive their subscriptions to the said stock, so to be subscribed for in London aforesaid, and which stock may be known and distinguished as the "English Stock," to make the said stock transferable in London aforesaid, and to make all Instalments called thereon, and Dividends declared thereon payable in London aforesaid, all in sterling money of Great Britain, and that eight pounds, four shillings and four pence half penny, sterling, shall for the purpose of this Act be held and taken to be, and be equal to ten pounds currency, and all instalments to be called for on the stock so subscribed for in London aforesaid, or dividends to be paid on the same, shall be paid in the relative proportion aforesaid; and the said Directors shall also have power to name one or more Agents or Commissioners in London aforesaid for all the purposes aforesaid, and to allow to such Agents or Commissioners a reasonable remuneration for his or their services, and all other necessary expenses of the said office; and it shall also be competent for the said Directors to make all such Rules and Regulations, and to prescribe all such forms as to them may seem meet for the better and more satisfactorily managing and conducting the affairs and business of the said Corporation in London aforesaid, and for distinguishing the said English Stock from the stock subscribed for in this Province, and for all other purposes, for facilitating and rendering effectual the subscription for and transfer of and payments upon the said English Stock: Provided always, that the said Directors may make By-laws prescribing the mode in which any shares of the English Stock may be made shares in the Canadian Stock, or any shares of Canadian Stock may be made shares in the English Stock, and shall have power to enter into such arrangement as to them shall seem fit for the purpose of uniting with any persons or person now formed, or which hereafter may be formed in the United Kingdom, into a joint Stock Company or

Provisional Directors named.

Quorum and powers.

They and their successors may open an office in London (England)

Provisions as to English stock

Association,

And such vote or votes by proxy shall be as valid as if such principal or principals had voted in person; and whatever question, election of proper officers, or matters or things shall be proposed, discussed, or considered in any public meeting of the Proprietors to be held by virtue of this Act, shall be determined by the majority of votes and proxies then present and so given as aforesaid, and all decisions and acts of any such majority shall bind the said Company and be deemed the decision and acts of the Company.

Questions to be decided by majority of votes.

XX. Provided always, and be it enacted, That no Proprietor who shall not be a natural born subject of Her Majesty, or a subject of Her Majesty naturalized under an Act of the British Parliament, or an Act of the Parliament of this Province, shall be elected President or Treasurer of the said Company.

None but a British subject to be President or Treasurer.

XXI. And be it enacted, That no Shareholder in the said Company of Proprietors shall be in any manner whatsoever liable for or charged with any debt or demand due by the said Company beyond the payment of the extent of his, her or their share in the Capital of the said Company not paid up.

Liability of Shareholders limited.

XXII. And be it enacted, That when and so soon as shares to the amount of one hundred and fifty thousand pounds in the Capital Stock of the said Company shall be taken in, and ten per cent. thereon shall have been paid in, it shall be lawful for the said first Directors of the said Company, or the survivors of them, to call a Meeting at the City of Toronto, of the holders of such shares, for the purpose of electing Directors: Provided always, that if the said first Directors, or the survivors of them, shall neglect or omit to call such meeting, then the same may be called by any ten of the holders of shares in the said Company, holding among them at least two hundred shares; And provided always, that in either case, public notice of the time and place of holding such meeting shall be given during one month in two of the newspapers published in the said City of Toronto; and at such said General Meeting the Proprietors assembled, with such proxies as shall be present, shall choose thirteen persons, being each a Proprietor of not less than twenty shares in the said undertaking, to be Directors of the said Company, in such manner as is hereinafter directed, and shall also proceed to pass such Rules and Regulations and By-Laws as shall seem to them fit, provided they be not inconsistent with this Act.

The first General Meeting of the Proprietors to be held in Toronto, and when.

Proviso.

Proviso.

To elect a Board of thirteen Directors.

