

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.



MONTREAL:

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

Anno Domini, 1845.



PROVINCIAL STATUTES

OF

CANADA.

ANNO REGNI OCTAVO

VICTORIÆ,

DEI GRATIA, BRITANNIARUM REGINÆ.

HIS EXCELLENCY THE RIGHT HONORABLE

SIR CHARLES THEOPHILUS METCALFE, G. C. B. BARONET,
GOVERNOR GENERAL.

BEING THE FIRST SESSION OF THE SECOND PROVINCIAL PARLIAMENT OF
CANADA.



ANNO OCTAVO
VICTORIÆ REGINÆ.

C A P. I.

An Act to continue for a limited time the Act for imposing duties on Agricultural Produce and Live Stock imported into this Province.

[20th December, 1844.]

WHEREAS it is expedient to continue for a limited time the Act hereinafter mentioned, and the duties thereby imposed:—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, intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*; and it is hereby enacted by the authority of the same, that the Act passed in the seventh year of Her Majesty's Reign, and intituled, *An Act to continue for a limited time the duties imposed on Agricultural Produce and Live Stock imported into this Province*, shall be, and the same is hereby continued, and shall remain in force until the first day of January, one thousand eight hundred and forty-six, and thence until the end of the then next Session of the Provincial Parliament, and no longer; any thing in the said Act to the contrary notwithstanding.

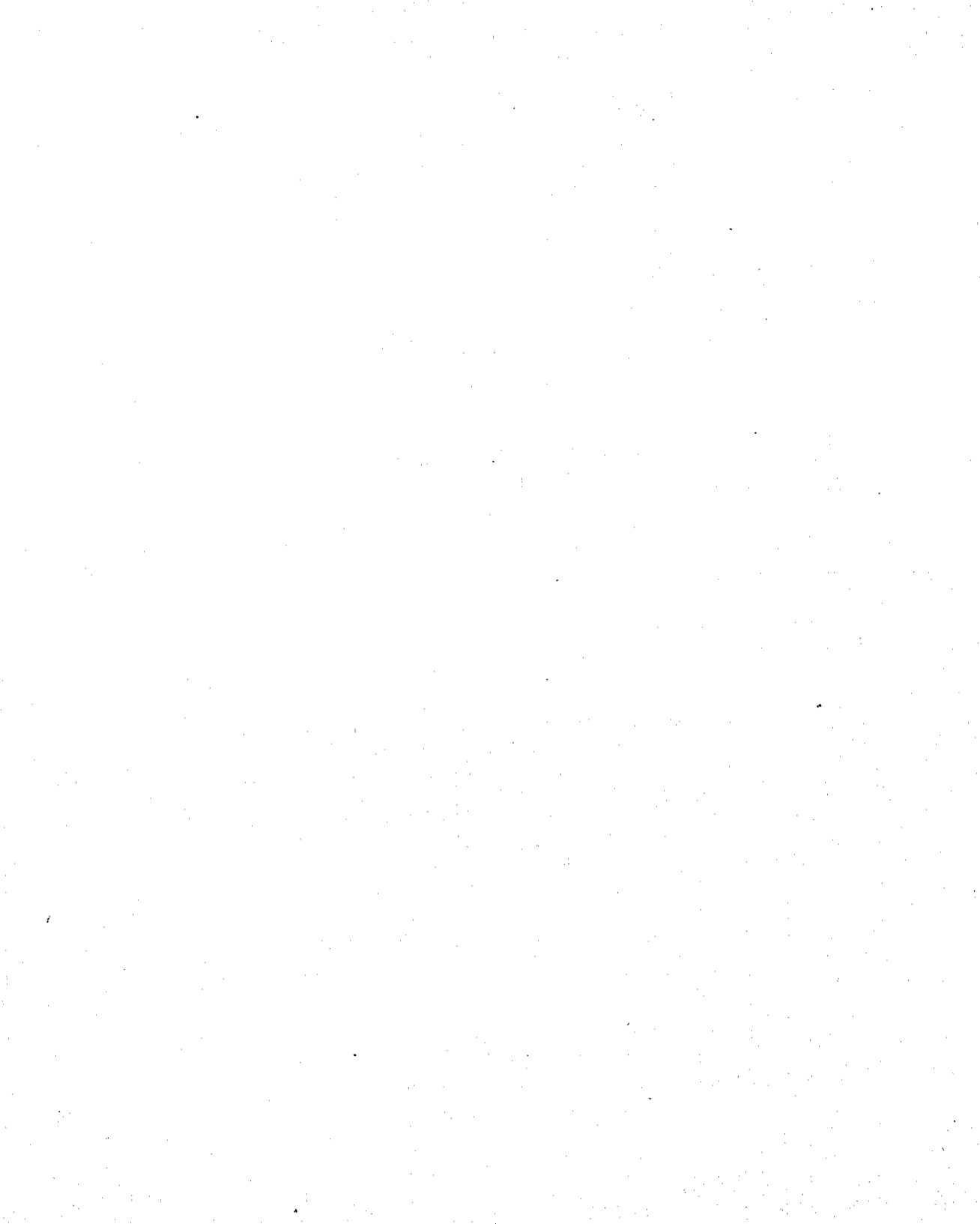
Preamble.

Act 7 Vict.,
cap. 2, cited
and continued.

II. Provided always, and be it enacted, that this Act, and the Act hereby continued, may be amended, altered or repealed, by any Act passed during the present Session of the Provincial Parliament.

Either Act
may be amend-
ed during the
present session.

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 Law Printer to the Queen's Most Excellent Majesty.





ANNO OCTAVO
VICTORIÆ REGINÆ.

CAP. II.

An Act to amend the Laws now in force imposing a Duty upon Distilleries in any part of the Province of Canada.

[20th December, 1844.]

WHEREAS it is expedient to provide for the issuing of Licenses for the use of Stills for a less period than one year, on payment of a due proportion of the Duties and Charges now imposed by authority of any Law or Laws in force in any part of 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 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, notwithstanding any thing to the contrary in any Law of Upper Canada, or of Lower Canada, or of Canada, all Licenses for keeping and using a Still or Stills shall be granted and be in force for three months only from the date of such Licenses, and such Licenses shall be renewed from three months to three months.

Preamble.

Licenses for Stills to be issued for three months instead of for one year.

II. And be it enacted, that one-half of the Duties and Charges now imposed on Licenses for a year, shall be paid for Quarterly Licenses, and no more.

A proportionate amount of duties to be paid.

III. And be it enacted, that this Act may be amended or repealed by any Act or Acts to be passed during the present Session.

This Act may be amended during the present session.

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ANNO OCTAVO

VICTORIÆ REGINÆ.

CAP. III.

An Act for granting Provincial Duties of Customs.

[17th March, 1845.]

WHEREAS it is expedient from and after the time hereinafter mentioned Preamble.
to repeal so much of the Acts hereinafter mentioned as imposes any duties of Customs, to the end that other duties may be imposed in lieu 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 upon, from and after the Sixth day of April, one thousand eight hundred and forty-five, so much of the Act passed in the Session held in the fourth and fifth years of Her Majesty's Reign, 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*, or of an Act passed in the seventh year of Her Majesty's Reign, and intituled, *An Act to continue for a limited time the duties imposed on Agricultural Produce and Live Stock imported into this Province*, as imposes any duty of Customs on any goods, wares and merchandize, or agricultural produce, imported into this Province, shall be, and so much of the said Acts is hereby repealed; any thing in the Act passed during the present Session to continue that last above cited, to the contrary notwithstanding.

So much of the Act 4 & 5 Vict. cap. 14 or 7 Vict. cap. 2, as imposes any Duties of Customs, repealed from and after the 6th day of April next.

II. And be it enacted, That upon, from and after the said day, in lieu and instead of all other Duties of Customs imposed by any Provincial Act, (except the duty upon Foreign Wheat imposed by the Act passed in the sixth year of Her Majesty's Reign, and intituled, *An Act to impose a Duty upon Foreign*
Wheat The Duties set forth in the Schedule to be instead of all others, except that on foreign wheat.

Wheat 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, except on Foreign Wheat and such articles and commodities as are mentioned in the table of exemptions annexed to this Act, the several Duties of Customs respectively inserted, described, and set forth in the Table to this Act annexed, and intituled, "*Table of Duties of Customs inwards*": Provided always, that nothing herein contained shall be construed to repeal any Tonnage Duty, or any duty except such as is imposed on goods, wares, or merchandize imported into this Province: And provided also, that if any timber, sawed lumber, or other article enumerated in the Schedule to this Act under the head "Wood" shall be imported into this Province on or before the fifth day of July next, in fulfilment or execution of any contract for the delivery thereof within this Province, *bona fide* made and entered into before the first day of February last past, it shall be lawful for the Governor in Council, on due proof thereof, to remit the amount of duties imposed by this Act, and to order and appoint that no other or higher duty than that which was by law in force immediately before the passing of this Act, shall be levied and collected on the timber, sawed lumber or other article aforesaid to be imported in manner and by the day in that behalf above set forth.

Proviso.

Proviso as to timber, sawed lumber, &c., contracted for before the 1st February, and imported on or before the 5th July next.

Duties to be subject to the Management Act of this Session.

III. And be it enacted, That the Duties by this Act imposed shall be deemed to be Duties within the meaning of the Act passed during the present Session of the Provincial Legislature, and intituled, *An Act to provide for the Management of the Customs, and of matters relative to the Collection of the Provincial Revenue*; subject to the provisions of which Act, and of this Act, the said Duties shall be ascertained, raised, levied, collected, paid and recovered, under the provisions under which Duties on like articles were ascertained, raised, levied, collected, paid and recovered immediately before the sixth day of April, aforesaid, (or if no Duties were then imposed on like articles, then under the provisions of the Act first cited,) and other laws applicable to the Provincial Customs generally, unless some Act be passed during the present Session for the general regulation of the Customs, in which case all the Duties hereby imposed shall be ascertained, raised, levied, collected, paid and recovered under the provisions of such Act.

Duties to form part of the Consolidated Revenue Fund.

Accounting clause.

IV. And be it enacted, That all sums of money which shall arise from the Duties hereby imposed, shall be paid to the Receiver General, by the Collectors and other officers and persons by whom the same shall have been received, and shall form part of the Consolidated Revenue Fund of this Province, and shall be accounted for to Her Majesty, Her Heirs and Successors, through the Lords Commissioners of Her Majesty's Treasury for the time being, in such manner and form as Her Majesty, Her Heirs and Successors, shall be pleased to direct.

V.

V. Provided always, and be it enacted, That the Provincial Duty payable on any goods, wares or merchandize, (except Foreign Wheat,) which having been warehoused in bond before this Act shall come into force, shall be taken out of the warehouse after that time (except for exportation) shall be the Duty imposed on such goods, wares and merchandize by this Act, and no other, as if the same had been imported into this Province at the time when they shall be so taken out of the warehouse.

What Duties shall be paid on goods warehoused before this Act was in force.

VI. And be it enacted, That all sums of money which shall arise from the Duties hereby imposed, and set forth in words and figures in the said "Table of Duties of Customs inwards," shall be Sterling money, and payable in such coins as may by law be current in this Province, and equivalent to the amount of Sterling money to which such Duties may amount in any case; and the weights and measures in the said Table mentioned and set forth, shall be the Imperial weights and measures now by law established in the United Kingdom of Great Britain and Ireland; and in all cases where the said Duties 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.

Currency, weights, and measures by which the Duties shall be calculated.

Proportion to be observed.

VII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of the Provincial Legislature.

Act may be altered during this Session.

SCHEDULE.

TABLE OF DUTIES OF CUSTOMS INWARDS.

Duties.

ARTICLES:		£	s.	d.
ANIMALS, viz:		Duty Sterling.		
Cows and Heifers, each.....		1	0	0
Calves, each.....		0	5	0
Goats, each.....		0	2	6
Horses, Mares, Geldings, Colts, Fillies, Foals, each.....		1	10	0
Kids, each.....		0	2	6
Lambs, each.....		0	1	0
Oxen and Bulls, and Steers, each.....		1	10	0
				Pigs,

ANIMALS, viz :

	£	s.	d.
	Duty Sterling.		
Pigs, (sucking) each.....	0	0	6
Swine and Hogs, each.....	0	5	0
Sheep, each.....	0	2	0

GRAIN, viz :

Barley, the quarter.....	0	3	0
Buckwheat, Bear, Big, the quarter.....	0	3	0
Oats, the quarter.....	0	2	0
Maize or Indian Corn, (the quarter to be four hundred and eighty pounds,) the quarter.....	0	3	0
Rye, Beans, Peas, the quarter.....	0	3	0
Meal of all the above grains, and of wheat not bolted, the one hundred and ninety-six pounds.....	0	2	0
Wheat Flour, per barrel of one hundred and ninety-six pounds	0	0	6
Bran or Shorts, the cwt.....	0	0	3

HAY, the ton..... 0 6 0

STRAW, the ton 0 3 0

HOPS, the lb..... 0 0 3

LIQUIDS, viz :

Ale and Beer,	{	If imported otherwise than by sea.	the gallon.....	0	0	3
Ale and Beer, in bottle,			the dozen.....	0	1	0
Cider and Perry,			the gallon.....	0	0	1
Vinegar,			the gallon.....	0	0	3
When imported by sea, five <i>per centum ad valorem</i> .						

PROVISIONS, viz :

Butter, the cwt.....	0	2	0
Bacon, the cwt.....	0	5	0
Cheese, the cwt.....	0	2	6
Hams, the cwt.....	0	5	0
Meats, salted or cured, the cwt.....	0	2	0
Meats, fresh, of all kinds, the cwt.....	0	4	0

CANDLES, Sperin. or Wax, the lb..... 0 0 2

All other kinds when imported otherwise than by sea, the lb.. 0 0 1

And if imported by sea, five *per centum ad valorem*.

POTATOES, the bushel..... 0 0 3

SALT,

	£	s.	d.
	Duty Sterling.		
SALT, imported otherwise than by sea, the barrel weighing, nett two hundred and eighty pounds.....	0	2	6
Imported by sea, the ton.....	0	1	0
LEATHER, viz :			
Goat Skins, tanned, tawed, or in any way dressed, per dozen.	0	5	0
Lamb or Sheep Skins, tanned, tawed, or in any way dressed, per dozen.....	0	2	6
Calf Skins, tanned, tawed, or in any way dressed, per lb.....	0	0	6
Kip Skins, tanned, tawed, or in any way dressed, per lb.....	0	0	3
Harness Leather, per lb.....	0	0	2
Upper Leather, per lb.....	0	0	2
Sole Leather, per lb.....	0	0	1½
Leather cut into shapes, per lb.....	0	0	6
LEATHER MANUFACTURES, viz :			
Boots, Shoes, and Calashes, viz :			
Women's Boots, Shoes, and Calashes, of Leather, per dozen pairs.....	0	7	6
Women's Boots and Shoes of Silk, Satin, Jean, or other stuffs, Kid or Morocco, otherwise than by Sea, per dozen pairs.....	0	7	6
<i>And if by Sea, five per centum ad valorem.</i>			
Girls' Boots, Shoes, and Calashes of Leather, under seven inches in length, per dozen pairs.....	0	2	6
Girls' Boots and Shoes of Silk, Satin, Jean or other stuffs, Kid or Morocco, otherwise than by Sea, per dozen pairs...	0	3	0
<i>And if by Sea, five per centum ad valorem.</i>			
Men's Boots,.....	}	.....per pair	
Men's Shoes,.....		.....per pair	
Boys' Boots, under eight inches in length,		of leather, per pair	
Boys' Shoes, under eight inches in length,		.....per pair	
	0	2	6
	0	1	0
	0	1	3
	0	0	9
SUGAR, viz :			
Muscovado and Clayed, that has not undergone any process whatever, for refining or otherwise, the lb.....	0	0	1
Refined in Loaves, Lumps or Crushed, and Sugar Candy, the lb.....	0	0	2
Bastard, and all other Sugars whatever, the lb.....	0	0	1

COFFEE,

	£	s.	d.
			Duty Sterling.
COFFEE, Green, the lb.....	0	0	1
Roasted, the lb.	0	0	2
Ground, the lb.	0	0	4
COCOA, the lb.	0	0	0½
Paste, Chocolate, the lb.	0	0	2
TEA, the lb.	0	0	1
TOBACCO, Unmanufactured, the lb.	0	0	1
Manufactured, the lb.	0	0	1
Segars, the lb.	0	2	0
Snuff, the lb.	0	0	4
MOLASSES and Treacle, the cwt.	0	1	0
SYRUPS, per gallon.	0	0	9
FRUIT, viz:			
Almonds, per lb.	0	0	1
Apples, per bushel.	0	0	6
Apples, Dried, per bushel.	0	1	0
Currants, per cwt.	0	5	0
Figs, per cwt.	0	5	0
Nuts, per lb.	0	0	0½
Pears, per bushel.	0	1	0
Prunes, per lb.	0	0	1
Raisins, in boxes, per lb.	0	0	1
Raisins, in kegs, or otherwise than in boxes, per lb.	0	0	0½
Maccaroni and } Vermicelli. } per lb.	0	0	1
OLIVE OIL, in casks, per gallon.	0	0	4
in jars and bottles, per gallon.	0	1	0
Lard Oil, per gallon.	0	0	4
Linseed Oil, raw or boiled, per gallon.	0	0	2
INDIA RUBBER Boots and Shoes, per pair.	0	0	6
SPICES, viz:			
Cassia, per lb.	0	0	2
Cinnamon, per lb.	0	0	2
			Cloves,

SPICES, viz :

	£	s.	d.
	Duty	Sterling.	
Cloves, per lb.....	0	0	2
Nutmegs, per lb.....	0	0	4
Pimento, per lb.....	0	0	0½
Pepper, of all kinds, per lb.	0	0	0½
Mace, per lb.....	0	0	3

WOOD, viz :

Pine, <i>White</i> , and in proportion for any smaller quantity there- of, per one thousand cubic feet	1	5	0
Pine, <i>Red</i> , per one thousand cubic feet.....	1	15	0
Oak, per one thousand cubic feet.....	2	15	0
Birch, per one thousand cubic feet.....	2	10	0
Ash, Elm, Tamarac or Hacmatac, and other woods not herein charged with duty, per one thousand cubic feet.....	1	5	0
Staves, standard or measurement, per standard mille.....	1	5	0
Puncheon or West India :			
White Oak, per standard mille.....	0	10	0
Red Oak, per standard mille.....	0	7	6
Ash, per standard mille.....	0	4	0
Barrel, per standard mille.....	0	4	0
Deals, Pine, per Quebec standard hundred	0	15	0
Spruce, per Quebec standard hundred.....	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 charged with duty, per one thousand superficial feet, inch thick,.....	0	7	6
And so in proportion for any greater thickness.			

SPIRITS or Strong Waters of all sorts, viz :

For every gallon of such Spirits or Strong Waters, *except Rum*,
of any strength not exceeding the strength of Proof by
Sykes' Hydrometer, and so in proportion for any greater
strength than the strength of Proof, and for any greater
or less quantity than a gallon,.....

	0	1	3
--	---	---	---

RUM,	do	do	do	the gallon.....	0	0	6
------	----	----	----	-----------------	---	---	---

And further for any excess over Hydrometer Proof, an equal
additional duty per gallon to the duty imposed upon the
said Spirits and Rum by any Act or Acts of the Imperial
Parliament and payable in this Province, until the same

shall

SPIRITS OR RUM :

£ s. d.
Duty Sterling.

shall be provided for by any Act of the Imperial Parliament of Great Britain and Ireland.

For every gallon of such Spirits or Strong Waters or Rum, sweetened or mixed with any article so that the degree of strength thereof cannot be ascertained, the gallon...

0 2 0

WINE, of all kinds, the gallon.....
And ten *per centum ad valorem*.

0 0 8

- Anchovies and Sardines, preserved in Oil,.....
- Biscuits and Crackers,.....
- Clocks and Watches,.....
- Carriages and Vehicles of all kinds, unenumerated,.
- Extracts, Essences and Perfumery,.....
- Eggs,.....
- Fruit, unenumerated,....
- Fanning and Bark Mills,.....
- Machinery, unenumerated,.....
- Oils, unenumerated, Vegetable, Volatile, Chemical and Essential,.....
- Pickles and Sauces,.....
- Poultry and Game,.....
- Playing Cards,.....
- Sausages and Puddings,.....
- Seeds, not enumerated,.....
- Vegetables, not enumerated,.....

For every }
one hundred }
pounds of the } 10 0 0
value, }

Goods, Wares and Merchandize not otherwise charged with duty, and not herein declared to be free of duty,.....

For every one }
hundred pounds } 5 0 0
of the value, }

- Ashes of all kinds,.....
- Bark,.....
- Burr Stones, unwrought,.....
- Berries, Nuts and Vegetables used principally in dying,
- Cotton Wool,.....
- Coals,.....
- Fur Skins or Peltries, undressed or unmanufactured,
- Hemp, Flax and Tow,.....
- Hides, Raw,.....

For every one }
hundred pounds } 1 0 0
of the value, }

Mahogany

£ s. d.
Duty Sterling.

Mahogany and Hardwood, unmanufactured, for Furniture,.....	} For every one hundred pounds of the value, }	} 1 0 0
Pig Iron,.....		
Palm Oil,.....		
Saw Logs,.....		
Soda Ash,.....		
Tallow,.....		
Lard,.....		
Fish Oil,.....		
Fish, Salted or Cured,.....		
Oysters, Lobsters and Turtles,.....		

EXEMPTIONS.

Exemptions.

- Anatomical preparations.
- Copies of the Holy Scriptures printed in the United Kingdom of Great Britain and Ireland.
- Coin and Bullion.
- Donations of Books or Clothing specially imported for the use of, or to be distributed gratuitously by, any Charitable Society in the 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.
- Hides and Tallow and Offal of cattle and swine slaughtered in bond.
- Manures of all kinds.
- Models of Machinery and of other inventions and improvements in the Arts.
- Old Junk or Oakum.
- Packages containing dutiable articles.

Philosophical

Philosophical Apparatus, instruments, books, maps, statuary, 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 purposes, or for the encouragement of the fine arts, or for the use or by the order of any University, College, Academy, School or Seminary of learning within this Province.

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 or 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 in Natural History, Mineralogy and Botany.

Seeds of all kinds, farming utensils and implements of husbandry, animals for the improvement of stock,—when specially imported in good faith by any Society incorporated or established for the encouragement of agriculture.

Trees, shrubs, plants, bulbs or roots.

Wearing apparel in actual use, and other personal effects not merchandize, implements and tools of trade of handicraftsmen in the occupation or employment of persons coming into the Province for the purpose of actually settling therein.

A L S O,

Cordage, pitch, tar, turpentine, leather, leatherware, fishermen's clothing and hosiery, fishing craft, utensils and instruments imported into the District of Gaspé from the United Kingdom or the Channel Islands 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 for the use of such fisheries.



ANNO OCTAVO

VICTORIÆ REGINÆ.

CAP. IV.

An Act to provide for the Management of the Customs and of matters relative to the Collection of the Provincial Revenue.

[17th March, 1845.]

WHEREAS it is expedient to repeal the Acts, Ordinances and Provisions of law hereinafter mentioned, relative to the management of the Customs and of matters relative to the Collection of the Provincial Revenue, to the end that the provisions of law relative to the matters aforesaid may be amended, consolidated and made uniform throughout 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 the Act of the Legislature of the Province 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 the 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 Legislature, passed in the seventh year of the Reign last aforesaid, and intituled, *An Act to establish the manner of issuing Licenses on which duties are imposed by any laws in force in this Province*; and the Act of the said Legislature, passed in the sixth year of the Reign of His late Majesty King William the Fourth, 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 so much of the Act of the Legislature of Upper Canada, passed in the forty-fifth year of the Reign of His Majesty King George the Third, intituled, *An Act for altering*

Preamble.

Commencement of this Act.

Repeal of certain Acts or parts of Acts.

L. C.
4 Geo. IV, cap. 14. Forfeitures, &c.

L. C.
7 Geo. IV, cap. 5. Form of Licenses.

L. C.
5 Will. IV, cap. 21. Inland Ports.

U. C.
Part of 45 Geo. III, cap. 1.

Time of issuing Licenses, and their duration.

U. C.
4 Geo. IV, (2d Sess.) cap. 11.
Customs.

U. C.
7 Will. IV,
cap. 25.
Customs.

U. C.
3 Vict. cap. 9.
Collectors, &c.

U. C.
3 Vict. cap. 20.
Licenses for
Public Houses.

altering the time of issuing Licenses for keeping a House of Public Entertainment, or for the Retailing of Wine, Brandy, Rum, or any other Spirituous Liquors, or for the having and using of Stills for the purpose of Distilling Spirituous Liquors, and for repealing so much of an Act passed in the forty-third year of His Majesty's Reign as relates to the period of paying into the hands of the Receiver General the Monies collected by the Inspector of each and every District throughout this Province for such Licenses; or of the Act of the said Legislature, passed in the fourth year of the Reign of His late Majesty King George the Fourth, and 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 Produce 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 provision for the due collection of Duties on Goods imported into this Province; or of the Act of the said Legislature, passed in the seventh year of the Reign of His late Majesty King William the Fourth, and 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; or of the Act of the said Legislature, passed in the third year of Her Majesty's Reign, and 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; or of the Act of the said Legislature, passed in the same year of the same Reign, and intituled, An Act for further regulating the manner of granting Licenses to Inn Keepers, and to the Keepers of Ale and Beer houses within this Province; or of any other Act, Ordinance or Law, whether of the Legislature of this Province or of the Legislature of Lower Canada or of Upper Canada, as may be in any wise inconsistent with or repugnant to the provisions of this Act, shall be and the said Acts, parts of Acts, Laws and provisions of Law are hereby repealed from and after the Fifth day of April, one thousand eight hundred and forty-five, and that the following provisions of this Act shall commence and have force and effect from and after the sixth day of April, in the year of our Lord, one thousand eight hundred and forty-five, and not before.*

II. And be it enacted, That all commissions and appointments of any officers or persons employed in the collection or management of the Revenue, or in accounting for the same, in force at the time this Act shall commence, shall continue in force, and the nature of the duties and local extent of the powers of each office, shall, until they be expressly altered, remain the same as if granted or made under the authority of this Act, subject always to the provisions and enactments thereof; and that all bonds which shall have been given by such officers or persons, or their sureties, shall remain in full force and effect.

Present commissions to continue in force.

III. And be it enacted, That in so far as may be consistent with the Acts of the Parliament of the United Kingdom in force in this Province, it shall be lawful for the Governor of this Province in Council from time to time to determine what officers or persons it may be necessary to employ in collecting, managing, or accounting for the Provincial Revenue, and in carrying into effect the laws thereunto relating, or for preventing any contravention of such laws, and to assign their names of office, and to grant to such officers or persons as aforesaid such salaries or pay for their labour and responsibility in execution of the duties of their respective offices and employments, as to the said Governor in Council shall seem reasonable and necessary, and to appoint the times and manner in which the same shall be paid: Provided always, that, no officer or person as aforesaid, appointed under the authority of this Act, shall be paid a higher annual salary than five hundred pounds currency.