XXIII. And be it enacted, That the Directors so elected (or those appointed in their stead in case of vacancy) shall remain in office until the first Monday in the month of June next following; and that on the said first Monday in June, and on the first Monday in June, in each year thereafter, or on such other day as shall be appointed by any By-law, an Annual General Meeting of the said Proprietors shall be held at the Office of the Company for the time being, to choose Directors in the room of those whose office may at that time become vacant, and generally to transact the business of the Company; but if at any time it shall appear to any ten or more of such Proprietors holding together two hundred shares at least, that for more effectually putting this Act in execution, a Special General Meeting of Proprietors is necessary to be held, it shall be lawful for such ten or more of them to cause fifteen days' notice at least to be given thereof in two public newspapers as aforesaid, or in such manner as the Company shall by any By-law direct or appoint, specifying in such notice the time and place, and the reason and intention of such Special Meeting respectively; and the Proprietors are hereby authorized to meet pursuant to such notices, and proceed to the execution of the powers by this

In the month of June in each year thereafter a Board of Directors to be elected; day may be changed by By-law.

Special Meetings of Proprietors may be called.

Quorum at Special Meetings.

this Act given them, with respect to the matters so specified only; and all such acts of the Proprietors, or the majority of them, at such Special Meetings assembled, such majority not having either as principals or proxies less than two hundred shares, shall be as valid to all intents and purposes as if the same were done at annual meetings: Provided always, that it shall and may be lawful for the said Directors in case of the death, absence, resignation or removal of any person elected a Director to manage the affairs of the said Company in manner aforesaid, to appoint another or others in the room or stead of those of the Directors who may die or be absent, resign, or be removed as aforesaid; any thing in this Act to the contrary notwithstanding; but if such appointment be not made, such death, absence, or resignation shall not invalidate the acts of the remaining Directors.

Proviso: Vacancies among the Directors may be filled by those remaining.

Three Directors shall annually retire, but may be re-elected.
Proviso.

XXIV. And be it enacted, That at each of the said Annual Meetings of Proprietors, three of the said thirteen Directors shall retire in rotation, the order of retirement of the said first elected thirteen Directors being decided by lot, but the Directors then or at any subsequent time retiring shall be eligible for re-election: Provided always, that no such retirement shall have effect unless the Proprietors shall at such Annual Meeting proceed to fill up the vacancies thus occurring in the Direction.

Directors to elect a President;

XXV. And be it enacted, That the Directors shall, at their first (or at some other) Meeting after the day appointed for the Annual General Meeting in each year, elect one of their number to be President of the said Company, who shall always (when present) be the Chairman of, and preside at all Meetings of the Directors, and shall hold his office until he shall cease to be a Director, or until another president shall be elected in his stead; and the said Directors may, in like manner, elect a Vice-President, who shall act as Chairman in the absence of the President.

And Vice President.

Five Directors to be a *Quorum* for business.
Proviso as to votes.

Casting vote of Chairman.

Proviso: Directors subjected to the control of Meetings.

XXVI. And be it enacted, That any Meeting of the said Directors, at which not less than five Directors shall be present, shall be a *Quorum*, and shall be competent to use and exercise all and any of the powers hereby vested in the said Directors: Provided always, that no one Director, though he may be a Proprietor of many shares, shall have more than one vote at any meeting of the Directors, except the President or Vice-President, when acting as Chairman, or any temporary Chairman, who, in case of the absence of the President and Vice-President, may be chosen by the Directors present, either of whom when presiding at a meeting of the Directors shall, in case of a division of equal numbers, have the casting vote, though he may have given one vote before; And provided also, that such Directors shall, from time to time, be subject to the examination and control of the said Annual and Special Meetings of the said Proprietors as aforesaid, and shall pay due obedience to all By-laws of the Company and to such orders and directions in and about the premises, as they shall from time to time receive from the said proprietors, at such annual or special meetings; such orders and directions not being contrary to any express directions or provisions in this Act contained: And provided also, that the act of any majority of a *Quorum* of the Directors, present at any meeting regularly held, shall be deemed the act of the Directors.

Proviso: Acts of a majority to be valid.

No officer or contractor to be a Director.

XXVII. Provided always, and be it enacted, That no person holding any office, place or employment, or being concerned or interested in any contract or contracts under the said Company, shall be capable of being chosen a Director or of holding the office of Director.

XXVIII.

XXVIII. And be it enacted, That every such Annual Meeting shall have power to appoint not exceeding three Auditors to audit all accounts of money laid out and disbursed on account of the said undertaking, by the Treasurer, Receiver or Receivers, and other Officer or Officers to be by the said Directors appointed, or by any other person or persons whatsoever, employed by, or concerned for or under them, in and about the said undertaking; and to that end, the said Auditors shall have power to adjourn themselves over from time to time, and from place to place as shall be thought convenient by them; and the said Directors chosen under the authority of this Act shall have power from time to time to make such call or calls of money from the Proprietors of the said Rail-way and other works, to defray the expense of, or to carry on the same, as they from time to time shall find wanting and necessary for these purposes; Provided however, that no call do exceed the sum of two pounds, ten shillings, current money of this Province, for every share of twenty-five pounds; And provided also, that no calls be made but at the distance of at least one calendar month from each other; And such Directors shall have full power and authority to direct and manage all and every the affairs of the said Company as well in contracting for and purchasing lands, rights, and materials for the use of the said Company, as in employing, ordering and directing the work and workmen, and in placing and removing under-officers, clerks, servants and agents, and in making all contracts and bargains touching the said undertaking, and to affix or authorize any person to affix the Common Seal of the Company to any Act, Deed, By-laws, Notice or other document whatsoever; and any such Act, Deed, By-laws, Notice or other document bearing the Common Seal of the Company and signed by the President, Vice-President, or any Director or Directors, shall be deemed the act of the Directors and of the Company, nor shall the authority of the signer of any document purporting to be so signed and sealed, to sign the same and affix the said Seal thereto, be liable to be called in question by any party except the Company: and the Directors shall have such other and further powers as, being vested in the Company by this Act, shall be conferred upon the said Directors by the By-laws of the Company.

Annual Meeting may appoint three Auditors to audit all accounts.

Power of the Directors to make calls.

Proviso as to amount of any calls, &c.

And intervals between calls.

Other powers of the Directors.

Further powers may be conferred.

XXIX. And be it enacted, That the owner or owners of one or more shares in the said undertaking shall pay his, her or their shares and proportion of the monies to be called for as aforesaid, to such person or persons, and at such time and place as the said Directors shall from time to time appoint and direct, of which three weeks' notice at least shall be given in two newspapers as aforesaid, or in such other manner as the said Proprietors or their successors shall by any By-law direct or appoint; and in case such person or persons shall neglect to pay his, her or their rateable calls as aforesaid, for the space of two calendar months after the time appointed for the payment thereof as aforesaid, then he, she or they shall forfeit his, her or their respective share and shares in the said undertaking, and all the profit and benefit thereof; all which forfeiture shall go to the rest of the Proprietors of the said undertaking, their successors and assigns, for the benefit of the said Proprietors, in proportion to their respective interests; and in every case such calls shall be payable with interest from the time the same shall be so appointed to be paid until the payment thereof.

Shareholders bound to pay calls.

Forfeiture for not paying calls.

Interest on calls.

XXX. Provided always, and be it enacted, That no advantage shall be taken of the forfeiture of any share or shares of the said undertaking, unless the same shall be declared to be forfeited at some Annual or Special Meeting of the said Company, assembled after such forfeiture shall be incurred; and every such forfeiture shall be an indemnification

Forfeiture of shares to be declared at some General Meeting.

indemnification to and for every Proprietor so forfeiting against all action and actions, suit or prosecutions whatsoever, to be commenced or prosecuted for any breach of contract or other agreement between such Proprietor and the other Proprietors with regard to carrying on the said Rail-way or undertaking.

Company may remove any Director and elect others in case of death, removal, &c. -

And so of Officers.