In so far as may be consistent with the Acts of the Imperial Parliament, the Governor in Council shall determine what officers are necessary, and fix their salaries.

Proviso: amount of salaries limited.

IV. And be it enacted, That the salary or pay allowed to any such officer or person as aforesaid shall be in lieu of all fees, allowances or emoluments of any kind whatsoever, except actual and authorized disbursements, shares of seizures, forfeitures and penalties excepted, and that no person, whether appointed before or after this Act shall come into force, who shall receive a salary at or exceeding the rate of two hundred and fifty pounds, currency, per annum, shall exercise any other calling, profession, trade or employment whatsoever, with a view to derive profit therefrom, directly or indirectly, or shall hold any other office of profit whatsoever, except it be an office relating to the management and collection of the Revenue and the accounting for the same, and held by such officer or person with the permission of the Governor in Council.

Salaries to be in lieu of all other emoluments, and officers to give their whole time to the duties of their offices. Exception.

V. And be it enacted, That it shall be lawful for the Governor in Council, from time to time, to make all such new divisions of the Province into Districts or otherwise, as may be required with regard to the collection or management of the Revenue, and to assign the officers or persons by whom any duty or service relative to any such purpose shall be performed within or for any such District or division, and the place or places within the same, where such duty or service shall be performed; and to make all such regulations concerning such officers and persons

Certain powers with regard to the Management of the Customs vested in the Governor in Council.

General regulations how to apply.

Proviso, as to proof of regulations, orders, &c.

Persons employed with the concurrence of the Governor in Council to be deemed the proper officers.

Same as to places.

Officers employed in one branch may be employed in another.

Hours of office and seasons for certain business how appointed.

persons, and the conduct and management of the business to them intrusted, as may be consistent with the law, and as he may deem expedient for carrying it into effect, in the manner best adapted to promote the public good; and any general regulation or order made by the Governor in Council for any purpose whatever for which an order or regulation may be so made under the provisions of this Act, shall apply to each particular case within the intent and meaning of such general regulation or order, as fully and effectually as if the same had been made with reference to such particular case, and the officers, functionaries or parties concerned had been specially named therein: Provided also, that a printed copy of any regulation or order of the Governor in Council, printed by the Queen's Printer, or a written copy thereof attested by the signature of the Clerk of the Executive Council, shall be evidence of such regulation or order; and any order in writing, signed by the Provincial Secretary, and purporting to be written by command of the Governor, shall be received in evidence as the order of the Governor.

VI. And be it enacted, That every person employed on any duty or service relating to the collection or management of the Revenue, by the orders or with the concurrence of the Governor in Council (whether previously or subsequently expressed) shall be deemed to be the proper officer for that duty or service; and that every act, matter or thing required by any law at any time in force to be done or performed by, to, or with any particular officer nominated in such law for that purpose, being done or performed by, to, or with any person appointed or authorized by the Governor in Council to act for or in behalf of such particular officer, shall be deemed to be done or performed by, to, or with such particular officer; and every act, matter or thing required by any law, at any time in force, to be done or performed at any particular place within any port, or within any such District or division of this Province, as aforesaid, being done or performed at any place within such port, District or division, appointed by the Governor in Council for such purpose, shall be deemed to be done or performed at the particular place so required by law.

VII. And be it enacted, That any officer or person employed in the collection, management or accounting for any branch of the Revenue, may be employed in the collection, management or accounting for any other branch thereof, whenever it may be deemed advantageous for the public service so to employ him.

VIII. And be it enacted, That it shall be lawful for the Governor in Council, from time to time, to appoint the hours of general attendance of the officers and persons employed in the collection and management of the Revenue, at their proper offices and places of employment, and also to appoint the times during such hours,

hours, or the seasons of the year, at which any particular parts of the duties of such officers or other persons shall be performed by them respectively : Provided always, that a notice of the hours of general attendance so appointed shall be kept constantly posted up in some conspicuous place in such offices and places of appointment.

Proviso.

IX. And be it enacted, That no day shall be kept as a public holiday by the officers and persons employed in the collection and management of the Revenue, except Christmas day, New Year's day and Good Friday in every year, any days appointed by Proclamation of the Governor for the purpose of a general fast, or of a general thanksgiving, and such days as shall have been appointed for the celebration of the birth-days of Her Majesty and Her Royal Successors, and such other days as may be from time to time appointed as holidays by the Governor in Council.

What days shall be kept as holidays.

X. And be it enacted, That it shall be lawful for the Governor in Council, from time to time to appoint the times and mode in which any officer or person employed in the collection, management or accounting for any part of the Revenue, shall account for and pay over the public monies which may come into his hands, to the officer appointed to receive the same, and to determine the times, manner and form in which, and the officer by whom all Licenses on which any duty shall be payable are to be issued : Provided that such accounts and payments shall be rendered and made by such officers respectively, at least once in every three months.

Governor in Council to appoint the mode and times in which monies shall be accounted for and paid over.

Proviso.

XI. And be it enacted, That it shall be lawful for the Governor in Council, to direct any officer or person employed in collecting, managing or accounting for any branch of the Provincial Revenue, to keep any books or accounts which they may deem it advisable to direct to be kept for the purpose of obtaining any statistical information concerning the trade or commerce of the Province, the public works thereof, or other matters of public interest, and to authorize and allow any necessary expense incurred for such purpose.

May authorize accounts to be kept for statistical purposes.

XII. And be it enacted, That every person who shall be appointed, after the commencement of this Act, to any office or employment relative to the collection or management of the Revenue, or in accounting for the same, shall at his admission to such office or employment take the following oath, before such officer as the Governor shall appoint to receive the same ; that is to say :

Officers to take an oath of office.

“ I, A. B. do swear to be true and faithful in the execution, to the best of my knowledge and power, of the trust committed to my charge, by my appointment

The oath.

as

as and that I will not require, take or receive any fee, perquisite, gratuity or reward, whether pecuniary or of any other sort or description whatever, either directly or indirectly, for any service, act, duty, matter or thing done or performed or to be done or performed in the execution or discharge of any of the duties of my said office or employment, on any account whatever other than my salary, or what shall be allowed me by law, or by order of the Governor of this Province in Council.—So help me God.”

Penalty on officers taking, or persons offering any fee, gratuity, &c.

XIII. And be it enacted, That if any officer or any person acting in any office or employment connected with the collection and management of the Revenue or the accounting for the same, shall take or receive any fee, perquisite, gratuity or reward, whether pecuniary or of any other sort or description whatever, directly or indirectly, from any person (not being an officer or person legally authorized to pay or allow the same,) on account of any thing done by him in any way relating to his office or employment, except such as he shall receive by order or with the permission of the Governor in Council, every such officer or person so offending shall on proof thereof, to the satisfaction of the Governor, be dismissed from his office or employment, and if any person (not being an officer duly authorized to pay or allow the same,) shall give, offer or promise any such fee, perquisite, gratuity, or reward, such person shall for every such offence, incur a penalty of one hundred pounds currency, which penalty shall be recoverable in any Court having jurisdiction in civil cases to a like amount.

Before whom oaths in matters relative to the revenue may be made.

XIV. And be it enacted, That in all cases wherein proof on oath or by affirmation or declaration shall be required by any law relating to the collection or management of the Revenue or to the accounting for the same, or shall be necessary for the satisfaction or consideration of the Governor in Council, in any matter relating to the collection or management of the Revenue or to the accounting for the same, and no person or officer shall be specially named as the officer or person before whom the same is to be made, it may be made before any Collector or Chief officer of the Customs for the port or place where such proof is required, or before the persons acting for them respectively, or before such other officer or person as shall be appointed to receive the same by the Governor, and such officers and persons are hereby authorized and empowered to administer such oath or affirmation or receive such declaration; and in any case or class of cases, where an oath is or shall be required by this Act or by any law in force or to be hereafter in force, in any matter relating to the collection or management of the Revenue or the accounting for the same, it shall be lawful for the Governor in Council, if he shall deem it fit, to authorize the substitution for such oath, of a solemn affirmation or of a declaration, which shall then avail to all intents and purposes as such oath would have done.

Governor in Council may substitute affirmations or declarations for oaths.

XV. And be it enacted, That upon all examinations and inquiries made by order of the Governor in Council, for ascertaining the truth as to any fact relative to any matter concerning the collection or management of the Revenue, or the accounting for the same, or the conduct of officers or persons employed therein, and upon like examinations and inquiries made by the Collector of the Customs, or by the chief officer employed in the collection and management of the Revenue, in or at any port, district or place, or by any person or officer authorized by the Governor in Council to make such examinations and inquiries, any person to be examined as a witness shall deliver his testimony on oath to be administered to him by the officer or person making the examination or inquiry, who is hereby authorized and empowered to administer the same: and any person wilfully making any false statement, in any such examination upon oath or in any solemn affirmation or declaration substituted as aforesaid for an oath, whether such oath shall have been required by this Act or by any other Act relating to the Revenue, shall be deemed guilty of wilful and corrupt perjury, or of a misdemeanour punishable in the same manner as wilful and corrupt perjury, and shall on conviction be liable to be punished accordingly.

Witnesses on certain examinations and inquiries may be examined on oath.

Wilful false statement to be perjury.

XVI. And be it enacted, That all books, papers, accounts, and documents of what kind soever, and by whom and at whose cost soever the paper and materials thereof may have been procured or furnished, which shall have been kept by or used, or shall have been received or taken into the possession of any officer or person employed or having been employed in the collection or management of the Revenue or in accounting for the same, by virtue of his employment as such, shall be deemed to be chattels belonging to Her Majesty, and all monies or valuable securities which shall have been received or taken into his possession by virtue of his employment shall be deemed to be monies and valuable securities belonging to Her Majesty; and if any such officer or person shall at any time fraudulently embezzle any such chattel, money or valuable security, (and any refusal or failure to pay over or deliver up any such chattel, money or valuable security to any officer or person who being duly authorized by the Governor in Council, shall demand the same after the passing of this Act, shall be a fraudulent embezzlement thereof,) he shall be deemed to have feloniously stolen the same, and may be indicted and proceeded against, and being convicted thereof shall be liable to be punished, in the same manner as any servant who having fraudulently embezzled any chattel, money, or valuable security, received or taken into his possession by virtue of his employment, for or on the account of his master and being in law deemed to have feloniously stolen the same, may be indicted, proceeded against and punished: Provided always, that nothing herein contained shall prevent, lessen or impeach any remedy which Her Majesty or any other party may have against such offender or his sureties,

Punishment of officers or persons employed in collecting the Revenue, and embezzling the same or any books, &c. thereunto relating.

Proviso, other remedies not to be impaired.

sureties, or against any other party whomsoever; but nevertheless the conviction of any such offender shall not be received in evidence in any suit or action at law or in equity, against him.

Summary remedy against officers receiving Revenue and refusing to pay over the same.

XVII. And be it enacted, That if at any time it shall appear clearly, by the books or accounts kept by or in the office or any officer or person employed in the collection or management of the Revenue or in accounting for the same, or by his written acknowledgment or confession, that such officer or person hath by virtue of his office or employment received monies belonging to Her Majesty, and amounting to a sum certain, which he hath refused or neglected to pay over to the officer duly appointed to receive the same, and in the manner and at the time lawfully appointed, then upon affidavit of the facts, made by any officer cognisant thereof, thereunto authorized by the Governor in Council, before a Justice or Judge of any Court having jurisdiction in civil matters to the amount of the sum so ascertained as aforesaid, it shall be lawful for such Justice or Judge to cause to be issued against, and for the seizure and sale of the goods, chattels and lands of the officer or person so in default as aforesaid, such writ or writs as might have issued out of such Court, if the bond given by him had been put in suit, and judgment had been thereupon obtained in favour of Her Majesty, for a like sum, and any delay by law allowed between judgment and execution had expired; and such writ or writs shall be executed by the Sheriff or other proper officer, and such sum as aforesaid shall be levied under them with costs, and all further proceedings shall he had, as if such judgment as aforesaid had been actually obtained.

Revenue officers exempted from certain charges.

XVIII. And be it enacted, That no officer or person regularly employed in the collection or management of the Revenue, or in accounting for the same, shall while he shall be such officer or so employed, be compelled to serve in any other public office, or in any municipal or local office, or on any jury or inquest, or in the militia; any law, usage or custom to the contrary notwithstanding.

Governor empowered to remit duties, tolls, &c., in cases where great injustice and inconvenience would otherwise arise.

XIX. And whereas it is expedient that the Executive Government should be empowered to relax the strictness of the laws relative to the collection of the Revenue, in cases where without such relaxation great public inconvenience or great hardship and injustice to individuals could not be avoided: Be it therefore enacted, That it shall be lawful for the Governor of this Province when he shall deem it right and conducive to the public good, to remit any duty or toll payable to Her Majesty, imposed, or authorized to be imposed by any Act of the Provincial Legislature, or any forfeiture or pecuniary penalty imposed or authorized to be imposed by any such Act, for any contravention of the laws relating to the collection of the Revenue or to the management of any public work producing toll or revenue, although any part of such forfeiture or penalty be given by law to the informer

informer or prosecutor, or to any other party; and such remission may be made by any general regulation or by any special order in any particular case, and may be total or partial, unconditional or conditional, and if conditional, and the condition be not performed, the order made in the case shall be null and void, and all proceedings may be had and taken as if it had not been made: Provided always, that a detailed statement of all such remissions as aforesaid, shall be annually submitted to the several branches of the Legislature, within the first fifteen days of each ensuing session thereof.

Such omission may be made by general regulation.

Proviso.

XX. Provided always, and be it enacted, That if the Governor of this Province shall direct, that the whole or any part of any penalty imposed by any Act relating to the Revenue be remitted or returned to the offender, such remission or return shall have the effect of a pardon for the offence for which the penalty shall have been incurred, which shall thereafter have no legal effect prejudicial to the party to whom such remission shall have been granted: Provided also, that it shall be lawful for Her Majesty's Attorney General or other law officer to sue for and recover in Her Majesty's name, any penalty or forfeiture imposed by any Act relating to the Revenue, before any Court or other judicial authority, before which such penalty or forfeiture shall be recoverable under such Act, (and in such case, the whole of such penalty or forfeiture, shall belong to Her Majesty for the public uses of the Province, unless the Governor in Council shall, as he is hereby empowered to do, allow any portion thereof to the seizing officer or other person by whose information or aid the penalty or forfeiture shall have been recovered,) or to direct the discontinuance of any suit for any such penalty, by whom or in whose name soever, the same shall have been brought; any thing in any Act, whether passed during the present Session or otherwise, or in any law to the contrary notwithstanding.

Remission of penalty to act as a pardon for the offence.

Proviso.

XXI. And be it enacted, That the words "Governor" or "Governor of this Province," whenever they occur in this Act, shall be understood to mean and include the Lieutenant Governor, or person administering the Government; and whenever anything is directed to be done by the "Governor in Council," it shall be understood that the same is to be done by the Governor, Lieutenant Governor, or person administering the Government of this Province, by and with the advice and consent of the Executive Council thereof; and the words "Provincial Revenue" or "Revenue," shall be understood to mean and include and apply to all Provincial Revenue and branches thereof, and public monies, whether arising from duties of Customs or other duties, or from tolls for the use of any public works, or from penalties or forfeitures, or other source whatsoever, in so far as the collection, management and accounting for the same, shall be respectively subject to the control of the Provincial Legislature; and any officer, functionary,

Interpretation clause.

Governor in Council.

Revenue.

Revenue officers.

OR

or person whose duty it shall be to receive any monies forming part of the Revenue, or who shall be entrusted with the custody or expenditure of any such monies, although he may not be regularly employed in collecting, managing or accounting for the same, shall be subject to the provisions of this Act, so far as regards the accounting for and paying over such monies, whatever be the office or employment by virtue of which he shall receive or be entrusted with the same; and words importing the singular number only shall be understood to include several persons, matters or things of the same kind, as well as one person, matter or thing, unless it be otherwise specially provided, or there be something in the subject or context, repugnant to or inconsistent with such construction.

Singular number, &c.

Proviso, as to the Act for the disposal of public lands.

XXII. Provided always, and be it enacted, That nothing in this Act contained, shall be construed to repeal or alter any enactment in the Act passed in the Session held in the fourth and fifth years of Her Majesty's Reign, and intituled, *An Act for the Disposal of the Public Lands*, but this Act shall apply to Revenue derived from the lands in the said Act mentioned, and to the officers and persons employed in collecting, managing, and accounting for the same, in so far only as its provisions shall be consistent with those of the said Act.

Act may be altered during this session.

XXIII. And be it enacted, That this Act may be altered, varied or repealed by any Act to be passed during the present Session.

Limitation of this Act.

XXIV. And be it enacted, That this Act shall remain in force until the fifth day of April, one thousand eight hundred and forty-eight, and thence until the end of the then next Session of the Provincial Parliament, and no longer.

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



ANNO OCTAVO

VICTORIÆ REGINÆ.

*This Act is repealed in accordance with the terms of the 27th Section; inasmuch as the Imperial Act of the 12. & 13. Vic. Chap: 29. forbids for the Re-
-gistering of British Colonial Vessels - Vide Vol: d. 29. at the close
J. H. P.*

CAP. V.

An Act to secure the right of property in British Plantation Vessels navigating the Inland Waters of this Province, and not registered under the Act of the Imperial Parliament of the United Kingdom, passed in the third and fourth years of the Reign of His late Majesty King William the Fourth, intituled, *An Act for the Registering of British Vessels*, and to facilitate transfers of the same, and to prevent the fraudulent assignment of any property in such Vessels.

[17th March, 1845.]

WHEREAS it is expedient to secure the right of property in British Plantation Vessels, navigating the Inland Waters of this Province, and not registered under the Act of the Imperial Parliament, intituled, *An Act for the registering of British Vessels*, passed in the third and fourth years of the reign of His Majesty, William the Fourth, and to facilitate transfers of Vessels, and to prevent the fraudulent assignment of the property in such Vessels: 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 this Act shall commence upon the first day of July, one thousand eight hundred and forty five, except when any other commencement is herein particularly directed.

Preamble.

Commencement of Act.

Right of ownership in any such vessels to be registered.

II. And be it enacted, That all persons claiming property in any Ship or Vessel, over fifteen tons, shall cause his or their ownership in the same to be registered in manner hereinafter provided for, and shall obtain a certificate of the registry of such ownership, from the person or persons authorized to make such registry and to grant such certificate, as hereinafter directed ; the form of which certificate shall be as follows, *videlicet* :

Form of certificate of ownership.

“ This is to certify, that in pursuance of an Act, passed in the _____ year of the reign of Queen Victoria, intituled, “ *An Act, &c., [here insert the title of this Act, and the names, occupations, and residence of the subscribing owners,]* having made and subscribed the declaration required by the said Act : and having declared that he [or they] together with [names, occupations and residence of non-subscribing owners] is (or are) sole owner (or owners in the proportions specified on the back hereof,) of the ship or vessel called the [ship's name] of [place to which the ship belongs] which is of the burthen of [number of tons] and whereof [master's name] is master ; and that the said ship or vessel was [when and where built, referring to builder's certificate or certificate of last ownership, then delivered up to be cancelled] and [name and employment of surveying officer] having certified to me that the said ship or vessel has [number] decks and [number] masts, that her length from the fore part of the main stem, to the after part of the stern post aloft, is [number of feet and inches] her breadth at the broadest part [stating whether that be above or below the main wales] is [number of feet and inches] her [height between decks if more than one deck, or depth in the hold if only one deck] is [number of feet and inches] [if a steamer propelled by steam with an engine room, state the length and tonnage of the engine room, in feet and inches of length and tons,] that she is [how rigged,] rigged with a standing [or running] bowsprit, is [description of stern] sterned, carvel [or clinker] built, has [whether any or no] head ; and the subscribing owners have consented and agreed to the above description ; and their ownership or property in the said ship or vessel called the [name] has been duly registered at the Port of [name of the port.] Certified under my hand at the Custom House, in the said Port of [name of the port] this [date] day of [name of the month] in the year [words at length.]

[Signed,]

Collector.”

Indorsement of shares, or proportion of ownership.

And on the back of such certificate of ownership there shall be an account of the parts or shares held by each of the owners mentioned and described in such certificate, in the form and manner following :

“ Names

“ Names of the several owners within mentioned : | “ Number of sixty fourth shares held by each owner :

[Name,
[Name,
[Name,
[Name,

Thirty-two,
Sixteen,
Eight,
Eight,]

[Signed,]

Collector.”

III. And be it enacted, That the Collector of Her Majesty's Customs of any Port in this Province, is hereby authorised and required to make such registry and grant such certificate of ownership : Provided always, that no certificate of ownership shall be granted to any ship or vessel not wholly built in this Province, and which shall not wholly belong, and continue to wholly belong to Her Majesty's subjects.

Collectors of Customs required to make registry and grant certificates of ownership.

IV. And be it enacted, That every ship or vessel shall be deemed to belong to some Port, at or near to which some or one of the owners who shall make and subscribe the declaration required by this Act before register of ownership be made, shall reside ; and that no such certificate of ownership shall be granted by any Collector of Customs hereinbefore authorised to grant such certificate, in any port or place other than the port or place to which such ship or vessel shall properly belong ; but that any and every certificate made and granted in any port or place to which any such ship or vessel does not properly belong, shall be utterly null and void to all intents and purposes.

Certificates of ownership to be granted to vessels at the ports to which they belong.

V. And be it enacted, That at every port where registry of ownership shall be made in pursuance of this Act, a book shall be kept by the Collector, in which all the particulars contained in the form of the certificate of ownership hereinbefore directed to be used, shall be duly entered ; and every registry of such ownership shall be numbered in progression, beginning such progressive numeration at the commencement of each and every year ; and such Collector shall forthwith transmit to the Inspector General, or such other officer as the Governor shall appoint for that purpose, a true and exact copy, together with the number of every certificate, which shall be by him so granted.

Books of registry of ownership to be kept by the Collector.

VI. And be it enacted, That no certificate of ownership shall be granted until the following declaration be made and subscribed, before the Collector of Customs to

Declaration to be made and subscribed be-

fore certificate
of ownership
be granted.

to whom application may be at any time made to grant a certificate of ownership, by the owner of such ship or vessel, if such ship or vessel is owned by or belongs to one person only, or in case there shall be two joint owners, then by both of such joint owners, if both shall be resident within twenty miles of the port or place where such registry is required, or by one of such owners, if one or both of them shall be resident at a greater distance from such port or place; or if the number of such owners or proprietors shall exceed two, then by the greater part of the number of such owners or proprietors, if the greater number of them shall be resident within twenty miles of such port or place as aforesaid, (not in any case exceeding three of such owners or proprietors, unless a greater number shall be desirous to join in making and subscribing the said declaration) or by one of such owners if all or all except one, shall be resident at a greater distance.

Form of de-
claration to be
made and sub-
scribed by
owner of a ship
or vessel before
receiving a
certificate of
ownership.

“ I, A. B. of [*place of residence and occupation,*] do truly declare, that the ship or vessel [*name*] of [*port or place*] whereof [*master's name*] is at present master, being [*kind of build, burthen, &c., as described in the certificate of the surveying officer*] was [*when and where built,*] and that I, the said A. B., [*and the other owners' names and occupations, if any, and where they respectively reside, videlicet, town, place, or parish or county,*] am (or are) sole owner or owners of the said vessel, and that no other person or persons whatever hath or have any right, title, interest, share, or property therein or thereto: and that I, the said A. B., [*and the said other owners, if any,*] am (or are) truly and *bonâ fide* a subject (or subjects) of Great Britain, and that I, the said A. B., have not, nor have any of the other owners, to the best of my knowledge and belief, taken the oath of allegiance to any foreign state whatever: (or, he or they hath (or have) become a denizen or denizens (or naturalized subject or subjects) (*as the case may be*) of the United Kingdom of Great Britain and Ireland, by Her Majesty's letters patent, (or by any Act of Parliament,) [*naming the times when such letters of denization have been granted respectively, or the year or years in which such Act or Acts for naturalization have passed respectively:*] and that no foreigner, directly or indirectly, hath any share or part interest in the said ship or vessel.”

VII. And, in order to enable the Collector of Her Majesty's Customs to grant a certificate of ownership, truly and accurately describing every ship or vessel to which a certificate may be granted, in pursuance of this Act, and also to enable all other officers of Her Majesty's Customs, on due examination, to discover whether any such ship or vessel is the same with that for which a certificate of ownership is alleged to have been granted: Be it enacted, That previous to the granting of any certificate of ownership as aforesaid, some one or more person or persons appointed by the Governor General, taking to his or their assistance, if he or they shall judge it necessary, one or more person or persons skilled in the building

Vessels to be
surveyed pre-
vious to certifi-
cate of owner-
ship being
granted.

building and admeasurement of ships, shall go on board of every such ship or vessel to which such certificate of ownership may be granted, and shall strictly and accurately examine and admeasure every such ship or vessel, as to all and every particular contained in the form of the certificate of ownership hereinbefore directed, in the presence of the master, or of any other person who shall be appointed for that purpose on the part of the owner or owners, or, in his or their absence, by the said master, and shall deliver a true and just account, in writing, of all such particulars of the build, description, and admeasurement of every such ship or vessel, as are specified in the form of the certificate of ownership above recited, to the Collector authorized as aforesaid to grant such certificate of ownership: and the said master or other person attending on the part of the owner or owners, is hereby required to sign his name also to the certificate of such surveying or examining officer, in testimony of the truth thereof, provided such master or other person shall consent and agree to the several particulars set forth and described therein.

Owner or master to sign, if he concur in the description.

VIII. And be it enacted, That for the purpose of ascertaining the tonnage of ships or vessels, the rule for admeasurement shall be the same as that contained in the Acts of the Imperial Parliament severally passed in the fifth and sixth years of the reign of His late Majesty King William the Fourth, intituled, *An Act to regulate the admeasurement of the tonnage and burthen of the merchant shipping of the United Kingdom*, and in the sixth and seventh years of the reign of Her present Majesty, intituled, *An Act to amend the laws relating to the Customs*, that is to say: the tonnage of every ship or vessel shall be measured and ascertained while her hold is clear, and according to the following rule, that is to say—divide the length of the upper deck between the afterpart of the stem and the forepart of the sternpost into six equal parts. *Depths*:—at the foremost, the middle and the aftermost of those points of division, measure in feet and decimal parts of a foot the depths from the under side of the upper deck to the ceiling at the limber strake: in the case of a break in the upper deck, the depths are to be measured from a line stretched in a continuation of the deck. *Breadths*:—divide each of those three depths into five equal parts, and measure the inside breadths at the following points,—*videlicet*, at one-fifth and at four-fifths from the upper deck of the foremost and aftermost depths, and at two-fifths and four-fifths from the upper deck of the midship depth. *Length*:—at half the midship depth, measure the length of the vessel from the afterpart of the stem to the forepart of the sternpost; then to twice the midship depth add the foremost and the aftermost depths for the sum of the depths: add together the upper and lower breadths at the foremost division, three-times the upper breadth and the lower breadth at the midship division, and the upper and twice the lower breadth at the after division for the

Rule of admeasurement.

5 & 6 W. 4. c. 56.