May make By-laws.

Penalties under By-laws limited.

By-laws to be in writing and published.

Certified copies to be evidence.

Proprietors of Shares may dispose of them; And how. Transfer to be notified to the Company.

XXXI. And be it enacted, That the said Company shall always have power and authority at any General Meeting assembled as aforesaid, to remove any person or persons chosen upon such Board of Directors as aforesaid, and to elect others to be Directors in the room of those who shall die, resign or be removed, and to remove any other Officer or Officers under them, and to revoke, alter, amend or change any of the By-laws or Orders prescribed with regard to their proceedings amongst themselves (the method of calling General Meetings, and their time and place of assembling, and manner of voting, and of appointing Directors, only, excepted,) and shall have power to make such new Rules, By-laws and Orders, for the good government of the said Company and their servants, agents and workmen, for the good and orderly making, maintaining and using the said Rail-way, and all other works connected therewith, or belonging thereto, or hereby authorized, and for the well governing of all persons whatsoever travelling upon or using the said Rail-road and other works, or transporting any goods, wares, merchandize or other commodities thereon, and by such By-laws to impose and inflict such fines or forfeitures upon the persons guilty of a breach of such By-laws or Orders, as to such General Meeting shall seem meet, not exceeding the sum of Five pounds, current money of this Province, for every offence; such fines or forfeitures to be levied and recovered by such ways and means as are hereinafter mentioned; which said By-laws and Orders, shall be put into writing under the common seal of the said Company, and shall be kept in the office of the said Company, and a printed or written copy of so much of them as may relate to or affect any party other than members or servants of the Company, shall be affixed openly in all and every of the places where Tolls are to be gathered, and in like manner as often as any change or alteration shall be made to the same; and the said By-laws and Orders so made and published as aforesaid, shall be binding upon and observed by all parties, and shall be sufficient in any Court of Law or Equity to justify all persons who shall act under the same; and any copy of the said By-laws, or any of them, certified as correct by the President or some person authorized by the Directors to give such certificate, and bearing the common seal of the Company, shall be deemed authentic, and shall be received as evidence of such By-laws in any Court without further proof.

XXXII. And be it enacted, That it shall and may be lawful to and for the several Proprietors of the said Rail-way or undertaking to sell or dispose of his, her or their share or shares therein, subject to the rules and conditions herein mentioned; and every purchaser shall have a duplicate of the deed of bargain and sale and conveyance made unto him or her, and one part of such deed, duly executed by seller and purchaser, shall be delivered to the said Directors or their Clerk for the time being, to be filed and kept for the use of the said Company, and an entry thereof shall be made in a book or books to be kept by the said Clerk for that purpose, for which no more than one shilling and three pence shall be paid, and the said Clerk is hereby required to make such entry accordingly; and until such duplicate of such deed shall be so delivered to the said Directors or their Clerk, and filed and entered as above directed, such purchaser or purchasers shall have no part or share of the profits of the said undertaking, nor any interest for the said share or shares, paid unto him, her or them, nor any vote as a Proprietor or Proprietors.

XXXIII. And be it enacted, That the sale of the said shares shall be in the form following, varying the names and descriptions of the contracting parties, as the case may require :

Form of the transfer appointed.

“ I, A. B., in consideration of the sum of _____ paid
 “ to me by C. D., of _____ do hereby bargain, sell and
 “ transfer to the said C. D. _____ share (or shares)
 “ of the Stock of the *Toronto and Goderich Rail-way Company*, to hold to him the
 “ said C. D., his executors, administrators and assigns, subject to the same rules and
 “ orders, and on the same conditions that I held the same immediately before the exe-
 “ cution hereof. And I, the said C. D. do hereby agree to accept of the said
 “ share (or shares) subject to the same rules, orders and conditions. Witness our
 “ hands and seals, this _____ day of _____
 “ in the year _____ ”

The form.

Provided always, that no such transfer of any share shall be valid until all calls or instalments then due thereon shall have been paid up.