6 & 7 Vict. c. 84.

sum

sum of the breadths, then multiply the sum of the depths by the sum of the breadths and this product by the length, and divide the final product by three thousand five hundred, which will give the number of tons for register; if the vessel have a poop or half deck, or a break in the upper deck, measure the inside mean length, breadth, and height of such part thereof as may be included within the bulk head: multiply these three measurements together, and dividing the product by 92.4, the quotient will be the number of tons to be added to the result as above found: in order to ascertain the tonnage of open vessels, the depths are to be measured from the upper edge of the upper strake; and for the purpose of ascertaining the tonnage of all such ships or vessels as there shall be occasion to measure, while their cargoes are on board the following rule shall be observed, that is to say: measure first the length on the upper deck between the after part of the stem and the forepart of the sternpost; secondly, the inside breadth on the under side of the upper deck, at the middle point of the length; and thirdly, the depth from the under side of the upper deck down the pumpwell to the skin; multiply these three dimensions together, and divide the product by one hundred and thirty, and the quotient will be the amount of the register tonnage of such ship or vessel: if the vessel have a poop or half deck or a break in the upper deck, measure the inside mean length, breadth, and height of such part thereof as may be included within the bulkhead, multiply these three measurements together, and dividing the product by ninety-two and four-tenths, the quotient will be the number of tons to be added to the result above found: Provided always, that in each of the several rules hereinbefore prescribed, when applied for the purpose of ascertaining the tonnage of any ship or vessel propelled by steam, the tonnage due to the cubical contents of the engine room shall be deducted from the total tonnage of the vessel as determined by either of the rules aforesaid, and the remainder shall be deemed the true register tonnage of the said ship or vessel; the tonnage due to the cubical contents of the engine room shall be determined in the following manner, that is to say: measure the inside length of the engine room in feet and decimal parts of a foot from the foremost to the aftermost bulkhead, then multiply the said length by the depth of the ship or vessel at the midship division as aforesaid, and the product by the inside breadth at the same division at two-fifths of the depth from the deck taken as aforesaid, and divide the last product by 92.4, and the quotient shall be deemed the tonnage due to the cubical contents of the engine room: Provided always, that the tonnage due to the cubical contents of the engine room, and also the length of the engine room shall be set forth in the certificate of ownership as part of the description of the ship or vessel, and that any alteration of such tonnage due to the cubical contents of the engine room, or of such length of the engine room after the granting of such certificate, shall be deemed to be an alteration requiring a certificate

certificate *de novo* within the meaning of this Act ; and provided also, that the true amount of the tonnage of every ship or vessel to be ascertained under this Act, shall be deeply carved or cut in figures of at least three inches in length on the main-beam of every such ship or vessel, prior to the issue of the certificate of ownership.

IX. And be it enacted, That when and so often as the master, or other person having or taking the charge or command of any ship or vessel to which a certificate of ownership has been granted in manner hereinbefore directed, shall be changed, the master or owner of such ship or vessel shall deliver the certificate of ownership belonging to such ship or vessel, to the person or persons hereinbefore authorised to grant such certificate of ownership, at the port where such change shall take place, who shall thereupon indorse and subscribe a memorandum of such change, and shall forthwith give notice of the same to the proper officer of the port or place where such ship or vessel received its certificate of ownership pursuant to this Act, who shall likewise make a memorandum of the same in the book of register of ownerships, which is hereby directed and required to be kept.

When master is changed, his name to be indorsed on certificate of ownership.

X. And be it enacted, That it shall not be lawful for any owner or owners of any ship or vessel to give any name to such ship or vessel other than that by which she was called when first granted a certificate of ownership, in pursuance of this Act : And that the owner or owners of all and every ship or vessel to which certificate of ownership has been granted, shall, before such ship or vessel, after having received certificate of ownership, shall begin to take in any cargo, paint or cause to be painted in white or yellow letters of a length of not less than four inches, upon a black ground, on some conspicuous part of the stern, the name by which such ship or vessel shall have been granted certificate of ownership, pursuant to this Act, and the port to which she belongs, in a distinct and legible manner, and shall so keep and preserve the same : And that if such owner or owners, or master or other person having or taking the charge or command of such ship or vessel, shall permit such ship or vessel to begin to take in any cargo before the name of such ship or vessel has been so painted as aforesaid, or shall wilfully alter, erase, obliterate, or in any wise hide or conceal, or cause or procure or permit the same to be done, or shall, in any written or printed paper or other document, describe such ship or vessel by any name other than that by which she was first named in her certificate of ownership, pursuant to this Act, or shall verbally describe, or cause or procure or permit such ship or vessel to be described by any other name, to any officer or officers of Her Majesty's revenue, in the

Name of vessel for which certificate of ownership has been granted never after to be changed, and to be painted on the stern.

Penalty for contravention.

the due execution of his or their duty, then, and in every such case, such owner or owners, or master, or other person having or taking the charge or command of such ship or vessel, shall forfeit the sum of twenty pounds, currency.

Builder's certificate of particulars of ship or vessel.

XI. And be it enacted, That all and every person or persons who shall apply for a certificate of ownership for any ship or vessel, shall, and they are hereby required to produce to the person or persons authorized to grant such certificate, a true and full account, under the hand of the builder of such ship or vessel, of the proper denomination, and of the time when, and the place where, such ship or vessel was built, and also an exact account of the tonnage of such ship or vessel, together with the name of the first purchaser or purchasers thereof, (which account such builder is hereby directed and required to give under his hand, on the same being demanded by such person or persons so applying for a certificate of ownership as aforesaid,) and shall also make and subscribe a declaration before the person or persons hereinbefore authorized to grant such certificate, that the ship or vessel for which such certificate is required, is the same with that which is so described by the builder as aforesaid: Provided always, that if, by reason of the death or absence of the builder of any ship, or other cause, it shall not be possible for the owner of any ship or vessel to procure a builder's certificate, then in that case it shall be competent for the Governor General, on an application being made to him to that effect, and on being satisfied of the justice of the same, to cause the Collector of Her Majesty's Customs at any port, to grant a certificate of ownership, notwithstanding that the builder's certificate be not produced to him.

Declaration to be made there-to.

Proviso.

When vessels are altered to a certain extent, certificates of ownership to be granted *de novo*.

XII. And be it enacted, That if any ship or vessel, after a certificate of ownership shall have been granted, pursuant to the directions of this Act, shall in any manner whatever be altered so as not to correspond with all the particulars contained in the certificate of ownership, in such case it shall be incumbent on the owners of such ship or vessel to return the said certificate of ownership to the Collector of the port where the same was granted, and the Collector of the port shall grant a certificate of ownership *de novo*, in manner hereinbefore required, and on failure whereof the owner of such ship or vessel shall forfeit the sum of twenty pounds, currency.

Property in vessels to be transferred by bill of sale.

XIII. And be it enacted, That when and so often as the property in any ship or vessel or any part thereof, belonging to any of Her Majesty's subjects shall, after being granted certificate of ownership, be sold to any other or others of Her Majesty's subjects, the same shall be transferred by bill of sale or other instrument in writing, containing a recital of the certificate of ownership of such ship or vessel, or the principal contents thereof, otherwise such transfer shall not be valid or effectual

effectual for any purpose whatever either in law or equity : Provided always, that no bill of sale shall be deemed void by reason of any error in such recital, or by the recital of any former certificate of ownership instead of the existing certificate, provided the identity of the ship or vessel intended in the recital be effectually proved thereby.

Proviso : Bill of sale not void by unimportant error in recital, &c.

XIV. And be it enacted, That the property in every ship or vessel of which there are more than one owner, shall be taken and considered to be divided into sixty-four equal parts or shares, and the proportion held by each owner shall be described in the certificate of ownership as being a certain number of sixty-fourth parts or shares ; and that no person shall be entitled to be registered as an owner of any ship or vessel, in respect of any proportion of such ship or vessel which shall not be an integral sixty-fourth part or share of the same ; and upon the first application for a certificate of ownership of any ship or vessel, the owner or owners who shall take and subscribe the declaration required by this Act before a certificate of ownership be granted, shall also declare the number of such parts or shares then held by each owner, and the same shall be so registered accordingly : Provided always, that if it shall at any time happen, that the property of any owner or owners in any ship or vessel cannot be reduced by division into any number of integral sixty-fourth parts or shares, the right of any owner or owners to any such fractional parts shall not be affected by reason of the same not having been registered : Provided also, that it shall be lawful for any number of such owners named and described in such certificate of ownership, being partners in any house or co-partnership actually carrying on trade in any part of Her Majesty's Dominions, to hold any ship or vessel, or any share or shares of any ship or vessel, in the name of such house or co-partnership as joint owners thereof, without distinguishing the proportionate interest of each of such owners ; and that such ship or vessel or the share or shares thereof so held in co-partnership, shall be deemed and taken to be partnership property to all intents and purposes, and shall be governed by the same rules, both in law and equity, as relate to and govern all other partnership property in any other goods, chattels and effects, whatsoever.

Property in vessels to be divided into sixty-four parts or shares.

Declaration upon first registry to state the number of such shares held by each owner.

Proviso.

Proviso.

Partners may hold vessels or shares without distinguishing the proportionate interest of each partners.

XV. And be it enacted, That no greater number than thirty-two persons shall be entitled to be legal owners at one and the same time of any ship or vessel, as tenants in common, or to be registered as such : Provided always, that nothing herein contained shall affect the equitable title of minors, heirs, legatees, creditors, or others, exceeding that number, duly represented by or holding from any of the persons within the said number, registered as legal owners of any share or shares of such ship or vessel : Provided also, that if it shall be proved to the satisfaction of the Governor in Council, that any number of persons have associated themselves as a joint stock company, for the purpose of owning any ship or vessel, or any

Not more than thirty-two persons to be owners of any ship or vessel at one time.

Proviso, as to equitable title of heirs, &c.

Proviso.

Joint stock companies.

number

number of ships or vessels, as the joint property of such company, and that such company have duly elected or appointed any number, not less than three, of the members of the same, to be trustees of the property in such ship or vessel, or ships or vessels, so owned by such company, it shall be lawful for such trustees, or any three of them, with the permission of the Governor in Council, to make and subscribe the declaration required by this Act before certificate of ownership be granted, except that instead of stating therein the names and description of the other owners, they shall state the name and description of the company to which such ship or vessel, or ships or vessels, shall in such manner belong.

Trustees may apply for registry.

Bills of sale not to be effectual until produced to the Collector and entered in the book of registry of ownership.

XVI. And be it enacted, That no bill of sale or other instrument in writing, shall be valid and effectual to pass the property in any ship or vessel, or in any share thereof, after a certificate of ownership as hereby provided shall have been granted to such ship or vessel, or of any share thereof, or for any other purpose, until such bill of sale or other instrument in writing shall have been produced to the Collector of the port at which such ship or vessel had been granted certificate of ownership, or to the Collector of any other port at which she is about to receive certificate of ownership *de novo*, as the case may be, nor until such Collector shall have entered in the books of such last registry of ownership, in the one case, or in the book of such registry of ownership *de novo*, after all the requisites of law for such register *de novo* shall have been duly complied with, in the other case, (and which such Collector is hereby required to do upon the production of the bill of sale or other instrument for that purpose), the name, residence, and description of the vendor or mortgagor, or of each vendor or mortgagor, if more than one, the number of shares transferred, the name, residence, and description of the purchaser or mortgagee, or of each purchaser or mortgagee, if more than one, and the date of the bill of sale or other instrument, and of the production of it; and further, if such ship or vessel is not about to receive a certificate of ownership *de novo*, the Collector of the port where such ship is registered shall, and he is hereby required to indorse the aforesaid particulars of such bill of sale or other instrument, on the certificate of ownership of the said ship or vessel, when the same shall be produced to him for that purpose in manner and to the effect following, *videlicet*:

Form of Indorsement.

“ Custom House [*Port and date; name, residence, and description of vendor or mortgagor,*] has transferred by [*bill of sale or other instrument,*] dated [*date, number of shares,*] to [*name, residence, and description of purchaser or mortgagee*].

A. B. Collector.”

And

And forthwith to give notice thereof to the Inspector General or other officer to whom the copies of certificates are to be transmitted: and in case the Collector shall be desired so to do, and the bill of sale or other instrument shall be produced to him for that purpose, then the said Collector is hereby required to certify by indorsement upon the bill of sale or other instrument, that the particulars before mentioned have been so entered in the book of registry of certificates of ownership, and indorsed upon the certificate of ownership as aforesaid.

Notice to Inspector General, &c.

XVII. And be it enacted, That when and so soon as the particulars of any bill of sale or other instrument by which any ship or vessel or any share or shares thereof, shall be transferred, shall have been so entered in the book of registry of certificates of ownership as aforesaid, the said bill of sale or other instrument shall be valid and effectual to pass the property thereby intended to be transferred, as against all and every person and persons whatsoever, and to all intents and purposes, except as against such subsequent purchasers and mortgagees who shall first procure the indorsement to be made upon the certificate of ownership of such ship or vessel, in manner hereinafter mentioned.

Entry of bill of sale to be valid, except in certain cases.

XVIII. And be it further enacted, That when and after the particulars of any bill of sale or other instrument, by which any ship or vessel, or any share or shares thereof shall be transferred, shall have been so entered in the book of registry of certificates of ownership as aforesaid, the Collector shall not enter in the book of registry of certificates of ownership the particulars of any other bill of sale or instrument, purporting to be a transfer by the same vendor or mortgagor, or vendors or mortgagors, of the same ship or vessel, share or shares thereof, to any other person or persons, unless thirty days shall elapse from the day on which the particulars of the former bill of sale or other instrument were entered in the book of registry, or, in case the ship or vessel was absent from the port to which she belonged, at the time when the particulars of such former bill of sale or other instrument were entered in the book of registry, then, unless thirty days shall have elapsed from the day on which the ship or vessel arrived at the port to which the same belonged: And in case the particulars of two or more such bills of sale or other instruments as aforesaid, shall at any time have been entered in the book of registry of the said ship or vessel, the Collector shall not enter in the book of registry the particulars of any other bill of sale or other instrument as aforesaid, unless thirty days shall in like manner have elapsed from the day on which the particulars of the last of such bills of sale or other instruments were entered in the book of registry, or from the day on which the ship or vessel arrived at the port to which she belonged, in case of her absence as aforesaid; and in every case where there shall at any time happen to be two or more transfers by the

When a bill of sale has been entered for any shares, thirty days shall be allowed for indorsing the certificate of ownership, before any other bill of sale for the same shall be entered.

the same owner or owners of the same property in any ship or vessel entered in the book of registry as aforesaid, the Collector is hereby required to indorse upon the certificate of ownership of such ship or vessel, the particulars of that bill of sale or other instrument, under which the person or persons claims or claim property, who shall produce the certificate of ownership for that purpose, within thirty days next after the entry of his said bill of sale or other instrument in the book of registry as aforesaid, or within thirty days next after the return of the said ship or vessel to the port to which she belongs, in case of her absence at the time of such entry as aforesaid; and in case no person or persons shall produce the certificate of ownership within either of the said spaces of thirty days, then it shall be lawful for the Collector, and he is hereby required, to indorse upon the certificate of ownership, the particulars of the bill of sale or other instrument, to such person or persons as shall first produce the certificate of ownership for that purpose; it being the true intent and meaning of this Act, that the several purchasers and mortgagees of such ship or vessel, share or shares thereof, when more than one appears to claim the same property or to claim security on the same property, in the same rank and degree, shall have priority one over the other, not according to the respective times when the particulars of the bill of sale or other instrument by which such property was transferred to them, were entered in the book of registry as aforesaid, but according to the time when the indorsement is made upon the certificate of ownership as aforesaid: Provided always, that if the certificate of ownership shall be lost or mislaid, or shall be detained by any person whatever, so that the indorsement cannot in due time be made thereon, and proof thereof shall be made by the purchaser or mortgagee, or his known agent, to the satisfaction of the Inspector General or other officer to whom the copies of certificates of ownership are to be transmitted, it shall be lawful for the Inspector General or such other officer, to grant such further time as to him shall appear necessary for the recovery of the certificate of ownership, or for the registry of ownership *de novo*, of the said ship or vessel under the provisions of this Act; and thereupon the Collector shall make a memorandum in the book of registry of certificates of ownership of the further time so granted, and during such time no other bill of sale shall be entered for the transfer of the same ship or vessel, or the same share or shares thereof, or for giving the same security thereon.

Nature of the priority intended in this Act.

Proviso, in case the certificate be mislaid.

Bill of sale may be produced after entry at other ports than those to which vessels belong, and transfer indorsed on certificate of ownership.

XIX. And be it enacted, That if the certificate of ownership of such ship or vessel, shall be produced to the Collector of any port where she may then be, after any such bill of sale shall have been recorded at the port to which she belongs, together with such bill of sale containing a notification of such record, signed by the Collector of such port as before directed, it shall be lawful for the Collector of such other port to endorse on such certificate of ownership, being required so

to

to do, the transfer mentioned in such bill of sale ; and such Collector shall give notice thereof to the Collector of the port to which such ship or vessel belongs, who shall record the same in like manner as if he had made such indorsement himself, but inserting the name of the port at which such indorsement was made : Provided always, that the Collector of such other port shall first give notice to the Collector of the port to which such ship or vessel belongs, of such requisition made to him to indorse the certificate of ownership, and the Collector of the port to which such ship or vessel belongs shall thereupon send information to the Collector of such other port, whether any and what other bill or bills of sale have been recorded in the book of the registry of such ship or vessel, and the Collector of such other port, having such information, shall proceed in manner directed by this Act in all respects, to the indorsing of the certificate of ownership, as he would do if such port were the port to which such vessel belonged.

Proviso.

XX. And be it enacted, That if it shall become necessary to grant a certificate of ownership to any ship or vessel *de novo*, and any share or shares of such ship or vessel shall have been sold since she had last received certificate of ownership, and the transfer of such share or shares shall not have been recorded and indorsed in manner hereinbefore directed, the bill of sale thereof shall be produced to the Collector of Her Majesty's Customs who is to make registry of such ship or vessel, otherwise such sale shall not be noticed in the certificate of ownership *de novo* except as hereinafter excepted : Provided always, that upon the future production of such bill of sale, and of the existing certificate of ownership, such transfer shall and may be recorded and indorsed, as well after such certificate of ownership *de novo* being granted as before.

If upon granting certificate of ownership *de novo*, any bill of sale shall not have been recorded, the same shall then be produced.

Proviso.

XXI. And be it enacted, That if upon any change of property in any ship or vessel the owner or owners shall desire to have a certificate of ownership *de novo*, although not required by this Act, and the owner or proper number of owners shall attend at the Custom House at the port to which such ship or vessel belongs, for that purpose, it shall be lawful for the Collector of Her Majesty's Customs at such port to grant a certificate of ownership *de novo*, of such ship or vessel at the same port, and to record the same in the book of registry of certificates of ownership, the several requisites hereinbefore in this Act mentioned and directed, being first duly observed and complied with.

Upon change of property, certificates of ownership *de novo*, may be granted, if desired, although not required by this Act.

XXII. And whereas great inconvenience may arise from the registering officers being served with *subpœnas* requiring them to bring with them and produce on trials in Courts of Law, relative to the ownery of vessels or otherwise, the oaths

or

or declarations required to be taken by the owners thereof, prior to the certificate of ownership being granted, and the books of registry, or copies, or extracts therefrom ; And whereas it would tend much to the dispatch of business if the attendance of such registering officers with the same upon such trials were dispensed with : Be it therefore enacted, That the Collector of Her Majesty's Customs at any Port or place, and the person or persons acting for them respectively, shall upon every reasonable request by any person or persons whomsoever, produce and exhibit for his, her, or their inspection and examination, any oath or declaration sworn or made by any such owner or owners, proprietor or proprietors, and also any register or entry in any book or books of registry required by this Act to be made or kept, relative to any ship or vessel, and shall upon every reasonable request by any person or persons whomsoever, permit him, her, or them to take a copy or copies, or an extract or extracts thereof respectively : And that the copy and copies of any such oath or declaration, register, or entry, shall upon being proved to be a true copy or copies thereof respectively, be allowed and received as evidence upon every trial at law, without the production of the original or originals, and without the testimony or attendance of the Collector, or other person or persons acting for him respectively, in all cases, as fully and to all intents and purposes, as such original or originals if produced by any Collector or other person or persons acting for them, could or might legally be admitted or received in evidence.

Copies of declarations, &c. and of extracts from books of registry admitted in evidence.

Transfers by way of mortgage.

XXIII. And be it further enacted, That when any transfer of any ship or vessel, or of any share or shares thereof, shall be made only as a security for the payment of a debt or debts, either by way of mortgage or of assignment to a trustee or trustees for the purpose of selling the same for the payment of any debt or debts, then, and in every such case, the Collector of the port where the ship or vessel is registered, shall, in the entry in the book of registry, and also in the indorsement on the certificate of ownership in manner hereinbefore directed, state and express that such transfer was made only as a security for the payment of a debt or debts, or by way of mortgage, or to that effect ; and the person or persons to whom such transfer shall be made, or any person or persons claiming under him or them as a mortgagee or mortgagees, or as a trustee or trustees only, shall not by reason thereof be deemed to be the owner or owners of such ship or vessel, share or shares thereof, nor shall the person or persons making such transfer, be deemed by reason thereof to have ceased to be an owner or owners of such ship or vessel any more than if no such transfer had been made, except so far as may be necessary for the purpose of rendering the ship or vessel, share or shares so transferred, available by sale or otherwise, for the payment of the debt or debts, for securing the payment of which such transfer shall have been made.

Mortgagee not to be deemed an owner.

XXIV.

XXIV. And be it enacted, That when any transfer of any ship or vessel, or of any share or shares thereof, shall have been made as a security for the payment of any debt or debts, either by way of mortgage or of assignment as aforesaid, and such transfer shall have been duly registered according to the provisions of this Act, the right or interest of the mortgagee or other assignee as aforesaid, shall not be in any manner affected by any act or acts of bankruptcy committed by such mortgagor or assignor, mortgagors or assignors, after the time when such mortgage or assignment shall have been so registered as aforesaid, notwithstanding such mortgagor or assignor, mortgagors or assignors, at the time he or they shall so become bankrupt as aforesaid, shall have in his or their possession, order and disposition, and shall be the reputed owner or owners of the said ship or vessel, or the share or shares thereof, so by him or them mortgaged or assigned as aforesaid; but that such mortgage or assignment shall take place of and be preferred to any right, claim or interest which may belong to the assignee or assignees of such bankrupt or bankrupts in such ship or vessel, share or shares thereof; any law or statute to the contrary thereof notwithstanding.

Transfers of ships for security of debts being registered, rights of mortgagee not affected by any act of bankruptcy of mortgagor, &c.

XXV. And be it enacted, That if any person or persons shall falsely make declaration to any of the matters hereinbefore required to be verified by declaration, or if any person or persons shall counterfeit, erase, alter, or falsify any certificate or other instrument in writing, required or directed to be obtained, granted, or produced by this Act, or shall knowingly or wilfully make use of any certificate or other instrument, so counterfeited, erased, altered or falsified, or shall wilfully grant such certificate or other instrument in writing knowing it to be false, such person or persons shall, for every such offence, forfeit the sum of one hundred pounds, sterling.

Penalty on persons making false declaration or falsifying any document.

XXVI. And be it enacted, That all the penalties and forfeitures inflicted and incurred by this Act, shall and may be sued for, prosecuted, recovered and disposed of in such manner, and by such ways, means and methods as any penalties or forfeitures inflicted or which may be incurred for any offences committed against any law relating to the Customs, may now legally be sued for, prosecuted, recovered and disposed of; and that the officer or officers concerned in seizures or prosecutions under this Act, shall be entitled to, and receive the same share of the produce arising from such seizures, as in the case of seizures for unlawful importation, and to such share of the produce arising from any pecuniary fine or penalty for any offence against this Act, as any officer or officers is or are now, by any law or regulation, entitled to upon prosecutions for pecuniary penalties.

How penalties are to be recovered.

XXVII. Provided always, and be it enacted, That this Act shall cease and determine as to any further registration under it, if at any time the Act of the Imperial

This act to cease when Imperial Statutes regulat-

ing registration
of British ves-
sels are extend-
ed to the inland
waters.

Imperial Parliament first above cited, and intituled, *An Act for the Registering of British Vessels*, shall be extended to vessels navigating the inland waters of this Province, and not proceeding to sea ; but all things done under the provisions hereof, and all rights acquired by virtue of such provisions, shall remain good and valid, and all penalties and forfeitures incurred, shall and may be sued for and enforced ; and all prosecutions for any such penalty or forfeiture incurred, may be continued and completed as if this Act had not so ceased.

Act may be al-
tered this ses-
sion.

XXVIII. And be it enacted, That this Act may be altered, varied or repealed by any Act or Acts to be passed in this Session of the Provincial Parliament.

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Law Printer to the Queen's Most Excellent Majesty.



ANNO OCTAVO
VICTORIÆ REGINÆ.

CAP. VI.

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.

[17th March, 1845.]

WHEREAS it is necessary to make further provision for the preservation of the peace, and for the protection of the lives, persons, and property of Her Majesty's subjects, in the neighbourhood of public works on which large bodies of labourers are congregated and employed: 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 Governor in Council, from time to time, and as often as occasion shall require, to declare by Proclamation the several places in this Province, within the limits whereof any Canal or other public work whatsoever shall be in progress of construction, or such places as shall be in the vicinity of any such Canal or other public work, within which it shall be found necessary that this Act shall come into force and effect; and that this Act shall, upon, from, and after the day to be named in any such Proclamation, take effect and come into force and operation within the places designated in and by such Proclamation; and it shall also be lawful for the Governor in Council in like manner, from time to time, to declare this Act to be no longer in force in any of such places as aforesaid; but this shall not prevent the Governor in Council from again declaring the

Preamble.

The Governor in Council may by proclamation declare this Act to be in force in any locality in which public works are being carried on.

And may in like manner declare this Act to be no longer in force in any such locality.

same

And again extend it to such locality.

same to be in force in any such place or places: Provided always, that no such Proclamation shall in any case have force or effect within the limits of any City in this Province.

While this Act shall be in force in any locality, no person there resident shall have any arms or weapons of war, unless duly licensed to keep the same.

II. And be it enacted, That upon and after the day to be fixed in such Proclamation for that purpose, no person employed in or upon any such Canal or other public work within the limits specified in such Proclamation, shall have or keep in his possession or under his care or control, within such limits, any gun, blunderbuss, pistol, or other fire-arm, or any stock, lock, barrel, or any other part of such gun, blunderbuss, pistol, or other fire-arm, or any bullets, sword, sword blade, bayonet, pike, pikehead, spear, spearhead, dirk, dagger, or other instrument intended for cutting or stabbing, or other arms, ammunition, or weapon of war, under a penalty of not less than ten shillings, nor more than twenty shillings for every such weapon found in his possession.

Weapons to be delivered to Magistrate, and receipt given for same.

III. And be it enacted, That within the time appointed as aforesaid in such Proclamation, every person employed in or upon the Canal or public work to which the same shall relate, shall bring and deliver up to some Magistrate or Commissioner, to be appointed by the Governor for the purposes of this Act, every such weapon as aforesaid in his possession, and shall obtain from such Magistrate or Commissioner a receipt for the same.

Weapons so detained to be returned when this Act shall cease to be in force, &c.

IV. And be it enacted, That when this Act shall cease to be in force within the place where any weapon shall have been delivered and detained in pursuance thereof, or when the owner or person lawfully entitled to any such weapon shall satisfy the Magistrate or Commissioner that he is about to remove immediately from the limits within which this Act shall at the time be in force, it shall be lawful for the Magistrate or Commissioner to deliver up to the owner or person authorized to receive the same, any such weapon, on production of the receipt given for it as aforesaid.

Weapons unlawfully kept, may be seized, and shall be forfeited.

V. And be it enacted, That every such weapon which shall be found in the possession of any person employed as aforesaid, after the day named in any Proclamation, as that on or before which such weapon ought to be delivered up as aforesaid, and within the limits or locality set forth in the Proclamation bringing this Act into force, shall be liable to be seized; and being seized by any Justice, Commissioner, Constable, or other Peace Officer, shall be forfeited to the use of Her Majesty, Her Heirs and Successors.

VI. And be it enacted, That if any person shall, for the purpose of defeating this Act, harbour, receive or conceal, or aid or assist in harbouring, receiving or concealing, or cause or procure to be harboured, received or concealed, at any place within the limits or locality within which this Act shall at the time be in force, any such weapon as aforesaid, belonging to or in the care and custody of any person employed on any Canal or other public work in this Province, every such person shall forfeit a sum of not less than ten pounds nor more than twenty-five pounds; one-half to belong to the informer, and the other half to Her Majesty, Her Heirs and Successors.

Penalty on persons in the limits in which this Act shall be in force, keeping arms belonging to labourers on the public works, for keeping which a license ought to be taken out.

VII. And be it enacted, That any Justice of the Peace, or Commissioner appointed under this Act, having authority within the place or places within which this Act shall at the time be in force, upon the oath of a credible witness that he believes that any such weapon as aforesaid is in the possession of any person contrary to the provisions of this Act, or in any house or place, may issue his warrant to any Constable or Peace Officer to search for and seize the same, and he, or any person in his aid, may search for and seize the same in the possession of any person, or in any such house or place; and in case admission to any such house or place cannot be obtained within a reasonable time after demand, such Constable or Peace Officer, and person in his aid, may enter the same by force by day or by night, and seize such weapon; and unless the party within whose possession or in whose house or place the same shall have been found, do, within four days next after the seizure, prove to the satisfaction of such Justice or Commissioner that the weapon so seized was not in his possession or in his house or place contrary to the true spirit and meaning of this Act, such weapon shall be forfeited to the use of Her Majesty, Her Heirs or Successors.

On a sufficient affidavit, any Justice of the Peace may authorize a search for and seizure of unlicensed arms, where this Act shall be in force.

Forcible entry in case admission be refused to the officer.

Weapons, &c., seized to be forfeited unless proved to have been lawfully kept.

VIII. And be it enacted, That any Justice or Commissioner, Constable or Peace Officer, or any person acting under a Justice's or Commissioner's warrant, or in aid of any Justice, Commissioner, Constable or Peace Officer, may arrest and detain any person employed on any Canal or other public work, found carrying any such weapon as aforesaid, within the limits or locality within which this Act shall at the time be in force, at such time and in such manner as in the judgment of such Justice, Commissioner, Constable or Peace Officer, or person acting under a warrant, shall afford just cause of suspicion that they are carried for purposes dangerous to the public peace, and the act of so carrying any such weapon by any person so employed as aforesaid, shall be a misdemeanor, and the Justice or Commissioner who shall arrest such person, or before whom he shall be brought under such warrant, may commit him for trial for a misdemeanor, unless he shall give sufficient

Persons carrying weapons in places where this Act shall be in force, under circumstances of suspicion, may be arrested.

Such person may be committed for trial for a misdemeanor.

sufficient bail for his appearance at the next Assizes or General Quarter Sessions of the Peace, to answer to any indictment to be preferred against him.

Commissioners to make a monthly return of licences, &c.

IX. And be it enacted, That every such Justice or Commissioner as aforesaid shall make a monthly return to the Secretary of the Province of all weapons which shall have been delivered to him, and which he shall have detained under the provisions of this Act.

Weapons forfeited to be sold.
Proceeds how applied.

X. And be it enacted, That all weapons declared forfeited under the authority of this Act, shall be sold under the direction of the Justice or Commissioner by whom or by whose authority the same were seized, and the proceeds of such sale, after deducting necessary expenses, shall be received by such Justice or Commissioner and be paid over by him to the Receiver General of this Province for the public uses thereof.

Time for action for any thing done under this Act limited.

XI. And be it enacted, That any action which shall be brought against any Justice or Commissioner, Constable, Peace Officer, or other person, for any thing done in pursuance of this Act, shall be commenced within six calendar months next after the fact; and the venue shall be laid or the action instituted in the District where the fact was committed; and the Defendant may plead the general issue and give this Act and the special matter in evidence; and if such action shall be brought after the time limited, or the venue be laid or the action brought in any other District than as above declared, the Jury shall find for the Defendant; and in such case, or if the verdict be given for the Defendant on the merits, or if the Plaintiff becomes nonsuit or discontinues after appearance is entered, or have judgment rendered against him on demurrer, the Defendant shall be entitled to recover double costs.

Venue, &c.

Defendant, if successful, to have double costs.

Before whom penalties imposed by this Act may be recovered, and on what evidence.

XII. And be it enacted, That all penalties imposed by this Act, may be prosecuted and recovered before any two Justices of the Peace acting for the District within which the fact, in respect of which such penalty is sought to be recovered, happened or was committed; and such Justices shall, on complaint on oath of such offence, issue their warrant for bringing the offender before them, and shall, on the offender being brought before them, hear the complaint and adjudge upon the same; and if the offender be convicted on the oath of one witness other than the informer, or by his own confession, the Justices shall impose such penalty.

XIII. And for better carrying this Act into effect and more effectually ensuring the preservation of the peace, and that safety to the lives and property of Her Majesty's Subjects which it is the object of the Act to attain; Be it enacted, That

it

it shall be lawful for the Governor in Council to cause a body of men not exceeding in number one hundred inclusive of officers, and to be called *The Mounted Police Force*, to be raised, mounted, armed and equipped, and to be placed under the command and orders of such Chief Officer and Subordinate Officers as the Governor in Council may deem necessary, and to cause such Police Force or any portion thereof, to be employed in any place in this Province in which this Act shall be then in force, under and subject to such Orders, Rules and Regulations as the Governor in Council shall from time to time make or issue.

A Mounted Police Force may be raised and employed for better carrying this Act into effect.

XIV. And be it enacted, That it shall be lawful for the Governor of this Province, to appoint the Chief Officer and such of the Subordinate Officers of the said *Mounted Police Force*, and such other persons as he may deem necessary, to be respectively Justices of the Peace for the purposes of this Act, within all or any of the places in which this Act shall be in force; and such officers and persons respectively may be so appointed, and may act as Justices of the Peace although they may not have the qualification in property required of other persons so appointed or acting elsewhere: Provided always, that in so far as may regard the detention, conveyance to gaol and imprisonment of any person committed by any Justice of the Peace appointed under the authority of this Act, his order and commitment shall be valid, and shall be obeyed and executed, although the common gaol to which the prisoner may be committed, be out of the limits of any place within which this Act shall have been proclaimed to be in force.

Officers of police force and others may be appointed Justices of the Peace for certain localities without a property qualification.

Proviso, as to committals by such Justices to Gaols, out of the limits of such localities.

XV. And be it enacted, That the men employed in the said *Mounted Police Force* shall be, and are hereby declared to be respectively Constables and Peace Officers for the purposes of this Act, for the District in which they shall be employed for the time being.

Mounted Policemen to be Constables and Peace Officers.

XVI. And be it enacted, That the expenses to be incurred in carrying this Act into effect, shall be paid through the Board of Works out of the monies appropriated for the work on which such expences shall be respectively incurred, and shall be charged and accounted for as part of the cost of such work, and the sum to be so charged against each work, shall be as nearly as possible in proportion to the number of Policemen employed on such work and the time during which they shall be so employed—provided the sum so expended in any one year shall not exceed the sum of ten thousand pounds, currency.

Expences of carrying this Act into effect, to be defrayed by the Board of Works, and to be proportionally paid out of the monies appropriated for the public works.

XVII. And be it enacted, That in construing this Act, the term "Governor" shall be held to include the Governor, Lieutenant Governor, or person administering the Government of this Province; the words "Governor in Council" shall

Interpretation clause.

shall mean the Governor or person administering the Government, acting by and with the advice of the Executive Council thereof; and the term "weapon" shall be held to include every species of weapon, arms or ammunition, enumerated in the second section of this Act; and that words in the singular number shall be held to extend to and include several persons, matters or things as well as one person, matter or thing, and the converse; and every word importing the masculine gender only shall mean and include a female as well as a male.

Duration of
this Act.

XVIII. And be it enacted, That this Act shall continue in force for two years, and from thence to the end of the next ensuing session of Parliament and no longer.

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Law Printer to the Queen's Most Excellent Majesty.



ANNO OCTAVO
VICTORIÆ REGINÆ.

CAP. VII.

An Act for better defining the limits of the Counties and Districts in Upper Canada, for erecting certain new Townships, for detaching Townships from some Counties and attaching them to others, and for other purposes relative to the division of Upper Canada into Townships, Counties and Districts.

[10th February, 1845.]

WHEREAS doubts have arisen as to the precise limits of many Counties in Upper Canada, so that it hath become uncertain in what Counties divers Townships and tracts of land are situate, and it is expedient to remove such doubts and to define the limits of the said Counties, and to alter the names of certain Counties and Ridings, and also declare of what Counties the several Districts in Upper Canada shall respectively consist: And whereas, it is also expedient to divide certain Townships in Upper Canada, so as to form new Townships, and to declare in what Counties the same or any new Townships hereafter to be erected shall be included, and to make other provision with regard to such new Townships; and also to detach certain Townships from the Counties in which they are now included, and to attach them to others to which it will be for the greater convenience of the inhabitants that they should be attached: 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 several tracts of land mentioned in the Schedule A. to this Act annexed, shall respectively form new Townships, by the names assigned to them respectively in the said

Preamble:

New Townships as in Schedule A.

Schedule:

Proviso, as to the remainder of any Township.

Schedule: Provided always, that in all cases where any portion of a Township is detached therefrom by this Act, the remainder shall thereafter form a Township by the name which the whole Township bore, unless it be otherwise provided.

The said new Townships and others to be subject to the Laws regulating the old Townships.

II. And be it enacted, That the said new Townships and also all such tracts of land in Upper Canada not theretofore included in any Township, as shall from time to time, by Proclamation under the Great Seal of this Province, be erected into Townships, shall respectively be subject to and have the benefit of all the enactments and provisions of law to which the other Townships in Upper Canada are or shall be subject, or to the benefit of which they are or shall be entitled, except in so far only as such enactments or provisions shall be inconsistent with this Act or clearly inapplicable to any such new Township by reason of its recent erection.

Who are to be entitled to vote in such new Townships.

III. And be it enacted, That the persons entitled to vote at the first Township meeting for any such new Township as aforesaid, shall be those whose names are on the then last assessment roll for the Township from which any portion of the new Township shall have been detached as being assessed for property within such portion and the Clerk of the Peace in whose custody any such assessment roll may be, shall furnish the Judge of the District Court of the District in which the new Township shall lie, on his requisition with a certified list of the persons who shall be qualified as aforesaid to vote in such new Township to be by such Judge transmitted to the person appointed to preside at each first Township meeting.

Duty of the Clerk of the Peace and District Judge with regard to such elections.

First meeting in new Townships.

IV. And be it enacted, That the first meeting for the election of Township officers in each of the new Townships mentioned in the Schedule A., shall be held on the second Monday of April next, and the first meeting in any Township to be hereafter erected, shall be held on the second Monday of June next after the date of the Proclamation, if such date be earlier in any year than the first day of May, otherwise it shall be held at the same time as in other Townships; but all such meetings after the first shall be held at the same time as in other Townships; and the place of the first meeting and the person who shall preside thereat shall be appointed by the District Judge of the District in which the Township shall lie, on the application of any ten resident freeholders in such Township; and notice of the time and place of such first meeting shall be given in such manner as the said District Judge shall direct.

Place of first meetings.

Names of certain Counties or Ridings changed.

V. And be it enacted, That the North Riding of the County of Northumberland shall hereafter be known and designated by the name of *The County of Peterborough*, the South Riding of the said County, by the name of *The County of Northumberland*, the West Riding of the County of Halton, by the name of *The County of Waterloo*, the East Riding of the same County, by the name of *The County of Halton*, and the

the South Riding of the County of Lincoln, by the name of *The County of Welland*, and the North Riding, by the name of *The County of Lincoln*.

VI. Provided always, and be it enacted, That in all cases in which a new Township is formed out of portions detached from any old Township or Townships, the Collector of each such old Township shall furnish the Collector of the new Township with a correct Schedule of all the taxes then due in such detached portion, and of the persons by whom and the lands or property upon which the same are payable, and shall thereafter be discharged from all obligation to collect the same which shall be paid to and collected by the Collector of such new Township, and by and to him and his successors only with the accumulation or increase of arrears thereupon if any, and the Bond of the Collector of such new Township and of his successors shall extend to and bind them duly to collect such arrears, and to pay over the same as if they had accrued after the erection of the new Township.

Duty of the Collector of old Townships to furnish a Schedule of Taxes due by such new Townships.

How such taxes are to be collected.

Bond of Collector.

VII. And be it enacted, That the Counties and Ridings of Upper Canada shall respectively consist of and include the Townships mentioned as lying therein, in the Schedule B. annexed to this Act, and such other Township as may hereafter be attached thereto under the provisions of this Act, as well for all purposes relative to the election of Members of the Legislative Assembly, as for all other purposes whatever, unless it be otherwise provided in the said Schedule; and whenever any District is in this Act described as consisting of any County or Counties, Riding or Ridings, such description shall be construed as applying to such County or Counties, Riding or Ridings, as defined and limited for such purposes by the provisions of this Act: Provided always, that all such Counties as are now united for the purpose of being represented by one Member in the Legislative Assembly, shall remain so united for that purpose, but as respectively defined and limited under this Act.

Counties to be composed of the Townships mentioned in Schedule B.

Proviso.

VIII. And be it enacted, That the several Districts in Upper Canada, for Judicial, Municipal and other purposes, shall respectively include and consist of the Counties and Ridings hereinafter mentioned, that is to say:

Names of Districts.

District of Bathurst—The Counties of Lanark and Renfrew.

District of Brock—The County of Oxford.

District of Colborne—The County of Peterborough.

District of Dalhousie—The County of Carleton.

Eastern District—The Counties of Stormont, Dundas, and Glengarry.

District

District of Gore—The County of Wentworth (including the Townships of Seneca and Oneida,) and the County of Halton.

Home District—The County of York and the City of Toronto.

District of Huron—The County of Huron.

District of Johnstown—The Counties of Leeds and Grenville.

District of London—The County of Middlesex.

Midland District—The Counties of Frontenac, Lennox and Addington.

District of Newcastle—The Counties of Northumberland and Durham.

District of Niagara—The Counties of Lincoln and Welland, and the County of Haldimand, except the Townships of Seneca, Oneida, Rainham, and Walpole.

District of Ottawa—The Counties of Prescott and Russell.

District of Prince Edward—The County of Prince Edward.

District of Simcoe—The County of Simcoe.

District of Talbot—The County of Norfolk.

District of Victoria—The County of Hastings.

District of Wellington—The County of Waterloo.

Western District—The Counties of Essex and Kent.

Provision as to
suits now
pending.

IX. Provided always, and be it enacted, That if under the provisions of this Act any Township or tract of land shall become detached from any such District and attached to some other, all indictments, suits, actions, and proceedings pending in any Court at the time of the passing of this Act, may nevertheless be continued to trial and judgment in such Courts, and any such judgment may be executed as if this Act had not been passed, notwithstanding any change in the local jurisdiction of any such Court.

Provision as to
Taxes due
when any
Township is
detached from
one District
and added to
another.

X. And be it enacted, That all local taxes and assessments which shall have accrued and remain due on any land or property in any Township or tract of land, at the time when under the provisions of this Act it shall be detached from any District and become part of any other District, shall be paid to and may be recovered by the Treasurer of the District last mentioned and by him only, under the same provisions

provisions with regard to the rate of increase if not paid, and the time at which the land may be sold for such taxes, and with regard to all other matters, as if such Township or tract of land had always formed part of such last mentioned District; but the portion of such taxes accrued before its detachment from such first mentioned District shall be paid over to the Treasurer thereof.

XI. Provided always, and be it enacted, That any thing in this Act contained shall not in any wise affect the seat of any Member of the Legislative Assembly.

Seats of members not to be affected.

XII. And be it enacted, That whenever under the provisions of this Act, any new Township is now or hereafter shall be formed and shall contain thirty inhabitant freeholders and householders, a District Councillor or District Councillors, as the case may require, shall be elected to represent such new Township in the District Council, as if a vacancy (or vacancies) had occurred therein for such Township, or at the then next annual election, if the third quarterly meeting of the year be then over; but in either case the Councillor (or Councillors) elected shall hold their seats until they go out as being amongst the number of those who have held their seats for the longest time; but if any such new Township be not entitled to be represented in the District Council; it may be united with any adjacent Townships in the manner by law directed.

Provision as to District Councillors to be elected to represent new Townships.

XIII. And be it enacted, That whenever, under the provisions of this Act, any whole Township shall be detached from any District and attached to another District, the District Councillor or Councillors (if any there be) representing such Township in the District Council of the first mentioned District, shall forthwith vacate their seats therein, and a District Councillor (or Councillors as the case may require) shall be elected to represent such Township in the District Council of the last mentioned District as if a vacancy (or vacancies) had occurred therein for such Township, or at the then next annual election, if the third quarterly meeting of the year be then over; but in either case the Councillor or Councillors elected shall hold their seats until they go out as being amongst the number of those who have held their seats for the longest time; but if any such new Township be not entitled to be represented in the District Council of such last mentioned District, it may be united with any other Township therein in the manner by law directed: Provided that if part only of a Township be so detached from any District and attached to another District, the Councillor or Councillors who represent the Township in the District Council of the first mentioned District shall not vacate his or their seats, until he or they would otherwise have vacated the same, but a Councillor or Councillors shall be elected to represent the detached portion in the District Council of the District last mentioned (if it form a whole Township therein and is entitled to be represented therein, and not otherwise) as in the case of a whole Township detached from one District and added to another.

Provisions as to District Councillors of Townships detached from one District and attached to another.

Proviso, when a part only of a Township is detached.

XIV.

New Town-
ships to be at-
tached to a
County by
Proclamation.

XIV. And be it enacted, That whenever any new Township shall hereafter be laid out and surveyed by the authority of the Provincial Government, it shall be lawful for the Governor in Council, by Proclamation to attach such new Township to the County to which it shall be adjacent, or to that one of the adjacent Counties (if there be more than one) to which it shall be deemed most for the public good to attach it.

Act may be
amended dur-
ing the present
Session.

XV. Provided always, and be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of the Provincial Parliament.

SCHEDULE A.

NEW TOWNSHIPS.

East Zorra,—Which shall include and consist of so much of the present Township of Zorra as lies eastward of the line dividing the eighth concession thereof from the ninth.

West Zorra,—Which shall include and consist of that part of the present Township of Zorra lying westward of the line last mentioned.

Storrington,—Which shall include and consist of all that part of the seventh concession of the Township of Kingston, lying east of the Lot number eleven, all that part of the Township of Loughborough lying east of Loughborough Lake, and all that part of the Township of Pittsburgh lying northward and westward of the Channel of the Rideau Canal.

Murray,—Which shall include and consist of the present Township of Murray and the Peninsula of Presqu'Isle.

Metcalf,—Which shall include and consist of that part of the present Township of Ekfrid, north-west of the fifth concession thereof, and that part of the Township of Adelaide, south of the fifth concession thereof, and south of the Egremont Road.

North

North Monaghan,—Which shall include and consist of the seven most northerly concessions of the present Township of Monaghan, including one-half the Concession Road, in front of the seventh concession.

South Monaghan,—Which shall include and consist of all that part of the present Township of Monaghan not included in the new Township of North Monaghan, and the remaining half of the said Concession Road.

North Elmsley,—Which shall include and consist of so much of the present Township of Elmsley as lies northward of the River Rideau.

North Burgess,—Which shall include and consist of so much of the present Township of Burgess as lies north of the River Rideau.

Escott,—Which shall include and consist of all that part of the present Township of Yonge, which formerly constituted the Township of Escott.

SCHEDULE B.

COUNTIES AND RIDINGS.

Addington,—(Which for the purpose of representation in the Legislative Assembly shall be united as it now is with the County of Lennox,) shall include and consist of the Townships of Amherst Island, Camden, Ernestown, Kaladar, Sheffield and Anglesca.

Carleton,—Which shall include and consist of the Townships of Fitzroy, Goulbourn, North Gower, Gloucester, Huntley, March, Marlborough, Nepean, Osgoode and Torbolton, and, except for the purposes of representation in the Legislative Assembly, the Town of Bytown.

Dundas,—Which shall include and consist of the Townships of Mountain, Matilda, Winchester, and Williamsburgh.

Durham,—Which shall include and consist of the Townships of Clarke, Cavan, Cartwright, Darlington, Hope, and Manvers.

Essex,

Essex,—Which shall include and consist of the Townships of Anderdon, Colchester, Gosfield, Maidstone, Mersea, Malden, Rochester, and Sandwich.

Frontenac,—Which shall include and consist of the Townships of Bedford, Barrie, Clarendon, Hinchinbrooke, Kingston, Kennebec, Loughborough, Olden, Oso, Portland, Pittsburgh, which shall include Howe Island, Palmerston, Storrington, and Wolfe Island, and, except for the purposes of representation in the Legislative Assembly, the Town of Kingston.

Glengarry,—Which shall include and consist of the Townships of Charlottenburgh, Kenyon, Lochiel, and Lancaster, and the Indian Reservation adjoining the said Townships of Charlottenburgh and Kenyon.

Grenville,—Which shall include and consist of the Townships of Augusta, Edwardsburgh, South Gower, Oxford, and Wolford.

Haldimand,—Which shall for all purposes include the Townships of Canborough Cayuga, Dunn, Moulton, Sherbrooke,—and for the purposes of representation in the Legislative Assembly and of registration of titles only, the Townships of Seneca, Oneida, Rainham and Walpole.

Hulton,—Which shall include and consist of the Townships of Beverly, Esquesing, East Flamborough, West Flamborough, Nassagaweya, Nelson, and Trafalgar, and for all purposes except that of representation in the Legislative Assembly, the Township of Dumfries, and for the purpose of representation in the Legislative Assembly only, the Township of Erin.

Hastings,—Which shall include and consist of the Townships of Elzevir, Grims-
thorpe, Hungerford, Huntingdon, Lake, Marmora, Madoc, Rawdon, Sydney,
Tudor, Thurlow and Tyendinaga.

Huron,—Which shall include and consist of the Townships of Ashfield, Biddulph, Blanchard, Colborne, Downie, Ellice, South Easthope, North Easthope, Fuller-ton, Goderich, Hibbert, Hay, Hullet, Logan, McKillop, McGillivray, Stephen, Stanley, Tuckersmith, Usborne, and Wawanosh.

Kent,—Which shall include and consist of the Townships of Bosanquet, Broöke, Camden, Chatham, Dawn, East Dover, West Dover, Enniskillen, Howard, Harwich, Moore, Orford, Plympton, Raleigh, Romney, Sarnia, Sombra, East Tilbury, West Tilbury, Warwick, and Zone.

Lanark,

Lanark,—(Which for the purpose of representation in the Legislative Assembly, shall be united as it now is, with the County of Renfrew,) shall include and consist of the Townships of Bathurst, Beckwith, Drummond, Dalhousie, Darling, North Elmsley, North Burgess, Levant, Lanark, Montague, Ramsay, North Sherbrooke, South Sherbrooke.

Leeds,—Which shall include and consist of the Townships of Bastard, Burgess, North Crosby, South Crosby, Elmsley, Elizabethtown, Kitley, Lansdown, Leeds, Yonge, and Escott, and except for the purposes of representation in the Legislative Assembly the Town of Brockville.

Lennox,—(Which shall for the purpose of representation in the Legislative Assembly, be united as it now is, to the County of *Addington*,) shall include and consist of the Townships of Adolphustown, Fredericburgh, Fredericburgh additional and Richmond.

Lincoln,—Which shall include and consist of the Townships of Caistor, Clinton, Gainsborough, Grantham, Grimsby, Louth, Niagara, and (except for the purposes of representation in the Legislative Assembly) the town of Niagara.

Welland,—Which shall include and consist of the Townships of Bertie, Crowland, Humberstone, Pelham, Stamford, Thorold, Wainfleet, and Willoughby.

Middlesex,—Which shall include and consist of the Townships of Adelaide, Aldborough, Bayham, Carradoc, Delaware, Dorchester, Dunwich, Ekfrid, Lobo, London, Metcalfe, Mosā, Malahide, Southwold, Westminster, Williams, Yarmouth, and (except for the purposes of representation in the Legislative Assembly,) the Town of London.

Norfolk,—Which shall for all purposes include the Townships of Charlotteville, Houghton, Middleton, Townsend, Woodhouse, Windham, Walsingham, and Long Point, and Ryerson's Island in Lake Erie;—and (for all purposes except that of representation in the Legislative Assembly, and that of registrations of titles,) the Townships of Rainham, and Walpole.

Northumberland,—Which shall include and consist of the Townships of Alnwick, Cramahé, Hamilton, Haldimand, South Monaghan, Murray, Percy and Seymour.

Oxford,

Oxford,—Which shall include and consist of the Townships of Blandford, Blenheim, Burford, Dereham, Nissouri, North Oxford, East Oxford, West Oxford, Oakland, Norwich, East Zorra, and West Zorra.

Peterborough,—Which shall include and consist of the Townships of Asphodel, Belmont, Burleigh, Bexley, Dummer, Douro, Ennismore, Emily, Eldon, Fenelon, Harvey, Methuen, Mariposa, Otonabee, Ops, Smith, Somerville, Verulam, and North Monaghan.

Prescott,—Which shall include and consist of the Townships of Alfred, Caledonia, East Hawkesbury, West Hawkesbury, Longueuil, and Plantagenet.

Prince Edward,—Which shall include and consist of the Townships of Athol, Ameliasburgh, Hillier, Hallowell, Marysburgh, and Sophiasburgh.

Renfrew,—(Which shall, for the purpose of representation in the Legislative Assembly, be united as it now is with the County of *Lanark*.) shall include and consist of the Townships of Admaston, Blithfield, Bagot, Bromley, Horton, MacNab, Pakenham, Pembroke, Ross, Stafford, and Westmeath.

Russell,—Which shall include and consist of the Townships of Clarence, Cumberland, Cambridge, and Russell.