Proviso.

XXXIV. And be it enacted, That it shall and may be lawful to and for the said Directors, and they are hereby authorized from time to time to nominate and appoint a Treasurer or Treasurers, and a Clerk or Clerks to the said Company, taking such security for the due execution of their respective offices as the said Directors shall think proper ; and such Clerk shall in a proper book or books enter and keep a true and perfect account of the names and places of abode of the several Proprietors of the said Rail-way and other works, and of the several persons who shall from time to time become owners and proprietors of, or entitled to any share or shares therein, and of all the other acts, proceedings and transactions of the said Company and of the Directors for the time being, by virtue of and under the authority of this Act.

Directors may appoint a Treasurer and Clerks, &c.

Duty of the Clerk.

XXXV. And be it enacted, That it shall and may be lawful to and for the said Company from time to time, and at all times hereafter, to ask, demand, take and recover, to and for their own proper use and behoof, for all goods, wares, merchandize and commodities, of whatever description, transported upon the said Rail-way, such Tolls as they, with the approbation of the Governor or person administering the Government for the time being, may deem expedient ; which said Tolls shall be from time to time fixed and regulated by By-laws of the Company, or by the Directors if thereunto authorized by the said By-laws, and shall be paid to such person or persons, and at such place or places near to the said Rail-way, in such manner and under such regulations as the said Company or the said Directors shall direct and appoint ; and in case of denial or neglect of payment of any such rates or dues, or any part thereof, on demand, to the person or persons appointed to receive the same as aforesaid, the said Company may sue for and recover the same in any Court having competent jurisdiction, or the person or persons to whom the said rates or dues ought to be paid, may and he is, and they are hereby empowered to seize and detain such goods, wares and merchandize or other commodities, for or in respect whereof such rates or dues ought to be paid, and detain the same until payment thereof ; and in the meantime the said goods, wares, merchandize or other commodities shall be at the risk of the owner or owners thereof ; and the said Company or the said Directors shall have full power, from time to time, at any General Meeting, with the like approbation aforesaid, to lower or reduce all or any of the said Tolls, and again to raise the same, as often as it shall be deemed

Company may establish Tolls for goods, &c., passing on the Rail-way, with the consent of the Governor in Council.

How Tolls may be recovered if not duly paid.

Seizure of goods, &c.

Tolls may be lowered and again raised.

Proviso
against mono-
poly.

deemed necessary for the interests of the said undertaking: Provided always, that the said Tolls shall be at all times charged equally to all persons after the same rate in respect of all passengers and of all goods or carriages of the same description, and conveyed or propelled by a like carriage or engine passing over the same portion of the line of Rail-way under the same circumstances, and no reduction or advance in any such Tolls shall be made directly or indirectly in favor of or against any particular Company, person or party travelling upon or using the Rail-way, or so as collusively or unfairly to create a monopoly either in the hands of the said Company or of any other Company, person or party.

Account of
profits to be
annually made
up at certain
periods.

XXXVI. And in order to ascertain the amount of the clear profits of the said undertaking—Be it enacted, That the said Company, or the Directors of the said Company, shall and they are hereby required to cause a true, exact and particular account to be kept and annually made up and balanced on the thirty-first day of December in each year, of the money collected and received by the said Company, or by the Directors or Treasurer of the said Company, or otherwise, for the use of the said Company, by virtue of this Act, and of the charges and expenses attending the erecting, making, supporting, maintaining and carrying on their works, and of all other receipts and expenditure of the said Company or the said Directors; and at the General Meetings of the Proprietors of the said undertaking, to be from time to time holden as aforesaid, a dividend shall be made out of the clear profits of the said undertaking, unless such Meetings shall declare otherwise; and such dividend shall be at and after the rate of so much per share upon the several shares held by the proprietors, in the joint stock of the said Company, as such meeting or meetings shall think fit to appoint or determine: Provided always, that no dividend shall be made whereby the capital of the said Company shall be in any degree reduced or impaired, nor shall any dividend be paid in respect of any share, after a day appointed for payment of any call for money in respect thereof, until such call shall have been paid.