Simcoe,—Which shall include and consist of the Townships of Adjala, Artemesia, Collingwood, Essa, Flos, West Gwillimbury, Innisfil, Medonte, Matchedash, Mulum, Mono, Notawasaga, Ospry, Oro, North Orillia, South Orillia, Saint Vincent, Sunnidale, Tay, Tecumseth, Toronto, Tiny, Uphrasia, and Vespra.

Stormont,—Which shall include and consist of the Townships of Cornwall, Finch, Osnabruck, Roxborough, and (except for the purpose of representation in the Legislative Assembly) the Town of Cornwall.

Waterloo,—Which shall include and consist of the Townships of Arthur, Amandan, Bentinck, Derby, Eramosa, Egremont, Guelph, Glenelg, Garrāfraxa, Holland, Luther, Mornington, Minto, Maryborough, Melancthon, Normanby, Nichol, Peel, Profon, Puslinch, Sydenham, Sullivan, Waterloo, Wilmot, Woolwich, and Wellesley, and, for the purpose of representation in the Legislative Assembly only, the Township of Dumfries, and for all purposes except that of representation in the Legislative Assembly, the Township of Erin.

Wentworth,

Wentworth,—Which shall for all purposes include the Townships of Ancāster, Brantfōrd, Binbrōoke, Barton, Glāndford, Onondaga, Saltfleet, and Tuscarora, and (for all purposes except that of representation in the Legislative Assembly, and that of Registration of Titles,) the Townships of Seneca and Oneida, and (except for the purpose of representation in the Legislative Assembly) the Town of Hamilton.

York,—Which shall be divided, as it now is, into four Ridings, each returning one Member to the Legislative Assembly, that is to say :

The North Riding,—Which shall include and consist of the Townships of Brock, North Gwillimbury, East Gwillimbury, Georgina, Mara, Reach, Rama, Scott, Thora, Uxbridge, and Whitchurch.

The South Riding,—Which shall include and consist of the Townships of Etobicoke, King, Vaughan, and York, and for the purposes of Registration of Titles only, the City of Toronto.

The East Riding,—Which shall include and consist of the Townships of Markham, Pickering, Scarborough, and Whitby.

The West Riding,—Which shall include and consist of the Townships of Albion, Caledon, Chinguacousy, Toronto Gore, and Toronto.

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ANNO OCTAVO
VICTORIÆ REGINÆ.

CAP. VIII.

An Act to repeal certain Acts therein mentioned, and to make better provision for the relief of parties claiming lands in Upper Canada for which no Patent hath issued, as representing the original Nominees of the Crown.

[10th February, 1845.]

WHEREAS it hath become necessary to make better and more effective provision than is made by the laws now in force, for determining claims to Lands in Upper Canada, for which no Patent hath issued, and for ascertaining the parties in whose favour the Patents for such lands ought respectively to issue, and for this purpose it is expedient to repeal the Acts of the Legislature of Upper Canada hereinafter mentioned, and to re-enact and consolidate such of the provisions thereof as are found effective, with such amendments and additions as experience hath shewn to be requisite: 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 Upper Canada, passed in the forty-fifth year of the Reign of His Majesty, King George the Third, and intituled, *An Act to afford relief to those persons who may be entitled to claim Lands in this Province, as Heirs or Devisees of the Nominees of the Crown, in cases where no Patent hath issued for such Lands*; and the Act of the said Legislature passed in the forty-eighth year of the same Reign, and intituled, *An Act to continue an Act passed in the forty-fifth year of His Majesty's Reign, intituled, "An Act to afford relief to those persons who may be entitled to claim Lands in this Province, as Heirs or Devisees of the Nominees of the Crown, in cases where*

Preamble.

U. C. 45 Geo.
3. Cap. 2.

U. C. 48 Geo.
3. Cap. 10.

U. C. 53 Geo.
3. Cap. 9.

no Patent hath issued for such Lands," and further to extend the benefits of the said Act; and the Act of the said Legislature passed in the fifty-second year of the same Reign, and intituled, An Act to amend an Act passed in the forty-eighth year of His Majesty's Reign, intituled, "An Act to continue an Act passed in the forty-fifth year of His Majesty's Reign, intituled, An Act to afford relief to those persons who may be entitled to claim Lands in this Province, as Heirs or Devisees of the Nominees of the Crown, in cases where no Patent hath issued for such Lands, and further to extend the benefits of the said Act," and to continue part of the same; and the Act of the said Legislature passed in the fifty-sixth year of the same Reign, and

U. C. 56 Geo.
3. Cap. 21.

intituled, An Act to revive and continue an Act passed in the fifty-second year of His Majesty's Reign, intituled, "An Act to continue and amend an Act passed in the forty-eighth year of His Majesty's Reign, intituled, An Act to continue an Act passed in the forty-fifth year of His Majesty's Reign, intituled, An Act to afford relief to those persons who may be entitled to claim Lands in this Province, as Heirs and Devisees of the Crown, in cases where no Patent hath issued for such Lands, and further to extend the benefit of the said Act," and to continue part of the same; and the Act*

* Sic.

U. C. 59 Geo.
3. Cap. 18.

of the said Legislature passed in the fifty-ninth year of the same Reign, and intituled, An Act to continue and amend an Act passed in the fifty-sixth year of His Majesty's Reign, intituled, "An Act to revive and continue an Act passed in the fifty-second year of His Majesty's Reign, intituled, An Act to continue and amend an Act passed in the forty-eighth year of His Majesty's Reign, intituled, An Act to continue an Act passed in the forty-fifth year of His Majesty's Reign, intituled, An Act to afford relief to those persons who may be entitled to claim Lands in this Province, as Heirs and Devisees of the Nominees of the Crown, in cases where no Patent hath issued for such lands, and further to extend the benefit of the said Act," and to continue part of the same; and the Act of the said Legislature, passed in the fourth year of the Reign of His Majesty King George the Fourth, and intituled, An Act to afford relief to persons claiming Lands in this Province, under assignments from Heirs, Devisees or Assignees, of the original Nominees of the Crown, in cases where no Patents had issued, and for other purposes therein mentioned; and the Act of the said Legislature passed in the tenth year of the same Reign, and intituled, An Act to afford greater facility in procuring testimony upon claims to Lands in this Province, by the Heirs or Devisees of the original Nominees of the Crown, or their Assignees, shall be, and the said Acts are and each of them is hereby repealed.

U. C. 4 Geo.
4. Cap. 7.

The said Act
repealed.

Commission-
ers to be ap-
pointed for the
purposes of
this Act.

II. And be it enacted, That it shall be lawful for the Governor of this Province, from time to time, to issue such and so many Commissions under the Great Seal of this Province, to the Chief Justice of Her Majesty's Court of Queen's Bench for Upper Canada, the Vice Chancellor of Upper Canada, and the Puisné Justices of the said Court of Queen's Bench, and to such and so many other persons as he shall think fit; and such Commissioners, or any three of them of whom the said Chief Justice, the said Vice Chancellor, or one of the said Puisné Justices, shall be

one (and such three Commissioners shall be a *Quorum* for all the purposes of this Act) shall have full power and authority in manner hereinafter mentioned, to ascertain, determine and declare, in all cases to be brought before them under the provisions of this Act, who is the party to whom the Patent ought to issue for the Lands to which the claims shall respectively relate: and the sittings of the said Commissioners shall be holden at the City of Toronto, on the first Monday in January and the first Monday in July, in each year, and on the thirteen days next ensuing the said days, respectively, Sundays and Holidays excepted: Provided always, that when the said Commissioners shall have good reason to believe that there will not be sufficient business to require their daily attendance throughout the term appointed for their sittings, as aforesaid, they may adjourn for any time within such term that may be consistent with the despatch of such business as may be brought before them; and the said Commissioners shall have power to appoint some fit person to be their Clerk: Provided always, that any act herein authorized or directed to be performed by one Commissioner may be so performed either in or out of the period appointed for their sittings.

Quorum fixed.

Power of Commissioners.

Sittings when and where to be holden.

Proviso, adjournment in case of want of business.

Clerk to be appointed.

Proviso as to acts to be done by any one Commissioner.

What claims may be brought before the Commissioners.

And what evidence.

Documents which may be received in evidence.

Certified copies of certain documents.

III. And be it enacted, That it shall and may be lawful for each and every party claiming any Lands within Upper Canada for which no Patent hath issued, as being the Heir, Devisee or Assignee, of the original Nominee of the Crown, or as having derived a title or claim to such Lands from or through any such Heir, Devisee or Assignee, to bring his claim before the said Commissioners at their sittings, either personally or by his agent or attorney, and to produce before the said Commissioners all such documents, proofs and evidence as he may have to adduce in support of such claim; and such evidence may be given *vivâ voce* before the said Commissioners, at their sittings, or by written depositions sworn before any one of the said Commissioners, or by any person specially appointed to receive the same by the said Commissioners, or before the Judge of any Circuit Court, or any Clerk of the Peace, of any Commissioner for receiving affidavits, to be used in the Court of Queen's Bench in Upper Canada, each of whom is hereby authorized to receive such depositions and to administer the necessary oaths; and all certificates of the Surveyor General or of the Clerk of the Executive Council, or copies certified by them respectively of documents in their custody, shall also be received in evidence before the said Commissioners.

Power to command the attendance of witnesses,—parties, &c. for examination.

IV. And be it enacted, That the said Commissioners shall have full power and authority in all cases where they shall deem it requisite for the purposes of Justice, to summon before them, by summons under the hand of any one of them, either the claimant or any party interested in the case, or any other person whom they shall deem it expedient to examine as a witness in the case, or whom they may have reason to believe to be in possession of any document by the production of which

Mode of examination, production of documents, &c.

Commissions may be issued to examine witnesses not in Upper Canada.

Penalty on any party or witness neglecting to appear or to answer, &c.

Interrogatories not answered by a party to be taken *pro confessis*.

Affidavit to be made by any Claimant before his claim shall be received.

Certain public notice to be given before a claim is made and received.

which the ends of Justice may be better attained; and to require such claimant or party, or such witness to submit to such oral examination upon oath, or to answer on oath and to sign his answers to interrogatories or cross-interrogatories in writing, or to produce such books, papers or documents in his possession, as to the said Commissioners shall appear requisite; or the said Commissioners may cause such interrogatories or cross-interrogatories as they shall deem requisite to be served upon and answered by any such claimant, party or witness, or any witness whose deposition shall be produced in evidence before them, and may cause Commissions to be issued for the examination of any witness not resident in Upper Canada, and for requiring such witness to produce such books, papers or other documents as he may have in his possession, and may at their discretion delay the proceedings in the case until such evidence and answers as they shall have thought proper to require and order, shall have been adduced and given; and if any claimant, party or person duly summoned to give evidence, or to produce any book, paper or document, or to answer any interrogatories or cross-interrogatories before the said Commissioners, or before any person commissioned by them to receive the same within this Province, shall wilfully neglect to appear at the time and place appointed in the summons, or appearing, shall refuse to answer any lawful question, or to produce any document in his possession, he shall thereby forfeit the sum of twenty-five pounds (to be recovered as hereinafter mentioned) to the party at whose instance he shall have been so summoned or required to answer or to produce such document; and if the claimant or any party interested in the case shall make default to answer any interrogatory or cross-interrogatory which he shall have been duly required to answer, the same shall be taken *pro confessis*, as if his answer had been such as would be most adverse to his own claim or interest.

V. And be it enacted, That no claim shall be received or proceeded upon by the said Commissioners, until the party by whom, or on whose behalf the same shall be made (or if such party consist of more than one person, then until some one of such persons) shall have made and produced before the said Commissioners, an Affidavit in writing signed by him, that such claim is just and well founded to the best of his knowledge and belief, and that he is not aware of any adverse claim, or if he be aware of any adverse claim, that he has caused notice in writing of his claim and of his intention to bring the same before the said Commissioners at the time when it shall be actually so brought, (a copy of which notice shall be annexed to the affidavit) to be served on the party having or being supposed to have such adverse claim at least one month before the date of such affidavit.

VI. And be it enacted, That the said Commissioners shall not proceed upon any such claim as aforesaid, unless a notice specifying such claim and the name or names of the party claiming, together with the number of the lot of which the lands claimed

claimed consist or of which they form part, and of the concession and the name of the Township in which the same shall lie, shall have been put up in some conspicuous place in the office of the Clerk of the Peace of the District in which such lands are situate, during at least thirty days before such claim shall come to be heard before the said Commissioners, nor unless a certificate to that effect from such Clerk of the Peace shall be produced to the said Commissioners; and it shall be the duty of the Clerk of the Peace of each District in Upper Canada, once in every three months, to make a list of the claims so put up in his Office, specifying therein the particulars of such claims in the manner in which they are hereinbefore required to be specified in the notice so put up, and to affix such list in some conspicuous part of the Court House, or place in which the Courts of General Quarter Sessions are held for the District, and to cause the said List to be publicly read and proclaimed in open Court at each such Session, by the Crier of the Court, and immediately after the delivery of the charge to the Grand Jury; and for each such certificate as aforesaid, it shall be lawful for the Clerk of the Peace to demand and receive the sum of two shillings and six pence, and no more.

Duty of the Clerk of the Peace with regard to such notices.

Fee to him.

VII. And be it enacted, That it shall be lawful for the said Commissioners to defer, delay, or adjourn the proceedings on any claim brought before them, and to give such further or enlarged time for the production of evidence, or for any other purpose relative to such claim, and for the decision thereon, as they shall deem expedient for the attainment of the ends of justice.

Delay may be granted by the Commissioners.

VIII. And be it enacted, That after the said Commissioners shall have fully examined any such claim as aforesaid, they may either reject or allow the same as in their judgment the justice and equity of the case may require without regard to legal forms or to the strict letter of the law or legal rules of evidence, and may report their decision to the Governor in Council; and such report shall be final and conclusive (except in the case hereinafter mentioned,) and it shall be lawful for the Governor in Council to direct that Her Majesty's Letters Patent under the Great Seal of the Province do issue, for granting the lands in question to the party who shall have been determined by the decision of the Commissioners to be entitled to the same, as representing the original Nominee of the Crown: Provided always, that such Letters Patent shall have such and none other effect or operation with regard to any charge, incumbrance, lien, matter or thing, upon or affecting the lands so granted, as Letters Patent issuing for the same in favor of the original Nominee of the Crown would have had, save only as establishing the claim of the party in whose favor they shall be granted to the lands to which they relate, as the Heir, Devisee or Assignee of, or as otherwise representing the original Nominee: And provided also, that neither the decision of the Commissioners on any claim, nor the issuing of the Letters Patent on such decision, shall extend to or in any way affect any

Commissioners to decide on the claim and report to the Governor in Council.

Patent to issue on such report.

Proviso, as to the effect of the Patent with regard to charges or incumbrances on the lands.

Report and Patent not to affect any claim to any Lands but those mentioned therein.

any claim of the same party, or of any other party, to any lands other than those to which such decision shall expressly relate, and which shall be mentioned and described in the report and Letters Patent, but such claim to other lands shall continue and remain as if such decision and report had not been made.

Patent not to issue for one month after the Report is received.

Patent may be staid, if the report have been obtained by surprise, &c.

Commissioners may rehear the case, &c.

Proviso,—the costs occasioned by such rehearing to be in the discretion of the Commissioners.

Purchasers of unpatented lands sold for taxes, may file their claims for a Patent before the Commissioners.

IX. And be it enacted, That no Letters Patent shall issue on any decision and report of the said Commissioners until after the expiration of one Calendar month, from the time such report shall have been transmitted and marked as received by the Clerk of the Executive Council; and if, before the expiration of such Calendar month, any *Quorum* of the said Commissioners shall, from any representation made to them, find reason to believe that such decision and report were obtained by surprise or erroneously made in any respect, and that justice requires that the issuing of the Letters Patent be staid, then such *Quorum* of the said Commissioners may, although it be not then the regular period of their sitting, report accordingly to the Governor in Council, and the issuing of the Letters Patent shall be thereupon staid, until the Commissioners shall again report upon the case, and the said Commissioners may then rehear the case, or let in any new claim and receive or insist upon any new evidence as to them shall appear expedient to enable them to do justice in the case, and may thereafter decide and report thereon as if no prior decision and report had been made, and with like effect: Provided always, that the said Commissioners, if under the circumstances of the case it shall appear to them fair and right so to do, may allow to the party in whose favor the first decision and report shall have been made, such costs against the party at whose instance the case shall have been again taken into consideration as they shall deem just and reasonable, or may in case of fraud or wilful wrong in the conduct of such party award costs in like manner against him to the party in whose favor the subsequent decision and report shall have been made.

X. And be it enacted, That when any lands described as granted in any Schedule furnished by the Surveyor General to the Treasurer of any District in Upper Canada, under the provisions of any law concerning the collection of local taxes or assessments in that portion of this Province, but for which no Letters Patent shall have issued, shall have been sold by the Sheriff for arrears of such local taxes or assessments, and the period allowed by Law for the redemption of such lands shall have expired, it shall be lawful for the purchaser, or for the Heir, Devisee or Assignee of the purchaser to claim the same before the Commissioners aforesaid, and such purchaser shall thereupon for all the purposes of this Act be considered as an Assignee of the original Nominee of the Crown, and his claim shall be acted on and dealt with accordingly.

XI. And be it enacted, That wherever the original Nominee of the Crown, or any party through whom the party obtaining Letters Patent for any Lands under this Act shall be declared by the Commissioners to have derived his claim thereto, shall before the issuing of such Letters Patent have granted any mortgage, incumbrance or lien on such Lands, by any instrument by which the same would have been validly granted, if the Letters Patent had issued in favor of the Grantor before the date of such instrument, the same may be registered in the Office of the Register for the County in which such lands shall lie subject to the same conditions, and with the same effect and no other, and shall in law and equity have the same force and effect and no other, as if Letters Patent for the said Lands, had, before the execution of such instrument, issued in favor of such Grantor.

Effect of mortgages, &c., granted before the issue of the Letters Patent.

XII. And be it enacted, That all papers, documents, matters and things, which at the time this Act shall come in force, shall be in the custody of the Commissioners appointed under any of the Acts hereby repealed, or of their clerk, as such, shall be transferred and delivered over to the Commissioners to be appointed under this Act or their clerk; and all proceedings commenced or pending in any case before the first mentioned Commissioners under any of the Acts hereby repealed, may be continued and completed by and before the Commissioners to be appointed under this Act, as if commenced before them, and with like effect, or such proceedings may be discontinued in any case and the parties may be required to proceed *de novo*, either with regard to the whole case or to any particular matter or proceeding therein, as to the said last mentioned Commissioners shall in their discretion seem meet; and any decision and report of the said first named Commissioners given and made before this Act shall come into force, shall remain good and valid, and may be acted upon as to the issuing of Letters Patent, as if it had been given and made under the authority of this Act, and in like manner shall be subject to the provisions thereof in case it shall appear to any *Quorum* of the Commissioners under this Act, that it was erroneous or was obtained by surprise, and they shall so report before the expiration of ninety days from the time the report of the Commissioners under such former Acts was made.

Unfinished proceedings before the former Commissioners, may be continued before those appointed under this Act, and the documents, &c., shall be transferred into the hands of their Clerk.

Provision as to decisions and reports of former Commissioners.

XIII. And be it enacted, That in every case where an oath may be required under this Act, it shall be lawful for the party of whom the same may be so required to make a solemn affirmation in lieu thereof and with like effect, if such party be one of the persons who, by the laws then in force in Upper Canada, shall be allowed to make such solemn affirmation in lieu of an oath, in civil cases; and if any person shall in any such oath or affirmation wilfully swear or affirm falsely, he shall be deemed guilty of wilful and corrupt perjury, and being thereof convicted, shall be liable to the pains and penalties imposed by law for that offence.

Affirmation may be made instead of an oath in certain cases.

Wilful false statement to be perjury.

XIV.

Rules and forms of proceedings to be established by the Commissioners.

XIV. And be it enacted, That it shall be lawful for the said Commissioners from time to time to make and establish such rules and forms, with regard to any proceedings to be had before them, and to such notices, papers and other documents as shall be required in the conduct of such proceedings, as to them shall appear expedient for the better attainment of the purposes of justice.

Costs may be allowed to witnesses.

XV. And be it enacted, That in all cases in which any witness shall have duly appeared to give evidence before the said Commissioners, or before any person appointed by them to examine or to receive the testimony or deposition of such witness, it shall be lawful for the said Commissioners to order and direct the party at whose instance such witness shall have been summoned, or his testimony or depositions taken, to allow to such witness for his loss of time and expenses, such sum as the said Commissioners shall deem equitable, which order such party shall obey, or in default, such sum shall be recoverable from such party by action in any Court in this Province, having jurisdiction in civil cases to a like amount, due regard being had to the limits of the local jurisdiction of such Court.

Recovery of such costs.

Fees on proceedings under this Act, to the Clerk of the Commissioners.

XVI. And be it enacted, That the clerk of the said Commissioners shall be entitled to demand and recover for the following services respectively, the fees hereinafter mentioned, from the persons requiring such services, that is to say: for filing each petition, one shilling, currency; for setting down for hearing any claim, two shillings and six pence, currency; on the hearing of any claim, five shillings, currency; for making up a report on the same, ten shillings, currency; for each certificate of the allowance of any claim, one shilling and three pence, currency; for a copy of the order respecting any claim, one shilling and three pence, currency; for each summons for the attendance of any witness or witnesses, two shillings, currency; for each commission for the examination of witnesses, ten shillings, currency; for any certified copy of any paper or document in his custody, one shilling and three pence, currency for the certificate, and at the rate of six pence, currency for each one hundred words in such copy; and such reasonable fees for any service not herein specially mentioned or included in those so mentioned, as the said Commissioners shall from time to time allow him, as a fair and just compensation for the labour by him performed, and no more; and for receiving any affidavit or deposition under the authority of this Act, the person authorized to receive and receiving the same, not being one of the Commissioners to be appointed for carrying this Act into effect, shall be entitled to demand and recover from the party requiring him to receive the same, the sum of one shilling and three pence, and no more; and all such fees as aforesaid may be required to be paid before the service for which they are granted shall be performed, or if not so required, may be recovered in the manner hereinbefore appointed with regard to the sum allowed to a witness.

Unenumerated services.

Fees to persons appointed to receive affidavits.

Recovery of such fees.

XVII.

XVII. And be it enacted, That a copy of any order, report or decision, to be made by the said Commissioners under the authority of this Act, certified by their Clerk and countersigned by one of the said Commissioners, shall be received in any civil suit or action in any Court in this Province, as evidence of the making of such order, report or decision, in the manner and form and according to the tenour thereof as set forth in such copy ; nor shall it be necessary in such suit or action to prove the signatures of such Clerk or Commissioner, unless, after the party intending to produce the same, shall have given due notice of such intention to any adverse party, according to the course and practice of the Court, such adverse party shall in like manner have signified his intention to dispute such signatures, or either of them, in which case it shall be requisite to prove the same, and the costs attending such proof may, in the discretion of the Court, be allowed to the party making such proof, whatever be the result of the suit or action.

XVIII. And be it enacted, That the words "Governor of this Province," wherever they occur in this Act, shall be understood to include the Lieutenant-Governor, or person administering the Government of this Province ; the words "Upper Canada," shall be understood to mean all that part of this Province which formerly constituted the Province of Upper Canada ; the words "Heir, Devisee, or Assignee," shall be understood to include the Heirs, Devisees, or Assignees of any Heir, Devisee or Assignee, to any Degree ; the word "Lands," shall be understood to mean any lot or lots, piece or parcel of Lands, of what extent soever they may be, to which any claim shall be made under this Act ; and wherever the Commissioners under this Act are empowered or directed to do or perform any Act, it shall be understood that such Act may be done or performed by any *Quorum* of such Commissioners ; and words importing the singular number or the masculine gender only shall be understood to include several persons, matters and things, as well as one person, matter or thing, and females as well as males, unless it be otherwise specially provided, or there be something in the subject or context repugnant to or inconsistent with such construction.

Certified copies of proceedings and orders of the Commissioners to be received in evidence.

In what cases only it shall be necessary to prove the certificate.

Costs.

Interpretation Clause.
Governor.

Upper Canada.

Heir, Devisee, Assignee.

Lands.

Quorum.

Singular number or masculine gender.

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ANNO OCTAVO

VICTORIÆ REGINÆ.

CAP. IX.

An Act to indemnify Clergymen and others who have voted at the last General Election in ignorance of the Law.

[10th February, 1845.]

WHEREAS by an Act passed in the last Session of the Provincial Legislature, and intituled, *An Act for better securing the independence of the Legislative Assembly of this Province*, it is among other things in effect enacted, That all Clergymen of the Church of England or Scotland, and all Priests and Ministers either according to the rites of the Church of Rome or under any other form or profession of religious faith or worship, shall be incapable and incompetent to vote at any election of a member or members to serve in the Legislative Assembly of this Province, under a penalty of five hundred pounds, current money of this Province, to be recovered by such person as shall sue for the same, by action of debt, bill, plaint or information, in and before any Court of competent civil jurisdiction in this Province: And whereas certain other persons mentioned in the said Act are by certain other provisions thereof prohibited from also voting at such election under certain penalties; And whereas by reason of the insufficient promulgation of the said Act before the last General Election of Members to serve in the Legislative Assembly of this Province, many such Clergymen, Priests and Ministers and other persons prohibited by the said Act voted thereat in ignorance of the provisions of the said Statute, and thereby rendered themselves liable to certain penalties, and it is right that they should be indemnified, subject to the provisions 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, 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

Preamble.
7 Vict. c. 65,
recited in part.

No suit to be
hereafter

brought
against any
Clergyman or
other person
for having so
voted at the
last Election.

Provision as to
suits brought
before the pas-
sing of this
Act.

Costs.

after the passing of this Act, no action of debt, bill, plaint or information shall be brought under the said Act against any such Clergyman, Priest or Minister, or any other person so prohibited as aforesaid, for having so voted at the said last General Election; and if before the passing of this Act, any such action of debt, bill, plaint or information shall have been brought against any such Clergyman, Priest or Minister, or other person so prohibited as aforesaid for having so voted, the Defendant may apply for and obtain from the Court in which the same shall be pending, an order to stay all proceedings in the case, on condition that the Defendant shall pay to the Plaintiff or his Attorney all the costs then incurred by such Plaintiff, within Sixty days after he shall have caused the same to be duly taxed; and if the Defendant shall so pay such costs, then the said order shall be absolute, and no further proceedings of any kind shall be had in the case; but if the Defendant shall fail so to pay the said costs, then further proceedings shall be had as if this Act had not been passed.

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ANNO OCTAVO

VICTORIÆ REGINÆ.

CAP. X.

An Act to repeal that portion of the Act therein mentioned which prevents Members of the Clergy from voting at Elections of Members to serve in the Legislative Assembly of this Province.

[17th March, 1845.]

WHEREAS it is expedient to amend a certain Act of the Legislature of this Province passed in the seventh year of Her Majesty's Reign, and intituled, *An Act for better securing the independence of the Legislative Assembly of this Province*, so as to enable Clergymen to vote at elections of members to serve in the said Legislative Assembly: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to re-unite the Provinces of Upper and Lower Canada and for the Government of Canada*, and it is hereby enacted by the authority of the same, that so much of the Act herein first above cited, as declares all Clergymen of the Church of England or Scotland, and all Priests and Ministers either according to the rites of the Church of Rome, or under any other form of religious faith or worship, to be incapable and incompetent to vote at any election of a Member or Members to serve in the said Legislative Assembly, shall be and so much of the said Act is hereby repealed.

Preamble.

Act 7 Vict.
cap. 65, cited.

So much of
the said Act
as prevents
Clergymen
from voting,
repealed.

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ANNO OCTAVO
VICTORIÆ REGINÆ.

CAP. XI.

An Act to abolish the Office of Surveyor General, and to provide for the performance of the duties of that Office by the Commissioner of Crown Lands.

[17th March, 1845.]

WHEREAS it hath become expedient to abolish the office of Surveyor General, and to cause the duties thereof to be performed by the Commissioner of Crown Lands ; And whereas by divers Statutes of this Province, or of the late Provinces of Upper and Lower Canada, respectively, many powers and duties are assigned to the Surveyor General, for the exercise and performance of which it is necessary to provide : 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 department and office of the Surveyor General of this Province, shall be consolidated with the department and office of the Commissioner of Crown Lands, under the superintendence and management of the last named officer.

Preamble.

Departments
of the Survey-
or General and
Commissioner
of Crown
Lands consoli-
dated.

II.

Powers and duties of the Surveyor General to be exercised and performed by the Commissioner of Crown Lands.

II. And be it enacted, That from and after the passing of this Act, all the powers and duties which theretofore were by any Act, Ordinance or Law in force in this Province, assigned to or vested in the Surveyor General, shall become and be vested in the Commissioner of Crown Lands for the time being ; and the said powers and duties, or any of them, shall and may be exercised and performed by him, or by any Assistant or Clerk in his department or office, or other person whom he shall by any instrument in writing under his hand, authorize to exercise or perform the same, or any of them, as fully and effectually to all intents and purposes as they might before the passing of this Act have been exercised or performed by the Surveyor General ; any law, usage, or custom to the contrary notwithstanding.

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ANNO OCTAVO

VICTORIÆ REGINÆ.

CAP. XII.

An Act for the relief of Shipwrecked and destitute Mariners, in certain cases therein mentioned.

[10th February, 1845.]

WHEREAS shipwrecked and other destitute as well as sick Mariners, belonging to merchant ships or vessels from the United Kingdom, resorting during the season of navigation to Quebec, and the seaports in Canada, are oftentimes forced by adverse circumstances to winter at Quebec, where not finding employment, and from the want of an asylum for the temporary reception of shipwrecked and destitute Mariners, they frequently become, during the winter season, and until they can find employ on the return of spring, burthensome to the public, subsisting upon such voluntary alms as the charitable and humane can afford them; And whereas it is but just to authorize the appropriation in such cases of a small proportion of the funds received from the tonnage duties collected under the Act of the Legislature of Lower Canada hereinafter mentioned, towards the relief of such shipwrecked and destitute Mariners, either by enabling them to find their way to the nearest seaport in order to obtain employ, or to subsist until the return of the season of navigation, and the arrival of ships from sea: 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 hereafter for the Governor, or person administering the Government of this Province for the time being, whenever he shall deem it necessary, to appropriate from the funds arising from the duties imposed by the Act of the Legislature of Lower Canada, passed in the sixth year of the Reign of His late Majesty, King William the

Preamble.

From the fund arising from the Act of L. C. 6 Wm. IV. cap. 35, the Governor may appropriate a certain sum yearly for the

Fourth,

relief of desti-
tute seamen
during the
winter.

Fourth, intituled, *An Act to provide for the medical treatment of sick Mariners*, a sum not to exceed in the course of any one winter one hundred and fifty pounds, currency, towards the temporary relief, in such manner as he shall deem advisable, of shipwrecked or destitute Mariners from beyond the seas, and who from misfortune or other unavoidable cause, not originating in desertion from their employ, or from their own misconduct, shall have been detained in Quebec, or other seaport or place in Lower Canada during the winter, and who can neither procure by labour the means of a subsistence until the return of the season of navigation, nor of proceeding to the nearest seaport where employ may be found; and that the due application of all such monies so from time to time appropriated, pursuant to this Act, from the said fund, shall be accounted for as the other monies paid therefrom are, by any law in force with respect thereto, to be accounted for.

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ANNO OCTAVO
VICTORIÆ REGINÆ.

CAP. XIII.

An Act to amend, consolidate, and reduce into one Act, the several Laws now in force, establishing or regulating the practice of District Courts in the several Districts of that part of this Province formerly Upper Canada.

[17th March, 1845.]

WHEREAS it is necessary to make further provision for regulating the practice of the several District Courts in Canada West, and for extending the jurisdiction thereof: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*; and it is hereby enacted by the authority of the same, that a certain Act of the Parliament of Upper Canada, passed in the fifty-eighth year of the Reign of His late Majesty King George the Third, intituled, *An Act to regulate the Costs in certain cases in the Court of King's Bench*; and also a certain other Act of the Parliament of Upper Canada, passed in the second year of the Reign of His late Majesty King George the Fourth, intituled, *An Act to reduce into one Act the several Laws now in force establishing District Courts and regulating the practice thereof, and also to extend the powers of the said District Courts*, as well as the Acts therein recited; and also the second, third and fourth clauses of a certain other Act of the Parliament of Upper Canada, passed in the fourth year of the Reign of His late Majesty King William the Fourth, intituled, *An Act to revive and extend the provisions of an Act passed in the tenth year of His late Majesty's Reign, intituled, "An Act to authorize the detention of Debtors*

Preamble.

U. C.
58 Geo. 3. c. 4.

U. C.
2 Geo. 4 c. —.

2d 3d and 4th
clauses of Act
of U. C. 4
Will. 4. c. 6.

Debtors in certain cases ;” and also a certain other Act of the Parliament of Upper Canada, passed in the fifth year of the Reign of His late Majesty King William the Fourth, intituled, *An Act to enable Suitors in the District Courts to procure the attendance of Witnesses from any District in this Province, and to authorize certain persons therein named to take affidavits in the said District Courts ;* and also a certain Act of the Parliament of this Province, passed in the fourth and fifth years of the Reign of Her present Majesty, intituled, *An Act to alter and amend the Laws now in force in that part of this Province formerly Upper Canada, regulating the District Courts ;* and also so much of the fifth section of a certain other Act of the Parliament of this Province, passed in the fourth and fifth years of Her Majesty’s Reign, intituled, *An Act to repeal the Laws now in force in that part of this Province formerly Upper Canada, for the recovery of small Debts, and to make other provisions therefor,* as relates to the Judge of any District Court being elected or sitting as a Member of the Legislative Assembly of this Province, be, and the same are hereby repealed, upon, from and after the day upon which this Act shall come into operation and effect.

U. C.
5 Will. 4. c. 4.

Act of Canada,
4 & 5 Vict.
c. 8.

6th clause of
Act of Canada,
4 & 5 Vict.
c. 3.

Repeal.

District Courts
established.

Judges to be
appointed, who
shall preside
therein

To hold office
during good
behaviour.

Judges may be
removed on
the joint ad-
dress of the
Legislative
Council and
Assembly.

Clerk to be ap-
pointed to hold
office during
pleasure.

No Attorney
or articled
Clerk to hold
such office.

Judges to be
Barristers.

To preside at
Quarter Ses-
sions.

Proviso.

No Judge to
practise the
law.

Penalty.

II. And be it enacted, That there be established, in and for every District in Canada West, a Court of Law and of Record, to be known by the name and style of “ *The District Court*” of each respective District, over each of which Courts one or more Judges to be appointed under the Great Seal of the Province, (and who, as well as those Judges who are now appointed and who shall remain qualified, shall hold office during good behaviour,) shall preside: Provided always, that it may be lawful for the Governor to remove any such Judge or Judges of the said Court, upon a Joint Address of the Legislative Council and Legislative Assembly, and there shall also be a Clerk to be appointed in the same manner, who shall hold office during pleasure: Provided also, that no practising Attorney or articled Clerk shall discharge the duties of such office, under penalty of forfeiture of the same.

III. And be it enacted, That each of the Judges of the said Courts shall be a Barrister at Law, and if appointed under this Act when it shall come into force, shall be of at least five years standing, and shall reside within the District over the District Court whereof he or they respectively shall be appointed to preside; and that the first or Senior Judge of the District Court of any District, being also a Justice of the Peace therein, shall preside as Chairman at the General Quarter Sessions of the Peace for such District, unless in cases of absence from sickness or other unavoidable cause, when the Justices present shall elect another Chairman *pro tempore*: Provided always, that no Judge of any such District Court shall, directly or indirectly, practise or carry on or conduct any business in the profession or practice of the Law, while acting as such Judge, on pain of forfeiting his office, and subject to the further penalty of one hundred pounds, to be recovered by any person

person who shall sue for the same, by action of debt, bill, plaint, or information, in Her Majesty's Court of Queen's Bench for Upper Canada; one-half of the said penalty to belong to the party suing, and the other to Her Majesty, Her Heirs or Successors.

Distribution.

IV. And be it enacted, That every Judge so to be appointed, before he shall be qualified to act as such, shall take the following oath before some person to be appointed by the Governor of this Province to administer the same, that is to say: "I do swear that I will truly and faithfully, according to my skill and knowledge, execute the several duties, powers and trusts of Judge of the District Court of the district of _____, and of the several Division Courts within the same, without fear, favour or malice: So help me God."

Judge to take an oath of office.

The Oath.

V. And be it enacted, That the said Courts respectively, shall hold plea of all causes or suits relating to debt, covenant or contract, to the amount of twenty-five pounds, and in cases of contract, or debt on the common Counts where the amount is ascertained by the signature of the defendant to fifty pounds, and also in all matters of tort, relating to personal chattels, where the damages shall not exceed twenty pounds, and where titles to land shall not be brought in question.

Amount of jurisdiction of the said Courts.

VI. And be it enacted, That the said Courts respectively shall hold four terms in each year, which shall severally commence on the Monday in the week next but two preceding the week in which the General Quarter Sessions are respectively holden, and shall end on Saturday of the same week; and every day in term shall be a return day, and the first and last days of all periods limited by this Act, or by any rule or order of the said Courts, shall be inclusive.

Terms appointed.

First and last days to be inclusive.

VII. And be it enacted, That the original process for compelling the appearance of the defendant, in any suit to be brought in the said Courts, respectively, after this Act shall come into effect, shall be a Writ of *Capias ad Respondendum*, and which shall bear *teste* on the day on which it issues, and which shall be considered to all intents and purposes the commencement of the action, a copy of which, in actions not bailable, shall be personally served on each Defendant by some literate person, at least four days before the return thereof, and that upon every copy of such process there shall be endorsed an english notice, addressed to such Defendant, of the intent and meaning thereof, to the effect following: "You are served with this process to the intent that you may, either in person or by your Attorney, enter your appearance in the office of the clerk of the said District Court, on the return day thereof, being the _____ day of _____ next, or within four days thereafter, in order to your defence in this action."

Process for compelling the appearance of any defendant.

Notice to be indorsed on the Process.

VIII.

Proceedings, if the defendant shall not appear.

VIII. And be it enacted, That in case the Defendant shall not appear either in person or by Attorney on the return day or within four days thereafter, it shall be lawful for the Plaintiff, upon affidavit being made and filed of the service of such process, to enter an appearance for such Defendant, and to file his declaration and to proceed thereon according to the rules and practice of Her Majesty's Court of Queen's Bench in Upper Canada, in actions not bailable.

Time for pleading, &c., limited to four days.

IX. And be it enacted, That in all causes in the said District Courts the time for pleading, replying, rejoicing and otherwise answering until the parties are at issue, shall be four days.

Defendant may plead several matters without leave of Court.

X. And be it enacted, That it shall and may be lawful for the Defendant in any action or suit in the said District Courts, to plead as many and several matters thereto as he may think necessary, without leave of the Court; and any Judge of the said Courts respectively, in term time or vacation, may make an order for the delivery of the particulars of the Plaintiff's demand or the Defendant's set-off, in like manner as may be done in the said Court of Queen's Bench.

The mode of pleading, and all other proceedings to be the same as prescribed for the Queen's Bench under Act of U. C. 7 Will. 4. c. -.

XI. And be it enacted, That the mode of pleading in the said District Courts and the mode of entering and transcribing pleadings, judgment and other proceedings and the regulations as to the payment of costs, shall be the same as is now practised in the said Court of Queen's Bench in Upper Canada, under the new rules made in pursuance of the provision contained in an Act passed in the seventh year of the reign of His late Majesty King William the Fourth, intituled, *An Act for the further amendment of the law and the better advancement of justice.*

Plaintiff to file his declaration, and in default of plea may proceed to judgment.

XII. And be it enacted, That it shall and may be lawful for the Plaintiff (the Defendant having appeared) to file his declaration, and to proceed according to the practice of the said Court of Queen's Bench in similar cases, and in default of plea, replication, rejoinder, or other answer within the time prescribed by this Act, the opposite party may sign interlocutory judgment or judgment of *non pros.* (as the case may be) subject to be set aside in the discretion of the Court: Provided always, that the Judge may in term time or vacation, grant further time for any pleading.

Proviso.

Affidavit to be annexed to any plea bringing the title to real estate into question.

XIII. And be it enacted, That no plea, replication or other pleading, whereby the title to any land or to any annual or other rent, duty or other custom or thing relating to, or issuing out of lands or tenements shall be brought in question, shall be received by any District Court, without an affidavit thereto annexed, that such plea, replication, or other pleading is not pleaded vexatiously, or for the mere purpose of excluding such Court from having jurisdiction, but that the same does contain

contain matter which the deponent believes is necessary for the party pleading, to enable him to go into the merits of his case.

XIV. And be it enacted, That it shall and may be lawful, for the said Courts, respectively, to issue Writs of *Capias ad Respondendum*ailable, in all cases within their jurisdiction, upon the same affidavit made and filed by the Plaintiff, his Attorney, agent or servant, and in cases in which by law the said Court of Queen's Bench may issue similar process; and the Judges of the said District Courts, respectively, shall and may exercise the same powers as any Judge of the said Court of Queen's Bench, with respect to making orders for the arrest of parties (within their jurisdiction) whenailable process cannot issue without such order: Provided always, that no party shall be holden to bail for a less sum than ten pounds, and that the sum sworn to, shall, by the officer issuing such Writ, be marked in the margin thereof, and that bail be taken for such sum, and no more.

In what cases
*Capias*ailable
may be issued.

Proviso.

No person to
be held to bail
for less than
£10, &c.

XV. And be it enacted, That it shall and may be lawful, and the clerks of the several District Courts in Upper Canada, are hereby required upon application by any Commissioner of Her Majesty's Court of Queen's Bench, and upon payment of the usual fees by law established for the same, to furnish such Commissioner with such number of Writs of *Capias ad Respondendum* as such Commissioner may so require.

Commissioners
of Queen's
Bench to be
furnished
Writs of *Capias
ad Responden-
dum*.

XVI. And be it enacted, That it shall and may be lawful for such Commissioner to issue a Writ of *Capias ad Respondendum* in the same manner, and with the like effect as the same may now be issued in Her Majesty's Court of Queen's Bench, by virtue of the ninth section of an Act passed by the Parliament of Upper Canada, in the second year of the reign of His late Majesty King George the Fourth, intituled, *An Act to repeal part of and amend the laws now in force respecting the practice of His Majesty's Court of King's Bench in this Province*.

Commissioners
may issue Writs
of *Capias ad
Respondendum*
as under Act
of U. C. 2
Geo. 4. c. -.

XVII. And be it enacted, That no Commissioner shall issue any Writ of *Capias ad Respondendum* in any case in which he shall be employed as Attorney for the person suing out such Writ.

No Attorney
acting as Com-
missioner to
issue Writs of
*Capias ad Res-
pondendum*,
where he is act-
ing as Attorney
for Plaintiff.

XVIII. And be it enacted, That in all cases of an arrest being made under and by virtue of a Writ of *Capias ad Respondendum* issued by a Commissioner of the Court of Queen's Bench, as hereinbefore provided, the said Writ, together with the affidavit to hold to bail upon which the same was issued, shall be filed in the office of the clerk of the District Court on the return day of such Writ, or in default thereof, the defendant shall not be required to put in and perfect special bail, until two days after the said Writ and affidavit shall be so filed with the clerk in term time,
and

Such Writs of
Capias to be
filed with the
Clerk of the
District Court.

Defendant not
bound to plead
till two days
after such fil-
ing of Writ of
Capias.

and in the event of the said Writ and affidavit not being filed two days before the last day of term inclusive, then and in such case the defendant shall be allowed the whole of the first two days of the ensuing term to put in and perfect special bail.

Within what time any *Capias* shall be returnable.

XIX. And be it enacted, That all Writs of *Capias ad Respondendum* issuing out of the said Courts, shall be made returnable in the same term in which they are issued, or in the next ensuing term.

Who may take affidavits and recognizances.

XX. And be it enacted, That the Judges or clerks of the several District Courts, respectively, and all Commissioners in the respective districts duly appointed for taking affidavits and special bail in the said Court of Queen's Bench, shall be and are hereby authorized to take all affidavits, as well as all recognizances of bail that may be required to be taken in the respective District Courts.

In what cases the Sheriff shall take bail and assign the bail-bond.

XXI. And be it enacted, That the Sheriff to whom any Writ of *Capias ad Respondendum* shall be directed, shall take bail thereon and assign the bail bond if required, in like manner as the law does or shall direct in cases where like process is issued from the said Court of Queen's Bench, and such assignment shall have the like validity and effect; and that whatever may be the penalty of the bail bond, an action thereon may be brought in the District Court from which the Writ of *Capias* issued and proceeded in to final judgment and execution, as in other cases within the jurisdiction of such District Court.

Action on the bond in the District Court, whatever be the amount.

Plaintiff may file a declaration *de bene esse*, &c.

XXII. And be it enacted, That the Plaintiff, in any suit commenced by Writ of bailable *Capias*, may file a declaration *de bene esse* in the office of the Clerk of the District Court, at any time after the issue of such Writ, and leave a copy thereof in the said Office with the Clerk, to be by him delivered up to the Defendant or his Attorney, without fee or reward.

Bail to the action how to be perfected.

XXIII. And be it enacted, That the Defendant in every bailable action shall be allowed two days after the return day of the Writ to enter and perfect bail to the action, and to give notice thereof to the Plaintiff or his Attorney, except in the cases hereinbefore otherwise provided for, upon default made in the filing of Affidavits upon which Writs of *Capias ad Respondendum* have been issued by Commissioners; and the recognizance thereof shall be to the same substance and effect as the recognizance taken in the said Court of Queen's Bench: Provided always, that no such bail to the action shall be considered as perfected until the recognizance, with the affidavit of justification and of the due taking annexed, shall be filed in the office of the Clerk of the District Court.

Recognizance. Proviso.

XXIV. And be it enacted, That in all cases where a declaration shall be filed *de bene esse* as aforesaid, the Defendant shall be bound to plead thereto within four days after perfecting bail to the action as aforesaid; and in all cases where a declaration shall be filed absolutely, after bail perfected, and in all cases where the Plaintiff may have omitted to file a declaration on the return day of the Writ, the Defendant shall be bound to plead within four days after service of a copy thereof on himself or his Attorney, without any rule or demand of plea, otherwise the Plaintiff may sign judgment; and the Plaintiff shall in every case be bound to declare on or before the last day of the term next ensuing that in which the process is returnable, in default whereof the Defendant, may enter judgment of *non pros.* and have execution thereon: Provided always, that in either case, the time for pleading or declaring may be extended by the Judge of the District Court.

Within what time the Plaintiff shall declare, and the Defendant shall plead.

Proviso.

XXV. And be it enacted, That it shall and may be lawful for the Plaintiff, his servant or agent, in any action now pending or hereafter to be brought in any of the said District Courts, at any time after action brought and before final judgment upon making such an affidavit as is required by law in Upper Canada in similar cases in the said Court of Queen's Bench, to sue out an *Alias* or *Pluries Capias a.l Respondendum* as the case may require in the said suit, and cause the Defendant to be thereupon arrested and holden to bail, which bail, if the Writ shall have been sued out after appearance being filed, shall be bail to the action, and shall be perfected as aforesaid before the Defendant shall be discharged from the custody of the Sheriff, and the suit shall, in all such cases, proceed after bail put in and perfected, as the same would have proceeded if no such *Alias* Writ had been taken out.

Defendant may be held to bail, after action brought on affidavit.

XXVI. And be it enacted, That every prisoner arrested upon process issued out of any of the said District Courts, whether detained by the Sheriff or other officer upon the original arrest or upon the surrender by his bail, shall and may be admitted to bail in term time or vacation, upon the same terms and in the same manner as if he were a prisoner under the like circumstances in the said Court of Queen's Bench.

Prisoners may be admitted to bail in the same cases and manner as in the Queen's Bench.

XXVII. And be it enacted, That the bail, or either of them, in any suit in the said District Courts, may surrender their principal in like manner and upon the same terms as may be done now or hereafter in the said Court of Queen's Bench; and that the respective Judges in the said District Courts shall have power to grant the same remedies to the Plaintiff against the Sheriff or Sheriff's bail, or the bail to the action, respectively, and to afford relief to the Defendant, Sheriff or bail, in the like way and by the like proceedings as might now or hereafter be done in the said Court of Queen's Bench, had the action been instituted in that Court.

Bail may surrender their principal, and other proceedings may be had as in like cases in the Queen's Bench.

XXVIII.

Proceedings
after plea in
cases bailable.

XXVIII. And be it enacted, That after plea filed in cases bailable, the parties shall proceed to trial and judgment in like manner as in cases not bailable.

What notice
of trial shall be
given.

XXIX. And be it enacted, That in all matters of fact to be tried by a jury, when issue be joined, six days notice of trial shall be given to the Defendant or his Attorney ; and in all cases where judgment shall have been signed by default, six days notice of assessment shall likewise be given, which said notice may be countermanded three days before the day appointed for trying such issue or taking such assessment.

Plaintiff to
make up a re-
cord in all ca-
ses to be tried,
or where da-
mages are to
be assessed.

XXX. And be it enacted, That in all cases to be tried before the said Courts, and in all cases where damages are to be assessed, it shall be the duty of the Plaintiff to prepare and enter with the clerk a record in the form of a *Nisi Prius* record, on or before the first day of the sitting of the said Courts, respectively.

Penalty for not
proceeding to
trial or assess-
ment on the
day appointed
by notice.

XXXI. And be it enacted, That in all cases where notice of trial or assessment shall be given as aforesaid, and not duly countermanded, if the Plaintiff neglect to proceed with such trial or assessment, he shall pay the Defendant all reasonable costs by him incurred in consequence of such notice, or in default of proceeding to trial in pursuance of such notice, the Court may order the like judgment as in case of nonsuit, to be entered against him, or the party may proceed by attachment as in the said Court of Queen's Bench.

Penalty on
Plaintiff for
not proceeding
to trial within
a certain time
after issue
joined.

XXXII. And be it enacted, That if after issue joined, the Plaintiff shall not proceed to trial at the next or the second ensuing sittings holden for the trial of issues, the Defendant may move for and the Court may order the like judgment as in cases of nonsuit, or dispose of such motion upon terms, according to the practice of the said Court of Queen's Bench ; and if the Plaintiff shall neglect to proceed to trial upon a peremptory undertaking, a judgment of nonsuit may be entered on the third day of the then next ensuing term, unless the Plaintiff, on application to the Court, to be supported by affidavit, obtain leave to try such issue at the next ensuing sittings, upon payment of all reasonable costs, and upon such terms as the Court may deem just between the parties.

And upon a
peremptory un-
derstanding.
Proviso.

Writs of *Sub-
pœna* may be
issued and en-
forced as in
the Queen's
Bench.

XXXIII. And be it enacted, That the said District Courts may issue Writs of *Subpœna ad Testificandum* to enforce the attendance of witnesses residing within their respective jurisdiction ; and also, Writs of *Subpœna duces tecum* to enforce the attendance of witnesses and the production of deeds and papers material to the party suing out the same, and may proceed against persons who, having been duly served with a *Subpœna*, shall disregard or disobey the same, in like manner and by the same mode of proceeding as is practised in the said Court of Queen's Bench.

XXXIV.

XXXIV. And be it enacted, That it shall and may be lawful for any Plaintiff or Defendant in any action now pending or hereafter to be brought, to sue out a Writ of *Subpœna* as often as occasion may require, from the office of the Clerk of the Crown, or any of his deputies in Canada West, to compel the attendance of any witness, resident out of the jurisdiction of the District Court in which such action shall be brought or pending, to give evidence at the trial of such action, and also Writs of *Subpœna duces tecum* to enforce the attendance of witnesses and the production of deeds and papers material to the party suing out the same, which Writs of *Subpœna* shall be as effectual, and the person disobeying the same shall be liable to the same penalties, as if the action had been commenced and prosecuted in the said Court of Queen's Bench; and the said Court of Queen's Bench shall have power and authority to proceed against the person or persons disobeying such Writ of *Subpœna*, as if the same had been issued in a cause pending before the Court: Provided always, that every witness shall be entitled to the sum of five shillings for each day's necessary attendance, and five shillings for every twenty miles of travel: the sums paid to be costs in the cause.

The Queen's Bench may issue *Subpœnas* to compel the attendance at trial, in a District Court, of witnesses residing out of its jurisdiction.

Proviso.

Costs allowed to witnesses.

XXXV. And be it enacted, That the Judge presiding at the sittings of any of the District Courts, shall have power to put off the trial of, or assessment of damages, in any cause entered for trial or assessment at such sittings, upon such terms as are usually imposed at the sittings at *Nisi Prius*.

Judge may postpone trial or assessment of damages on certain terms.

XXXVI. And be it enacted, That it shall and may be lawful for the Defendant in any action to pay money into Court, in like manner as the same may be done in the said Court of Queen's Bench.

Defendant may pay money into Court as in Queen's Bench.

XXXVII. And be it enacted, That the said District Courts may in term time, by rule or orders set aside proceedings for irregularity, or stay the same until security be given for costs, in all matters within their jurisdiction, in like manner and to the same extent, as the said Court of Queen's Bench, or any Judge thereof can or may do.

Proceedings may be set aside for irregularity, or stayed as in Queen's Bench.

XXXVIII. And be it enacted, That all and every the Statutes of Jeofails and of limitations and amendments, shall be of the same force in the said District Courts as in the said Court of Queen's Bench.

Statutes of Jeofails, &c. to apply to District Courts.

XXXIX. And be it enacted, That in case of demurrer, resort shall be had to the practice of the said Court of Queen's Bench, and that upon all demurrers the said District Courts, respectively, shall proceed to judgment or grant leave to amend, conforming to the practice of the said Court of Queen's Bench in like cases.

In case of demurrer, resort shall be had to the practice of the Queen's Bench.

District Judges to issue Precepts for summoning Jurors to try issues, and assess damages; and at what time and place.