Dividends to
be made from
time to time at
General Meet-
ings.

Proviso
Capital not to
be impaired.

Fractions in
distance or in
weight of
goods, how as-
certained and
regulated.

XXXVII. Provided always, and be it enacted, That in all cases where there shall be a fraction in the distance which goods, wares, merchandize or other commodities or passengers shall be conveyed or transported on the said Rail-way, such fraction shall, in ascertaining the said rates, be deemed and considered as a whole mile, and that in all cases where there shall be the fraction of a ton in the weight of any such goods, wares, merchandize or other commodities, a proportion of the said rates shall be demanded and taken by the said Company of proprietors, to the number of quarters of a ton contained therein; and in all cases where there shall be a fraction of a quarter of a ton such fraction shall be deemed and considered as a whole quarter of a ton.

Directors may
fix the price
for the carriage
of parcels.

XXXVIII. Provided always, and be it enacted, That it shall and may be lawful to and for the Directors of the said Company from time to time, with the like approbation aforesaid, to make such regulations, for ascertaining and fixing the price or sum or sums of money to be charged or taken for the carriage of any parcel not exceeding one hundred and twenty pounds weight as aforesaid, upon the said Rail-way, or any part thereof, as to them shall seem fit and reasonable; and that the said Company shall from time to time print and stick up, or cause to be printed and stuck up in their office, and in all and every of the places where the Tolls are to be collected, in some conspicuous place there, a printed board or paper ascertaining all the Tolls payable under this Act, and

Tables of
Tolls to be
publicly affix-
ed.

and particularising the price or sum or sums of money to be charged or taken for the carriage of such parcels not exceeding one hundred and twenty pounds weight as aforesaid.

XXXIX. Provided always, and be it enacted, That the said Company shall at all times when thereunto required by Her Majesty's Deputy Post Master General, the Commander of the Forces, or any person having the superintendence or command of any Police Force, carry Her Majesty's Mail, Her Majesty's Naval or Military Forces or Militia, and all artillery, ammunition, provisions or other stores for their use, and all Policemen, Constables, and others, travelling on Her Majesty's Service, on their said Rail-way, on such terms and conditions and under such regulations as the Governor or person administering the Government shall in Council appoint and declare; Provided always, that any further enactments which the Legislature of this Province may hereafter deem it expedient to make, with regard to the carriage of the said Mail or Her Majesty's Forces and other persons and articles as aforesaid, or the rates to be paid for carrying the same, or in any way respecting the use of any Electric Telegraph, or other service to be rendered by the Company to the Government, shall not be deemed an infringement of the privileges intended to be conferred by this Act.

Provision as to the carriage of H. M.'s. Mail, Troops, &c.

Proviso: The Legislature may make further provision.

XL. And be it enacted, That as soon as conveniently may be after the said Rail-way shall be completed, the said Company shall cause the same to be measured, and stones or posts, with proper inscriptions on the sides thereof denoting the distance, to be erected and for ever after maintained, at the distance of every mile from each other.

Rail-way to be measured and miles marked.

XLI. And be it enacted, That the said Company shall and are hereby required and directed to take sufficient security, by one or more bond or bonds, in a sufficient penalty or penalties, from their Treasurer, Receiver and Collectors for the time being, of the monies to be raised by virtue of this Act, for the faithful execution by such Treasurer, Receiver and Collectors of his and their office and offices respectively.

Treasurer and Receiver and Collector to give security.

XLII. And be it enacted, That the several persons who shall subscribe to advance any money for and towards making and maintaining the said Rail-way and other works connected therewith or hereby authorized, and those who shall accept of any transfer of any share or shares of the Stock of the said Company, and their several heirs, executors, administrators and assigns, or others legally representing them, and having lawful possession or control of such share or shares, (all of whom shall be deemed proprietors of such share or shares for the purposes of this Section,) shall and they are hereby required to pay the sum or sums of money by them respectively subscribed, or such parts or portions thereof as shall from time to time be called for by the said Company, under and by virtue of the powers and directions of this Act, to such person or persons, and at such times and places as shall be directed by the said Company or the said Directors in manner before mentioned; and in case any person or persons shall neglect or refuse to pay the same at the time and in the manner required for that purpose, it shall be lawful for the said Company to sue for and recover the same with interest and costs in any Court of Law having competent jurisdiction; and in any such action it shall be sufficient to allege that the defendant is a proprietor of a share (or of any number of shares, stating such number) in the stock of the said Company; that certain sums of money were duly called for upon such share or shares by the said Company,

Company may by action compel the persons subscribing to pay the amount of their shares.

What must be alleged and proved in such actions.

Company, under the authority of and in the manner provided by this Act, and were due and payable at a certain time or times, whereby an action hath accrued to the said Company to recover such sum or sums with interest and costs; and the production of the newspapers containing such calls shall be evidence that the same were made as therein stated; and neither in such action nor in any other action, suit or legal proceeding by the Company, shall the election of the Directors or the authority of them, or of any Attorney acting in the name of the Company, be called in question except by the Company, nor shall it in any such case be necessary to name the Directors or any of them; And that in any action which may be brought by the said Company against any person or persons for any injury to the said Rail-road or other works, it shall not be necessary for the said Company to prove any title to such land or other works, but merely that the said land is included in the map of the land set apart for the purpose of the said Rail-way and other works, so deposited as hereinbefore mentioned, and that such works are upon such land.

Forfeitures under this Act how to be recovered and applied, when not otherwise provided for.

Levy by distress and sale of goods and chattels.

Imprisonment for want of sufficient chattels.

Appeal to the General Sessions.

Limitation of actions for things done under this Act.

XLIII. And be it enacted, That all fines and forfeitures imposed by this Act, or which shall be lawfully imposed by any By-law, to be made in pursuance thereof, (of which By-law, when produced, all Justices are hereby required to take notice,) the levying and recovering of which fines and forfeitures are not particularly herein directed, shall, upon proof of the offence before any one or more Justice or Justices of the Peace for any of the Districts through which the said Rail-way shall pass, either by the confession of the party or parties, or by the oath or affirmation of any one credible witness (which oath or affirmation such Justice or Justices are hereby empowered and required to administer without fee or reward,) be levied by distress and sale of the offender's goods and chattels, by Warrant under the hand and seal or hands and seals of such Justice or Justices; and all such fines, forfeitures or penalties by this Act imposed or authorized to be imposed, the application whereof is not hereinbefore particularly directed, shall be paid into the hands of the Treasurer or Receiver of the monies to be raised by virtue of this Act, and shall be applied and disposed of for the use of the said Rail-way or undertaking, and the overplus of the money raised by such distress and sale, after deducting the penalty and the expenses of the levying and recovering thereof, shall be rendered to the owner of the goods so distrained and sold; and for want of sufficient goods and chattels whereof to levy the said penalty and expenses, the offender shall be sent to the Common Gaol for any of such Districts, there to remain without bail or mainprize for such term, not exceeding one month, as such Justice or Justices shall think proper, unless such penalty and forfeiture and all expenses attending the same, shall be sooner paid and satisfied.

XLIV. And be it enacted, That if any person or persons shall think himself, herself or themselves aggrieved by any thing done by any Justice or Justices of the Peace in pursuance of this Act, every such person or persons may, within four calendar months after the doing thereof, appeal to the Justices of the Peace at the General Quarter or General Sessions to be holden in and for the District.