XL. And to the end that the trial of all issues to be joined in the said District Courts, as well as the assessment of damages upon judgment obtained by default or upon demurrer, may be had at the most convenient time and place: Be it enacted, that it shall and may be lawful for the Judges of the said District Courts, respectively, to issue a Precept to the Sheriff of their respective districts, and also, if required by either Plaintiff or Defendant in a suit where the Sheriff is the opposing party, to issue a Precept to any Coroner of their respective districts, at least fourteen days before the week in which the General Quarter Sessions of the Peace are holden, requiring him to summon, and he is hereby directed thereupon to summon not less than thirty-six, nor more than forty-eight jurors, to be and appear at the time and place when and where the General Quarter Sessions are holden, on the same day on which such Sessions do generally commence to be holden, from whom a jury shall be taken for the trial of each issue or assessment of damages, in like manner as is practised in cases at *Nisi Prius*; and each juror sworn in any cause shall be entitled to receive the sum of seven pence half-penny, and no more.

Compensation to Jurors.

Computation in cases where no issue remains to be tried.

XLI. Provided always, and be it enacted, That in actions on bills, promissory notes, bonds or covenants for payment of money, when judgment shall be signed by default, or shall be given on demurrer, and no issue of fact remain to be tried, it shall and may be lawful for the said District Courts in term time, or the Judge thereof in vacation, upon proof of the service of notice of such intended proceeding at least six days before any computation or order therefor, to compute or by order to direct the clerk to compute the principal and interest due on such bill, note, bond or covenant for the payment of money, whereupon the Plaintiff may forthwith tax his costs, enter final judgment and sue out execution.

When final judgment may be entered after verdict.

XLII. And be it enacted, That it shall and may be lawful for the party in whose favor the verdict shall be rendered, or in cases where the Plaintiff was nonsuited at the trial, for the Defendant or his Attorney, to enter final judgment, on the third day of the term next after the rendering of such verdict, and thereupon to sue out execution.

District Courts may grant new trials, set aside verdicts, &c., on the same principles as in Queen's Bench.

Proviso.

XLIII. And be it enacted, That the said several District Courts may set aside verdicts or nonsuits, and grant new trials, and hear and in their discretion grant motions in arrest of judgment, in all cases within their jurisdiction, upon the like principles and grounds as prevail in the said Court of Queen's Bench upon similar applications: Provided always, that no motion for a new trial or nonsuit shall be entertained after the rising of the Court on the second day of the term next ensuing the rendering of the verdict or nonsuit in the cause, and that all rules moved in the said Court in term time under this or any other clause of this Act, shall

shall be two day rules (where the same rules in the Court of Queen's Bench would be four day rules) and answerable or returnable on the third day inclusive, after service, and may be made absolute at the rising of the Court on that day, and in all cases not otherwise provided for herein, one half of the period allowed in the Court of Queen's Bench shall be allowed in the said District Courts, and upon all or any arguments in term time under this or any other clause of this Act, the Judge of the said Courts, respectively, may pronounce judgment on the first Wednesday after term, or again postpone from that day until the ensuing term.

All rules to be two day rules.

One half of all periods allowed in Queen's Bench, to be allowed in District Courts. When judgment to be pronounced.

XLIV. And be it enacted, That it shall and may be lawful for the party recovering judgment in any suit or action brought in any of the said District Courts, on application to the Judge of the District Court of any other district than that in which such judgment was recovered, and upon producing and filing in the office of the District Court of such other district an exemplification of the judgment, together with an affidavit that such judgment or some part thereof remains unpaid and unsatisfied, to sue out execution in such other district, in the same manner as by law he could do in the district in which such judgment was rendered, and that the costs of obtaining such exemplification and execution shall be added to the amount directed to be levied by such execution.

In what cases and on what conditions execution may be taken out in a District other than that in which the judgment was rendered.

XLV. And be it enacted, That when any Defendant in a cause to be brought in any of the said District Courts, shall be a prisoner in the custody of the Sheriff or other officer upon the process issued in such cause, the Plaintiff shall file his declaration, and serve a copy thereof on such prisoner, within the first four days of the term next following the return day of the process in the said cause, and shall afterwards proceed to final judgment and execution against such prisoner, within two terms after filing such declaration, unless further time be granted by the Court for any proceeding, or unless the Plaintiff be delayed by the act or pleading of such Defendant, otherwise such prisoner shall be supersediable, and may be discharged in like manner as is done when prisoners are supersediable in any action instituted in the said Court of Queen's Bench.

Within what time the declaration shall be filed and served when the Defendant is in custody, and final judgment proceeded to.

Proviso.

XLVI. And be it enacted, That every Defendant, being such prisoner, shall plead to the declaration filed and served as aforesaid, within four days after the said service; and in default thereof the Plaintiff shall be at liberty to sign judgment and to proceed as in other cases.

Such prisoner to plead within a certain time.

XLVII. And be it enacted, That it shall and may be lawful for the several Judges of the said District Courts, either at the sittings for trials or in term times, by consent of the parties, to order any cause to be referred to arbitration by rule of Court, which rule shall have the same effect, and shall be enforced by the same

Court may order reference to arbitration as in Queen's Bench.

means,

means, as if the same had been granted by the said Court of Queen's Bench in a cause depending in that Court, and the several Judges of the said District Courts shall have power to set aside any award made under such reference, under the same rules and regulations, upon the same terms and in like manner as is done by the Court of Queen's Bench.

District Courts to have the same power to enforce their regulations as the Queen's Bench.

May punish by fine or imprisonment. Proviso.

Certain Writs of execution may be issued as in Queen's Bench.

Recognizance of bail may be entered of record, with like effect as in the Queen's Bench.

Court of Queen's Bench may send certain issues to be tried at the District Court of the District where the *venue* is laid.

Proceedings in such case.

Return.

XLVIII. And be it enacted, That the said District Courts shall have and exercise the same powers to enforce their regulations, rules and directions as the said Court of Queen's Bench in Upper Canada now possesses, and may punish by fine or imprisonment, or either for any wilful contempt or resistance to their regular process, rules or orders, provided that such fine shall in no case exceed twenty-five pounds, currency, nor such imprisonment six calendar months

XLIX. And be it enacted, That it shall and may be lawful for the said District Courts to issue Writs of *Fieri Facias* against goods and chattels, and against lands and tenements, and Writs of *Capias ad Satisfaciendum* upon all judgments entered in the said Courts, in the like cases, upon the same terms, and in the same order, as similar Writs are or may hereafter be issued by the said Court of Queen's Bench.

L. And be it enacted, That all recognizances of bail taken in any of the said District Courts may be entered of record in the Court in which the suit or action shall have been instituted; and that action of debt or *Scire Facias*, shall lie thereupon, as in similar cases in the said Court of Queen's Bench.

LI. And be it enacted, That in any action depending in Her Majesty's Court of Queen's Bench in Upper Canada, for any debt or demand in which the sum sought to be recovered, and indorsed on the copy of the original process served in such action, shall not exceed the sum of twenty-five pounds, and in any action in the said Court for any debt or demand in which the amount shall be ascertained by the signature of the Defendant or Defendants, it shall be lawful upon application by the Plaintiff or Plaintiffs for the said Court, or any Judge thereof, if such Court or Judge shall be satisfied that the trial will not involve any difficult question of fact or law, and the Court or any Judge thereof shall think fit so to do, to order and direct that the issue or issues joined shall be tried before the Judge of the District Court of the district wherein the *venue* in such action shall be laid; and for such purpose a Writ shall issue directed to such Judge, commanding him to try such issue at the first or second sittings of such District Court next after the issuing thereof, by a jury returned for the trial of issues joined in the said Court, and to return such Writ with the finding of the jury thereon endorsed, within ten days after the execution thereof; and such Judge shall proceed to try the issue or issues,

issues, and return upon payment of the fees lawfully due thereon; and if either party require the same, such Judge shall, on payment of the fees hereinafter set forth, report in writing, under his hand, his charge to the jury, together with a copy of the evidence adduced, and of any other matter necessary for a full understanding of the case.

A fuller report may be demanded.

LII. And be it enacted, That notice of trial and of countermand shall be given according to the practice of the said Court of Queen's Bench, and if the Plaintiff shall not proceed to try the issue pursuant to such notice, or shall not countermand the same, judgment as in case of nonsuit may be entered, or other proceedings may be had thereon, pursuant to the practice of the said Court of Queen's Bench.

Notice of trial and countermand to be given, and consequences to be as in Queen's Bench.

LIII. And be it enacted, That at the expiration of six days next after the receipt and filing of the said Writ of Trial and of the return thereof in the Crown Office, costs shall be taxed, judgment signed, and execution issued, unless either party shall apply to stay proceedings as hereinafter mentioned; and the verdict of the jury on the trial of such issue or issues shall be as valid and of the like force as a verdict of a jury at *Nisi Prius*; and the Judge presiding at the trial of such issue or issues shall have the like power, with respect to amendment on such a trial and other proceedings and relief thereat, as are possessed in that behalf by the Judges at *Nisi Prius*.

Proceedings after the return of the verdict.

Power of Judge as to amendment.

LIV. And whereas it would greatly tend to diminish the expense and to the more expeditious termination of suits, if the Judges of the said several District Courts in Canada West were authorized to execute Writs of Enquiry, to be issued from the said Court of Queen's Bench: Be it therefore enacted, that for and notwithstanding any thing contained in the twenty-ninth section of a certain Act of the Parliament of Upper Canada, passed in the second year of the Reign of His late Majesty King George the Fourth, intituled, *An Act to repeal part of and amend the laws now in force respecting the practice of His Majesty's Courts of King's Bench in this Province*, as provides that in all cases where judgment shall have gone by default, the damages shall be ascertained at the same time, and in like manner as if the parties had pleaded to issue, it shall and may be lawful in every action or suit to be brought after this Act shall come into effect in Her Majesty's said Court of Queen's Bench, in which judgment shall go by default or in which judgment shall be given for the Plaintiff on demurrer, and there shall be no issue of fact to be tried, and in which damages are required to be assessed, a Writ of Enquiry for the Plaintiff to issue, directed to the Judge of the District Court of the district in which the *venue* in such suit or action is laid; which Writ shall be executed at the first or second sittings of such District Court next after the issuing thereof, and six days notice of the execution thereof shall be given to the Defendant or his Attorney; and the Judge of the District Court shall make due return of the said Writ within

Part of the Act of U. C. 2 Geo. 4, 2nd Session, cap. 1, sec. 20, repealed, as to assessment of damages in cases by default.

Writs of Enquiry may issue to the District Courts in such cases.

What return shall be made to such Writs.

ten

ten days after the execution thereof, upon payment of the fees lawfully due thereon, and if either party require the same, such Judge shall, on payment of the fee hereinafter set forth, report in writing under his hand, his charge to the jury, together with a copy of the evidence adduced and of any other matter necessary for a full understanding of the case; and the Plaintiff may within six days after the receipt and filing of the Writ of Enquiry and of the return thereof in the Crown Office, enter final judgment and issue execution thereon.

When judgment may be entered after return.

How either party shall proceed if he wishes to set aside any proceeding under a Writ of Enquiry or of Trial.

LV. Provided always, and be it enacted, That if either party shall object to any of the proceedings on the execution of any such Writ of Trial or Writ of Enquiry, and shall give the opposite party notice of his intention to apply to set the same aside within six days next after the day on which the verdict thereon was rendered, such party may, before the entry of final judgment, apply to the said Court of Queen's Bench in term time, or to a Judge thereof in vacation, for a rule to shew cause why such proceedings should not be set aside, which rule, if granted upon the order of a Judge in vacation, shall be returnable in the term next ensuing the application, and shall operate as a stay of proceedings in the mean time; and the said Court of Queen's Bench where any such rule is granted shall make such order thereon and grant such relief as the justice of the case may require: Provided always, that nothing herein contained shall be construed to affect the right of any party to apply to the said Court of Queen's Bench against any other proceeding in the said cause, or to restrain the Plaintiff from obtaining a rule to compute principal and interest, in cases in which the same can now be lawfully done, unless the same shall be otherwise ordered by any rule of the said Court of Queen's Bench.

Proviso.

Other rights of either party not to be affected.

Queen's Bench to make rules of practice concerning proceedings on such Writs.

LVI. And be it enacted, That the Judges of the said Court of Queen's Bench, shall have power to make all necessary rules and regulations for the practice to be observed as to such Writs of Trial or Writs of Enquiry, and the costs therein, not inconsistent with the provisions of the Act or otherwise provided for therein.

Parties dissatisfied with the decision of the District Judge on any point of law, may appeal to Queen's Bench on certain conditions.

Security to be given.

LVII. And be it enacted, That if either party in a cause which shall be instituted in any of the said District Courts, shall be dissatisfied with the decision of the Judge upon any point of law arising upon the pleadings, or with the charge to the Jury, or the decision upon any motion for a nonsuit, or for a new trial, or in arrest of judgment, it shall and may be lawful for such party,—(upon giving bond to the opposite party, himself and two sureties in such sum as the said Judge of the District Court shall direct, which sureties shall also justify to such amount by affidavit, to be annexed to the bond in like manner as bail are required to justify) conditioned to abide by the decision to be made in the cause, and to pay all sums of money and costs, as well of the suit as of the appeal, as shall be taxed

taxed and awarded to the opposite party, which bond and affidavit of justification, and also an affidavit of the due execution thereof shall be produced to the Judge of the District Court at the time of making the application hereinafter mentioned, and shall remain in the custody of the Clerk of the said District Court until the opinion of the Court above shall be given, and shall then be delivered to the successful party,—to require the Judge of the said District Court, to certify under his hand to the said Court of Queen's Bench, the pleadings in such cause and all motions, rules or orders that have been made, granted or refused therein, together with his own charge, judgment or decision thereon, and the evidence, and all objections and exceptions thereto when any trial has been had; whereupon the same matter shall be set down for argument at the next term of the said Court of Queen's Bench, which Court shall give such order or direction to the Court below, touching the judgment to be given in such matter as the law of the land shall require, and shall also award costs to either party in their discretion, which costs shall be certified to and form part of the judgment of the Court below; and upon receipt of such order, direction and certificate, the Judge of the District Court shall forthwith proceed in accordance therewith.

District Judge to certify the pleadings, &c., to Queen's Bench.

Matter to be argued in the Queen's Bench.

Queen's Bench to direct the Court below.

Costs.

LVIII. And be it enacted, That this Act shall come into and shall be in force and operation with regard to each of the said District Courts, respectively, upon, from and after the first day of the first term of each of the said Courts, which shall commence upon or after the first day of May next after the passing of this Act: Provided always, that all process, suits, causes and proceedings then pending in the several District Courts of Canada West, shall be executed and continued, and all further proceedings in such suits be carried on according to the provisions of this Act: Provided also, that Writs of Execution according to the established course of law may issue upon any judgment in any of the present District Courts which shall remain in the whole or in part unsatisfied at the time this Act shall come into operation.

When this Act shall come into force.

Proviso.

Continuance of pending suits.

Proviso.

Execution on judgments of present District Courts.

LIX. And be it enacted, That in any suit to be brought in the said Court of Queen's Bench after this Act shall come into effect, which suit may be of the proper competence of the said District Courts, no more costs shall be taxed against the Defendant than would have been incurred in the District Court in carrying on the same action, unless the Judge who presides at the trial of such suit or action, shall certify in open Court, immediately after the verdict is recorded, that it was a fit cause to be withdrawn from the District Court, and to be commenced in the said Court of Queen's Bench: Provided also, that so much of the costs of the Defendant, to be taxed as between Client and Attorney, in any such suit wherein the Judge shall not certify as aforesaid, as shall exceed the costs of defence taxable, and which would have been incurred in the District Court

Costs in suits brought in Queen's Bench which might be brought in a District Court.

Proviso.

Extra costs, paid by the Defendant may be allowed him and set off against costs of Plaintiff.

Court in defending the same action, shall be set off and allowed by the Master in entering judgment against the costs to be taxed for the Plaintiff and recoverable from the Defendant.

Receiver of Fees appointed.

LX. And be it enacted, That the Treasurer of each of the Districts in Canada West, shall be the Receiver of Fees of the District Court within his District.

Allowance to such Receiver.

Judges how paid.

Salary to be fixed from time to time by the Governor in Council.

LXI. And be it enacted, That every such Treasurer shall be paid by a percentage of four pounds on every hundred pounds, and no more, of the gross produce of the Fees of the District Court; and that every Judge shall be paid by a certain salary in no case more than five hundred pounds, or less than two hundred and fifty pounds; and the Governor in Council shall fix the remuneration to be paid to the Judges respectively, having due regard as well to the population of the several Districts as the amount of fees received by the Treasurer of each District under this and the said last mentioned Act; and the remuneration of the Judges may be increased, or, as vacancies shall occur, may be diminished by the same authority by which they were at first fixed.

Clerks to keep accounts of all process and proceedings mentioned in the Schedule.

And shall receive the Fees for the Fee Fund.

Audit.

LXII. And be it enacted, That the Clerk of each District Court shall keep an account of all Writs of *Capias ad Respondendum*, Executions, *Subpanas*, Rules, Orders, and all other Writs and Process of the said Courts, and of all other papers and proceedings whatsoever, mentioned and included in the Schedule hereto annexed of Fees to be collected by such Clerk and paid over to the Fee Fund, and shall receive and take all Fees payable on every such Writ or other proceeding, and shall duly and regularly enter an account of all such Fees in a Book to be kept by him for that purpose, which Book shall be open to all persons desirous of searching the same, on payment of one shilling and three pence for each search, and shall, from time to time, at such times as shall be directed and appointed by the Governor, submit his accounts to be audited or settled by the Judge of the District: Provided always, that no such fee shall be demanded or received for searching the Appearance and Plea Book only, or either of them.

Fees to be as in Schedule.

LXIII. And be it enacted, That there shall be payable on every proceeding in the said District Courts the Fees which are set down for such proceedings respectively in the Schedule to this Act annexed; and a Table of such Fees shall be hung up in some conspicuous place in the office of the several Clerks of such District Courts.

Clerk to account to the Treasurer and pay over monies to him.

LXIV. And be it enacted, That the Clerk of each and every such District Court shall, from time to time, as often as he shall be required so to do by the Treasurer of his District, deliver to him a full account in writing of the Fees received

received in such Court, applicable to the Fee Fund, under the authority of this Act; and the amount of the Fees received by the said Clerk for such purpose, shall be paid over from time to time by him to the Treasurer, and at least once in every three months; and such amount or so much thereof as may be necessary, shall be applied by such Treasurer in payment of the salaries of the Judges of the said District Courts.

LXV. And be it enacted, That the Treasurer of every District shall, on or before the thirtieth day of June, and the thirty-first day of December, in every year, render to the Inspector General of Public Accounts of this Province, a true account in writing of all monies received and of monies disbursed by him on account of the Court, during the period comprised in such account, in such form and with such particulars as the said Inspector General shall from time to time require, and shall, within ten days after the rendering of every such account, pay over the amount of any surplus of such Fees to the Receiver General of this Province; and if default shall be made in such payment, the amount due by such Treasurer shall be deemed a specialty debt to Her Majesty.

Treasurer to account to Inspector General and pay over any balance to Receiver General, twice a year.

LXVI. And be it enacted, That in case the amount of Fees received in any of the said District Courts shall not be sufficient to defray the disbursements required on account of the said Courts, during the periods comprised in the said account, it shall be lawful for the Governor of this Province, forthwith to issue his Warrant in favour of the Treasurer for the amount which shall be required to make up the salaries of the said Judges, and the amount of such Warrant shall be charged upon the Consolidated Revenue Fund of this Province.

Governor may issue his Warrant for any deficiency in the Fee Fund to pay the Judge's salary.

LXVII. And be it enacted, That the accounts to be kept by the several Treasurers on account of the said District Courts, shall be deemed Public Accounts, and shall be inquired into and audited, and be within any provisions of law now or hereafter to be in force for auditing Public Accounts.

Treasurer's Accounts to be deemed Public Accounts.

LXVIII. And be it enacted, That if any person having resigned, or having been removed from the office of Treasurer of any District, or Clerk of any District Court, shall neglect, after twenty-one days notice to such person, to account for and pay to the Treasurer of the District for the time being, or to such person as he shall appoint to receive the same, all such sums as shall remain in his hands of monies received under the authority of this Act, it shall be lawful for such Treasurer for the time being, in his own proper name only, or by his name and description of office, to sue for and recover the same from such person with double costs of suit, in any Court of Record in this Province having competent jurisdiction, by action of debt, in which action it shall be sufficient for such Treasurer to declare

Mode of enforcing the payment of monies not paid over by Treasurers and Clerks.

Form of Declaration in action.

Account may be referred.

Order of the Court.

Judgment.

declare as for money had and received to the use of such Treasurer for the purposes of this Act ; and the Court in which such action shall be brought may, at the instance of either of the parties, refer the account in dispute in a summary manner, to be audited by an officer of the Court or other fit person, who shall have power to examine both Plaintiff and Defendant upon oath ; and upon the report of the Referee, (unless either of the parties shall show good cause to the contrary,) the Court may make a rule either for the payment of such sum as upon the report shall appear to be due, or for staying the proceedings in the action, and upon such terms and conditions as to the Court shall appear reasonable, or the Court may order judgment to be entered up by confession, for such sum as upon the report shall appear to be due.

Mode of proceeding for the recovery of money due by a Treasurer or Clerk from his executors or administrators.

LXIX. And be it enacted, That in case of the death of any person, during the time that he shall be holding the office of Treasurer or Clerk, or after he shall have resigned or been removed from such office, the Treasurer for the time being may, in his own proper name only, or by his name and description of office, sue for and recover from the Executors or Administrators of such person deceased, all such sums as shall have been remaining in his hands, of monies received under the authority of this Act, and by action of debt, in any Court of Record in this Province having competent jurisdiction, in which action it shall be competent for the Plaintiff to declare that the deceased was indebted to the Plaintiff for money had and received to his use for the purposes of this Act, whereby an action hath accrued to the Plaintiff to demand and have the same from such Executors or Administrators, and a like action may be brought against any Executors or Administrators of Executors or Administrators ; and in all such actions the Defendant or Defendants may plead in like manner and avail themselves of the like matters in defence, as in any action founded upon simple contracts of the original Testator or Intestate, and the Court may refer the account in dispute to be audited by any officer or person, and may proceed upon the report of such Referee, in like manner as is hereinbefore mentioned.

Plaintiffs acting as Treasurers to be *primâ facie* evidence of his being such.

LXX. And be it enacted, That in all actions to be brought, as well as in all proceedings whatever to be instituted or carried on by any Treasurer by virtue of this Act, proof of his acting in the execution of the office of Treasurer, shall be sufficient evidence of his holding such office, unless the contrary shall be shown in evidence by the Defendants in such actions or the parties against whom such proceedings shall be instituted and carried on.

Treasurers and Clerks to give security.

LXXI. And be it enacted, That the Treasurers and Clerks who shall receive any monies in the execution of their duty, shall give security for such sum, and with as many sureties, and in such manner and form, as the Governor of this Province

Province shall see reason to direct, for the performance of their several offices and for the due payment of all monies received by them, under the provisions of this Act: Provided always, that nothing in this Act contained shall extend or be construed to extend to make it necessary for any Treasurer, or the Clerk of any District Court, who has already given security according to the provisions of any existing law, to give new security, or to vacate or make void any such security, but that every such security shall enure to and continue in, and be of the same force and effect while such Treasurers or Clerks, respectively, shall remain in office, or until they shall give new security for the due performance of their several offices and for the due payment of all monies received by them, as if such existing securities had been respectively taken under the provisions of this Act.

Proviso.

Existing securities to remain valid.

LXII. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to annul or make void any existing commission or appointment of Judges, duly qualified according to the requirements of this Act, or Clerks of any of the District Courts in any District in Canada West, but that the same shall continue and shall be a sufficient authority to the parties, respectively, holding the same, to discharge their respective functions under this Act; and that nothing in this Act shall extend or be construed to extend to make the District Courts held under the provisions of this Act, new Courts, but that they shall be taken to be to all intents and purposes the same Courts, as if they had continued to be held under the provisions of the Acts hereby repealed.

Former Commissions of Judges duly qualified, and of Clerks to remain valid.

Courts to be deemed the same Courts as if held under former Acts.

LXIII. And be it enacted, That each and every Clerk of any such District Court, shall hold his office in the Court House, or in the event of there being no room, then in such place as the Judge shall direct within the District Town of his respective District, and shall keep such office open for the transaction of business pertaining to such office, on every day (Sundays and the legal Holidays excepted) from the hour of ten in the forenoon to the hour of three in the afternoon, and in Term time from the hour of nine of the clock in the forenoon to the hour of four of the clock in the afternoon.

Place and hours at and during which Clerks shall keep their Offices open.

LXIV. And be it enacted, That in construing this Act, the word "Governor" shall mean the Governor, Lieutenant-Governor, or person administering the Government of this Province; and the word "Person" shall be taken to comprehend a Body Politic or Corporate, as well as an individual; and that every word importing the singular number shall, when necessary to give full effect to the enactments herein contained, be deemed to extend and be applied to several persons or things as well as to one person or thing; and every word importing the Masculine Gender shall, when necessary, extend and be applied to a female as well as a male;

Interpretation clause.

male; and that the words "Canada West," shall be taken to mean that portion of the Province which formerly constituted the Province of Upper Canada.

Fees to be those and those only set down in the Schedule.

LXXV. And be it enacted, That Fees may be demanded and received for the writs, process, business and service in the conduct of suits, matters and things in the said District Courts according to the Schedule subjoined by the several parties therein named; and that no other or greater Fee than is set down in the said Schedule shall be had, taken or received by any officer or person whatsoever for any business done by him in the said Courts; and that no Fee shall be taxed and allowed for any business other than such as is mentioned in the said Schedule; and that it shall be the duty of the Clerks of the said District Courts to tax costs, subject to an appeal therefrom, forthwith on any dispute arising at taxation, to the Judge of the said District Courts, respectively.

Allowance to District Judges not being Barristers, and therefore superseded under this Act.

LXXVI. And whereas, certain of the Judges of the District Courts are not Barristers at Law, and will be superseded and obliged to retire from their offices by the provisions of this Act, and it is just to make some provision for them: Be it therefore enacted, that where any person, now a Judge of a District Court, who is not a Barrister at Law, and is therefore superseded from his office in conformity with the provisions of this Act, shall have served in the office of such Judge for a period not less than ten years, he shall be entitled to and shall receive a pension of one hundred pounds per annum during his life; and where any such person as aforesaid shall have served in the office of Judge for a period of less than ten years, he shall be entitled and receive a gratuity of two hundred pounds, and that such several pensions and gratuities shall be paid by the Receiver General of this Province, in discharge of any Warrants to be issued by the Governor, and the amount of such Warrants shall be charged upon the Consolidated Revenue Fund of the Province: Provided always, that if any person receiving such pension, shall hereafter be appointed to any office under the Government of this Province, the salary and emoluments whereof shall be equal to such pension, then and in such case, the said pension shall be diminished and reduced one half, and if the salary and emoluments of such office shall amount to double the sum of such pension, the same shall thenceforward cease and wholly determine.

Proviso.

If such person be afterwards appointed to another office.

SCHEDULE.

 FEES TO BE RECEIVED BY THE CLERK AND TO BELONG TO AND BE PAID OVER TO
 THE FEE FUND.