XLV. And be it enacted, That if any action or suit shall be brought or commenced against any person or persons for any thing done or to be done in pursuance of this Act, or in the execution of the powers and authorities, or of the orders and directions hereinbefore given or granted, every such action or suit shall be brought or commenced within six calendar months next after the fact committed; or in case there shall be a continuation

continuation of damage, then within six calendar months next after the doing or committing such damage shall cease, and not afterwards; and the Defendant or Defendants in such action or suit shall and may plead the general issue, and give this Act and the special matter in evidence at any trial to be held thereupon, and that the same was done in pursuance and by the authority of this Act; and if it shall appear to have been so done, or if any action or suit shall be brought after the time so limited for bringing the same, or if the Plaintiff or Plaintiffs shall be non-suit, or discontinue his, her or their action or suit after the Defendant or Defendants shall have appeared, or if judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have full costs, and shall have such remedy for the same as any Defendant or Defendants hath or have for costs of suit in other cases by law.

General issue.

Costs to defendant if the Plaintiff fail.

XLVI. And be it enacted, That any contravention of this Act by the said Company, or by any other party, for which no punishment or penalty is herein provided, shall be a misdemeanor, and shall be punished accordingly; but such punishment shall not exempt the said Company (if they be the offending party) from the forfeiture of this Act and the privileges hereby conferred on them, if by the provisions thereof or by law the same be forfeited by such contravention.

Any contravention of this Act not otherwise punishable to be a misdemeanor.

XLVII. And be it enacted, That Her Majesty, Her Heirs and Successors, may at any time before or after the said Rail-way is completed, assume the possession and property thereof, and of all the property which the said Company is hereby empowered to hold and shall then have, and of all the rights, privileges and advantages vested by this Act in the said Company, (all which shall after such assumption be vested in Her Majesty, Her Heirs and Successors,) on giving to the said Company three months' notice of the intention to assume the same, and on paying to the said Company, within three months of the expiration of such notice, the whole amount of their Capital Stock then paid up and expended, with interest at ten per cent. on the paid up Capital, from the time of the paying up of the same until the time of the opening of the said Rail-way.

Her Majesty may assume the Rail-way, on certain conditions.

XLVIII. And be it enacted, That the said Company shall annually submit to the three Branches of the Legislature, within the first fifteen days after the opening of each Session of the Provincial Parliament, after the opening of the said Rail-way, or any part thereof to the public, a detailed and particular account, attested upon oath, of the monies by them received and expended under and by virtue of this Act, with a classified statement of the amount of tonnage and of passengers that have been conveyed along the said Rail-way; and no further provisions which the Legislature may hereafter make with regard to the form or details of such account, or the mode of attesting or rendering the same, shall be deemed an infringement of the privileges hereby granted to the Company.

Company annually to submit to the Legislature detailed accounts.

Further provision may be made touching such accounts.

XLIX. And be it enacted, That nothing herein contained shall be construed to except the Rail-way by this Act authorized to be made, from the provisions of any general Act relating to Rail-ways which may be passed during the present or any future Session of Parliament.

Company not exempt from any general Rail-way law.

L. 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.

Saving of Her Majesty's rights, and of all other persons, &c.

LI.

When the
Company may
commence the
Rail-way.

LI. And be it enacted, That the said Company shall not proceed to lay down or to commence the construction of the said Rail-way, until shares to the amount of one hundred and fifty thousand pounds shall have been taken in the Capital Stock of the said Company, and ten pounds per centum thereon shall have been paid into the hands of the Treasurer of the Company, nor until the said election of Directors hereinbefore in that behalf provided, shall have been held.

Survey and
Map to be
completed
within three
years, and
Rail-way
within ten.

LII. And be it enacted, That the survey map and book of reference in the fourth section of this Act mentioned shall be made, and the said map and book of reference shall be deposited, as in that section provided, within three years from the passing of this Act, and the said Rail-way hereby authorized shall be completed within ten years from the passing of this Act, or else every matter and thing herein contained shall be and become absolutely null and void, as to so much of the said line of Rail-way as shall not then be completed.

Public Act.

LIII. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and as such shall be judicially taken notice of by all Judges, Justices of the Peace, and others, without being specially pleaded.

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Law Printer to the Queen's Most Excellent Majesty.

1847,—10° & 11° VICTORIÆ,

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