- Every Writ of *Capias ad Respondendum*, one shilling and three pence.
- Every Verdict, five shillings.
- Executing each Writ of Trial or Enquiry and making return thereto, five shillings.
- Every report made by the Judge of the proceedings on executing a Writ of Trial or Enquiry, five shillings.
- Every Certificate of Proceedings made by the Judge to be transmitted to the Court of Queen's Bench, two shillings and six pence.
- Every Rule requiring a motion in open Court, one shilling and three pence.
- Every Rule or Order of Reference, one shilling and three pence.
- Every other Rule or Judge's Order, one shilling.
- Every Recognizance of Bail taken by Judge, one shilling and six pence.
- Every Affidavit administered by Judge, one shilling.
- Every computation of Principal and Interest on a Bill, Note, Bond or Covenant for payment of money, two shillings and six pence.

FEES TO THE SHERIFF.

- Every Jury sworn, four shillings.
- Every Process served, including Return, two shillings and six pence.
- Every Declaration, Rule or other paper served, one shilling and three pence.
- Every Execution received, one shilling and three pence.
- Every Return of Execution, money made or party arrested, two shillings and six pence.
- Every other Return of Execution, one shilling and three pence.
- Milage, four pence per mile on all Writs executed.
- Every Bail Bond taken, two shillings and six pence.
- Every Assignment of Bail Bond, one shilling.
- Poundage upon all monies actually made under *fi. fa.* six pence in the pound.

FEES TO A COMMISSIONER.

- Taking Recognizance of Bail taken, one shilling and six pence.
- Every Affidavit administered, one shilling.

FEES TO THE ATTORNEY.

- Instructions to sue or defend, five shillings.
 Copy of *Capias ad Respondendum*, one shilling.
 Fee on every Writ of *Capias*, two shillings and six pence.
 Drawing Declaration on Common Counts, five shillings.
 Copy of every paper, half the amount allowed for the Original.
 General Issue, Appearance, Interlocutory Judgment, Notice of set off, Cognovit,
 or entering final Judgment, each, two shillings and six pence.
 Special Pleadings after Declaration, each, five shillings.
 Every Notice, including copy and service, two shillings and six pence.
 Drawing Bill of Costs after Verdict, two shillings and six pence.
 Drawing Bill of Costs, when no Verdict, one shilling.
 Necessary Entries of Proceedings on the Judgment Roll, Record for Trial,
 Demurred Book and other necessary Entries, per folio of one hundred words,
 six pence.
 For every necessary Attendance, one shilling.
 Brief and Fee on Assessment, or Writ of Enquiry, ten shillings.
 Brief and Fee on a Trial, one pound ten shillings.
 Fee on Argument for new Trial or on Demurrer, one pound.
 Every Special Motion in Term Time, five shillings.
 Every Common Motion in Term, or Motion before the Judge in Chambers, two
 shillings and six pence.
 Drawing Bail Piece, four shillings.
 Drawing Recognizance of Bail, two shillings.
 Drawing every Affidavit including Attendance, two shillings and six pence.
 Fee on every execution, two shillings and six pence.
 Special Declaration, ten shillings.
 Drawing Bond on Appeal, ten shillings.

FEES TO THE CRIER.

- Swearing the Jury, one shilling.
 Calling the Cause, six pence.
 Each Witness sworn, three pence.

FEES TO THE CLERK.

- Every Writ of *Capias ad Respondendum* and filing *Præcipe*, one shilling and
 three pence.
 Filing every separate Paper, four pence.
 Taking Verdict, two shillings and six pence.

Taking

Taking any Affidavit, one shilling.

Taking any Recognizance of Bail, one shilling and six pence.

Every Rule drawn up and signed by the Clerk, one shilling and six pence.

Every Rule of Reference, two shillings and six pence.

Every *Subpœna*, one shilling and three pence.

Every Search, six pence.

Entering every Judgment, one shilling and six pence.

Every Writ of Execution including filing *Præcipe*, two shillings.

For each Quarterly Account rendered by him to the Treasurer, to be paid by the Treasurer out of the Fee Fund, one pound.

For every other Account of Fees received, made and rendered on a legal requisition, to be also paid out of the Fee Fund, ten shillings.

Examining and filing Record, two shillings and six pence.

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ANNO OCTAVO

VICTORIÆ REGINÆ.

CAP. XIV.

An Act to make further Regulation for holding the Courts of Assize and Nisi Prius, Oyer and Terminer, and General Gaol Delivery in Upper Canada, and to provide for the Trial of Prisoners under certain circumstances.

[17th March, 1845.]

WHEREAS it has been found that in several Districts of Upper Canada there has been at the half-yearly Circuits but little Civil or Criminal business, and it is expedient therefore to avoid the expense of holding such Circuits twice in the year, and to save the inhabitants of such Districts from the loss of time and inconvenience of attending thereat, without any sufficient necessity: 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 notwithstanding anything contained in the eighth section of an Act of the Parliament of Upper Canada, passed in the seventh year of the reign of His late Majesty King William the Fourth, it shall not be necessary for the Governor to issue Commissions of Assize and Nisi Prius, Oyer and Terminer, and General Gaol Delivery, more than once in the year in the following Districts, that is to say: the Districts of Talbot, Brock, Wellington, Huron, Simcoe, Prince Edward, Colborne, and Ottawa: Provided always, that this shall not be construed to prevent the issuing of any Special Commission as authorized by the said recited Act.

Preamble.

In certain Districts, Commissions of Assize, &c., need not be issued more than once a year.

Proviso.

II.

Spring Circuits to be held in some of the said Districts ;

and Fall Circuits in others. In other Districts, Commissions to issue as heretofore.

Part of the Act of U. C. 1 Vict. cap 15, repealed.

Terms of the Court of Queen's Bench hereafter.

Days on which the Courts of Assize, &c., shall be opened, to be as in Schedule.

Proviso: as to adjournments.

II. And be it enacted, That Commissions of Assize and Nisi Prius, Oyer and Terminer, and General Gaol Delivery, shall be issued for holding such Courts during the vacation between Hilary and Easter Terms in each year, (to be called the Spring Circuits,) in the Districts of Talbot, Brock, Wellington and Huron, and that like Commissions shall be issued for holding such Courts in the vacation between Trinity and Michaelmas Terms (to be called the Fall Circuits) in each year in the Districts of Simcoe, Prince Edward, Colborne, and Ottawa ; and that in the other Districts of Upper Canada, such Commissions shall be issued as heretofore.

III. And be it enacted, That as soon as this Act shall come into force the second section of an Act passed in the first year of Her Majesty's Reign, intituled, *An Act to amend so much of an Act passed in the seventh year of His late Majesty's Reign, intituled, "An Act to increase the present number of the Judges of His Majesty's Court of King's Bench in this Province, to alter the terms for the sitting of the said Court, and for other purposes therein mentioned, as relates to Hilary Term,"* shall be and is hereby declared to be repealed ; and that from thenceforth the times and terms of sitting of the said Court shall be as follows, that is to say : Hilary Term shall begin on the first Monday in February, and end on the Saturday of the ensuing week ; Easter Term shall begin on the second Monday in June, and end on the Saturday of the following week ; Trinity Term shall begin on the last Monday in July, and end on the Saturday of the following week ; and Michaelmas Term shall begin on the first Monday in November, and end on the Saturday of the following week.

IV. And whereas it is expedient for the general information and convenience of suitors, and for the better arrangement of public business, to fix by law the days on which the several Courts of Assize and Nisi Prius, Oyer and Terminer, and General Gaol Delivery in Upper Canada, shall be opened and holden: Be it therefore enacted, That as soon as this Act shall come into force, such Courts shall commence and open in the several Districts of Upper Canada, on the respective days mentioned and set forth for that purpose in the Schedule to this Act annexed : Provided that nothing herein contained shall be construed to lessen or alter the power now exercised according to law for adjourning the said Courts or any of them.

V. And whereas it is necessary to provide for the cases of persons who may be committed for trial and kept in close custody in the Gaol of any of the Districts in which, according to this Act, only one Assize in the year will be held, charged with felony or some other offence, which from any cause cannot be tried at the Court of General Quarter Sessions for such District, at a period of the year when
according

according to this Act no Assize will be holden in and for the District where such person is confined as aforesaid, for the space of six calendar months next after the date of the Warrant of commitment: Be it enacted, That it shall be lawful for any Judge of Her Majesty's Court of Queen's Bench in Upper Canada, on application by any such prisoner, and under the circumstances as aforesaid, after notice to the committing Magistrate and also to the Attorney-General, if the Judge shall so direct, to order the removal of the Prisoner, and that the Sheriff in whose custody he then is shall deliver him and the Warrant for his commitment and the Judge's order for his removal, into the custody of the Sheriff of such adjoining District as the Judge, having due regard to the convenient administration of justice, shall direct; and such Prisoner shall, by virtue of such order, be removed and delivered into the custody of such other Sheriff, and be by him detained until discharged by due course of law, and the trial of such Prisoner for the offence with which he stands charged shall take place in the District to which he shall be so removed; and no exception shall be allowed, whether such offence be laid to have been committed in the District from whence he was removed or not, but the same may be laid to have been committed at some place within the District where the trial takes place, and proof that it was committed at any place within the District where he was originally committed, shall be no variance: Provided always, that the granting of any such order for removal shall always be in the discretion of the Judge to whom application for the same shall be made, on full consideration of all circumstances.

Provision as to persons in Gaol in Districts in which only one Assize is held in a year.

Removal of prisoner into another District.

Trial in such other District.

No exception to be taken as to the place where the offence was committed.

Proviso: such removal to be in the discretion of the Judge.

VI. And be it enacted, That it shall be duty of the Sheriff to whose custody such prisoner was originally committed, to give immediate notice of any order for his removal by serving a copy thereof on the committing Magistrate, which Magistrate is thereupon required to serve written notice on the several witnesses, who have been bound over to attend the trial of, and to give evidence against such prisoner, informing them of the place to which such prisoner has been removed for trial, and of the day of the opening of the Assizes at the place where such prisoner is to be tried; and such Magistrate shall transmit without delay to the Clerk of the Peace of the District, all information, recognizances, and other things in his possession connected with the case, and a certificate that he has caused proper notices as required by this Act to be served on the witnesses, and the time of such service; and if after such notice any witness shall fail to attend, his recognizance shall, on production thereof and of the certificate of notice, be forfeited in like manner as if he had failed in attending at the time and place mentioned in the condition of such recognizance.

Notice of order for removal to be given to the committing Magistrate.

Transmission of information, recognizances, &c

Penalty on witnesses failing to attend.

VII. And be it enacted, That the expences of sending any prisoner from one District to be tried in any other District, as well as the expences of serving notices

Expences of removal of prisoners, &c., to be borne by

on

the District where they are originally committed.

on witnesses, shall be borne by and paid out of the funds of the District from whence such prisoner is sent; as well as all such other expences as may be incurred after trial and conviction.

Commencement of this Act.

VIII. And be it enacted, That this Act shall come into force and effect upon, from and after the fifth day of June next.

Writs for Easter Term next, to be returnable in Trinity Term.

IX. And be it enacted, That all Writs and other proceedings which may be made returnable in Easter Term next, as it is now by law fixed, shall be deemed and taken to be returnable in Trinity Term after the passing of this Act.

Clerk of the Crown to prepare Tabular Statements of the Circuits after Hilary and Trinity Terms.

X. And be it enacted, That it shall be the duty of the Clerk of the Crown and Pleas for Upper Canada, under the direction of the Judges of the Court of Queen's Bench aforesaid, to prepare and publish in the Canada Gazette, at or immediately after the end of Hilary and Trinity Terms in each year, a Tabular Statement, showing the Circuit to be holden after each of those terms, respectively, and the days of the month on which each Court will be opened, according to the provisions of this Act and the Schedule annexed thereto.

Interpretation clause.

XI. And be it enacted, That in construing this Act, the word "Governor" shall mean the Governor, Lieutenant-Governor, or person administering the Government of this Province; and that every word importing the singular number shall, when necessary to give full effect to the enactments herein contained, be deemed to extend and be applied to several persons or things, as well as one person or thing; and every word importing the masculine gender shall, when necessary, extend and be applied to a female as well as a male; and that the words "Upper Canada" shall be taken to mean that portion of the Province formerly Upper Canada.

SCHEDULE.

TABLE of the several days of opening the Courts of Assize and Nisi Prius, Oyer and Terminer and General Gaol Delivery, referred to in the fourth Section of the Act.

PART FIRST—SPRING CIRCUIT.

DISTRICTS.	DISTRICT TOWNS.	DAYS OF OPENING.
Niagara.....	Niagara.....	On the second Tuesday in April in each and every year.
Gore.....	Hamilton.....	On Wednesday, the fifteenth day after the day appointed for opening at Niagara.
Brock.....	Woodstock.....	On Monday, the twelfth day after the day appointed for opening at Hamilton.
Talbot.....	Simcoe.....	On Friday, the fourth day after the day appointed for opening at Woodstock.
Western.....	Sandwich.....	On the first Tuesday in May in each and every year.
London.....	London.....	On Thursday, the ninth day after the day appointed for opening at Sandwich.
Huron.....	Goderich.....	On Friday, the eighth day after the day appointed for opening at London.
Wellington.....	Guelph.....	On Wednesday, the fifth day after the day appointed for opening at Goderich.
Midland.....	Kingston.....	On the second Tuesday in April in each and every year.
Johnstown.....	Brockville.....	On Thursday, the ninth day after the day appointed for opening at Kingston.
Eastern.....	Cornwall.....	On Wednesday, the sixth day after the day appointed for opening at Brockville.
Dalhousie.....	Bytown.....	On Wednesday, the seventh day after the day appointed for opening at Cornwall.
Bathurst.....	Perth.....	On Tuesday, the sixth day after the day appointed for opening at Bytown.
Home.....	Toronto.....	On the same day as that appointed for opening at Perth.
Victoria.....	Belleville.....	On the last Wednesday in May in each and every year.
Newcastle.....	Cobourg.....	On Tuesday, the sixth day after that appointed for opening at Belleville.

SCHEDULE.

SCHEDULE.

TABLE of the several days of opening the Courts of Assize and Nisi Prius, Oyer and Terminer and General Gaol Delivery, referred to in the fourth Section of the Act.

PART SECOND—FALL CIRCUITS.

DISTRICTS.	DISTRICT TOWNS.	DAYS OF OPENING.
Western.....	Sandwich.....	On the second Monday in September in each and every year.
London.....	London.....	On Tuesday, the eighth day after the day appointed for opening at Sandwich.
Gore.....	Hamilton.....	On Tuesday, the seventh day after the day appointed for opening at London.
Home.....	Toronto.....	On Thursday, the ninth day after the day appointed for opening at Hamilton.
Prince Edward.....	Pictou.....	On Wednesday, the eighth day after the day appointed for opening at Hamilton.
Victoria.....	Belleville.....	On Monday, the fifth day after the day appointed for opening at Pictou.
Newcastle.....	Cobourg.....	On Monday, the seventh day after the day appointed for opening at Belleville.
Colborne.....	Peterborough.....	On Monday, the seventh day after the day appointed for opening at Cobourg.
Simcoe.....	Barrie.....	On Thursday, the fourteenth day after the day appointed for opening at Toronto.
Niagara.....	Niagara.....	On the second Monday in September in each and every year.
Midland.....	Kingston.....	On Friday, the eleventh day after the day appointed for opening at Niagara.
Johnstown.....	Brockville.....	On Monday, the tenth day after the day appointed for opening at Kingston.
Eastern.....	Cornwall.....	On Monday, the seventh day after the day appointed for opening at Brockville.
Ottawa.....	L'Orignal.....	On Monday, the seventh day after the day appointed for opening at Cornwall.
Dalhousie.....	Bytown.....	On Friday, the fourth day after the day appointed for opening at L'Orignal.
Bathurst.....	Perth.....	On Thursday, the sixth day after the day appointed for opening at Bytown.

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ANNO OCTAVO
VICTORIÆ REGINÆ.

CAP. XV.

An Act to extend the provisions of two certain Acts of the Parliament of the Province of Upper Canada, to other Denominations of Christians than those therein enumerated.

[17th March, 1845.]

WHEREAS Religious Societies of various denominations of Christians, in Upper Canada, find difficulty in securing titles to the land requisite for the site of a Church, Chapel, Meeting-House, Burial Ground, and residence for their Minister, for want of a corporate capacity to take and hold the same in perpetual succession; And whereas, to afford some safe and adequate relief in such cases, it is just and expedient to extend the provisions of a certain Act of the Parliament of the late Province of Upper Canada, passed in the ninth year of the Reign of His late Majesty King George the Fourth, intituled, *An Act for the relief of the Religious Societies therein mentioned*, as amended by a certain other Act of the Parliament of the said Province, passed in the third year of Her Majesty's Reign, intituled, *An Act to amend an Act passed in the ninth year of the Reign of King George the Fourth, Chapter Two, intituled, "An Act for the relief of the Religious Societies therein mentioned,"* to other denominations of Christians than those therein enumerated: 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 whenever any Religious Society or Congregation of Christians, in that part of the Province called Upper Canada, shall have occasion to take a conveyance of land for any of the uses aforesaid, it shall and may be lawful for them to appoint Trustees, to whom

Preamble.

Act of Upper
Canada, 9
Geo. 4, cap. 2,
cited.

Any religious
congregation
of Christians
may hold land
for purposes
connected with
the exercise of
their religion.

and to whose successors, to be appointed in such manner as shall be specified in the deed of conveyance, the land requisite for all or any of the purposes aforesaid may be conveyed ; and such Trustees and their successors in perpetual succession, by the name expressed in such deed of conveyance, shall be capable of taking, holding, and possessing such land, and of commencing, maintaining, and defending any action or actions in law or equity for the protection thereof, and of their rights and property therein ; anything in the Statutes commonly called the Statutes of Mortmain, or any other Law to the contrary hereof notwithstanding.

Proviso, conveyance to be enregistered within twelve months,

II. Provided always, and be it further enacted, That such Trustees shall, within twelve months after the execution of such deed of conveyance, cause the same to be registered in the office of the Registrar of the county in which the said land is situate.

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ANNO OCTAVO
VICTORIÆ REGINÆ.

CAP. XVI.

An Act to make provision for a Geological Survey of this Province.

[17th March, 1845.]

WHEREAS a Geological Survey of this Province of Canada has been instituted for ascertaining the Mineral Resources thereof; And whereas the sum of fifteen hundred pounds, already granted to Her Majesty to defray the probable expenses of the same, has been found inadequate for the effectual investigation of so extensive a Territory as is comprised within the limits of the Province; And whereas it is expedient that the said Survey should be continued to a completion: 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 Governor of this Province, in Council, to employ a suitable number of competent persons, whose duty it shall be, under the direction of the Governor in Council, to make an accurate and complete Geological Survey of this Province, and furnish a full and scientific description of its Rocks, Soils and Minerals, which shall be accompanied with proper Maps, Diagrams, and Drawings, together with a collection of Specimens to illustrate the same; which Maps, Diagrams, Drawings and Specimens shall be deposited in some suitable place which the Governor in Council shall appoint, and shall serve as a Provincial collection, and duplicates of the same, after they have served the purposes of the Survey, shall be deposited in such of the Literary and Educational Institutions of the Eastern and Western divisions of the Province, as by the same authority shall be deemed most advantageous.

Preamble.

The Governor in Council may appoint proper persons to make a Geological Survey of this Province.

II.

A sum appropriated annually during five years for the said purpose.

II. And be it enacted, That from the unappropriated public monies of the Province, a sum not exceeding two thousand pounds, shall be annually applied, for a term of years not exceeding five years from the passing of this Act, to defray the expenses of the said Survey, or any arrears of expenditure already incurred, which sum shall be paid at such times and in such manner as the Governor in Council may direct.

Reports to be made to the Governor.

III. And be it enacted, That the person or persons employed by the Governor in Council for the purposes mentioned in the first section of this Act, shall make a report to the Governor of this Province on or before the first day of May in each year, setting forth generally the progress made in the Survey hereby authorized.

Interpretation clause.

IV. And be it enacted, That the words "Governor in Council," wheresoever 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.

Accounting clause.

V. 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, in such manner and form as Her Majesty, Her Heirs and Successors shall direct; and an account thereof shall be laid before the Provincial Legislature at the then next Session thereof.

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Law Printer to the Queen's Most Excellent Majesty.



ANNO OCTAVO
VICTORIÆ REGINÆ.

CAP. XVII.

An Act to afford relief to Insolvent Debtors.

[17th March, 1845.]

WHEREAS experience has shewn the necessity of making certain amendments to the Act hereinafter mentioned, for the purpose of affording relief to Insolvent Debtors, arrested or to be arrested under Writs of *Capias ad Satisfaciendum*: 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 first and second Sections of an Act of the Legislature of Lower Canada, passed in the sixth year of the Reign of His late Majesty King William the Fourth, and intituled, *An Act to afford relief during a limited time to Insolvent Debtors*, shall be and the same are hereby repealed.

Preamble.

Sections 1 & 2 of the Act of L. C. 6 Will. IV. Cap. 4, repealed.

II. And be it enacted, That from and after the passing of this Act, any person who now is or shall be hereafter arrested and detained by virtue of any Writ of *Capias ad Satisfaciendum*, shall, on giving good and sufficient security to the satisfaction of any Justice of the Court of Queen's Bench for the District in which he shall

Any person imprisoned on *ca. sa.* may go at large on bail given that he shall not depart

out of Lower
Canada with-
out having
paid the debt.

shall have been arrested, that he will not depart from or exceed the limits of that part of this Province formerly known as Lower Canada, be entitled to his liberty and to go at large within that part of this Province ; and the condition of every recognizance in this behalf shall be, that the Cognizors shall not become liable unless the Defendant shall depart from or exceed the limits of that part of this Province formerly known as Lower Canada, without having paid the debt, interest and costs, for which the action shall have been brought.

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ANNO OCTAVO

VICTORIÆ REGINÆ.

CAP. XVIII.

An Act to extend to the Town of Sherbrooke the provisions of a certain Ordinance therein mentioned, relating to the appointment of Peace Officers and Constables; and also to explain the Jurisdiction of the General Sessions of the Peace for the District of Saint Francis.

[10th February, 1845.]

WHEREAS it is expedient and necessary to extend to the Town of Sherbrooke certain provisions contained in the Ordinance hereinafter mentioned: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament 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 provisions contained in the aforesaid Ordinance, passed in the twenty-seventh year of the Reign of His late Majesty King George the Third; and intituled, *An Ordinance to explain and amend an Ordinance for establishing Courts of Criminal Jurisdiction in the Province of Quebec*, which relate to the appointment of Peace Officers and Constables within the then Towns of Quebec and Montreal, shall, from and after the passing of this Act, have force and effect within the Town of Sherbrooke in the same manner and as fully as if the said Town of Sherbrooke had been specially named and included in the aforesaid Ordinance.

Preamble.

The provisions of 27 Geo. 3. Cap. 6, relative to the appointment of Peace Officers to apply to the town of Sherbrooke.

II. And whereas it is expedient and necessary to remove all doubts as to the powers, privileges, authority and jurisdiction of the Court of General Sessions of the Peace for the District of Saint Francis, held at the said Town of Sherbrooke,
by

Court of General Sessions of the Peace at Sherbrooke to

have the same
powers as
Courts of
Quarter Ses-
sions in Lower
Canada.

Exception.

by reason of the same not being Quarter Sessions: Be it therefore enacted and declared, That the said Court of General Sessions of the Peace for the District of Saint Francis shall be, and shall be considered to have been, as well generally as for the purposes of this Act, invested with all the powers, privileges, authority and jurisdiction which now are or shall hereafter be by law exercised and possessed by any Court of General Quarter or Quarter Sessions of the Peace, within that part of the Province of Canada known as Lower Canada, save and except only such as relate to the period or allotted number of the Terms of the same within the year, and also such as shall or may be expressly ordered and ordained otherwise.

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ANNO OCTAVO
VICTORIÆ REGINÆ.

CAP. XIX.

An Act to enable the Trustees holding a certain Lot in the Town of Simcoe for the use of a Church, to sell and convey the same or any portion thereof, and to appropriate the proceeds to a like use.

[10th February, 1845.]

WHEREAS, by Her Majesty's Letters Patent, under the Great Seal of this Province, bearing date at Montreal, the twenty-fifth day of November, in the year of our Lord one thousand eight hundred and forty-four, a certain parcel or tract of land therein described, containing about two acres, and being composed of the south-east corner of the Clergy Reserve, Lot Number Fourteen in the Gore, and known as the "Episcopal Reserve," in the Township of Woodhouse, in the County of Norfolk, in the District of Talbot, was granted to the Honorable and Right Reverend John Lord Bishop of Toronto, the Reverend Francis Evans, William Wilson and William Salmon, Esquires, and John Mackelcan, Physician, in trust for the use of a Church of the United Church of England and Ireland, in the Town of Simcoe, in the County aforesaid, within the boundaries whereof the said parcel or tract of land is situate; And whereas divers persons have, without titles, settled and built upon the said parcel of land, and it appears by the petition of the said Reverend Francis Evans, and of the said William Wilson, and William Salmon, and of divers other inhabitants of the said Town of Simcoe, and by the assent and approval of the said Honorable and Right Reverend John Lord Bishop of Toronto, that it would be greatly for the advantage of the said Town and of the said Church, that the said Trustees should, subject to the provisions hereinafter mentioned, be empowered to sell and convey the said parcel or tract of land or any part thereof, either to the persons who have so settled and built thereon, or to such other parties as they may agree with for that purpose, and that the proceeds of any such sale should be appropriated, as hereinafter mentioned, for the use of the said Church: Be it therefore enacted by the Queen's Most Excellent Majesty,

Preamble.

Recital of Letters Patent, dated 25th November, 1844.

Recital of Petitions, &c.

The Trustees or the majority of them may lease or sell the lot of land mentioned in the said Letters Patent, with the assent of the Bishop, Rector and Church-wardens.

Proviso: the proceeds to be applied for purchasing land for and building a Church in the said Town of Simcoe, to be held in trust for the purposes mentioned in the said Letters Patent.

Purchaser not bound to see to the application of the consideration.

Proviso: that the Church may be built upon that or any other portion of land.

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 Trustees in the said Letters Patent mentioned, or those who under the provisions thereof, may become Trustees in their stead or any majority of such Trustees, with the assent in writing under hand and seal of the said Honorable and Right Reverend John Lord Bishop of Toronto, and of the said Reverend Francis Evans, Rector of Woodhouse, or their respective successors in their said offices of Bishop and Rector, and with the like assent in writing under hand and seal of the Church-wardens for the time being, (if any there be,) of the Church or Congregation for whose benefit the said land was granted as aforesaid, shall have full power and authority to lease for any term or terms of years, or to sell, grant and convey to any party willing to purchase the same, the fee simple of the said parcel or tract of land, or of any portion or portions thereof, for such sum or consideration and on such conditions as they shall deem it advisable to accept; any thing in the said Letters Patent, or any Act or Law to the contrary notwithstanding: Provided always, that all sums of money received by the said Trustees under the authority of this Act, shall be applied in the purchase of other land and the erection of a Church for the accommodation of the said Congregation, and for the maintenance of public worship therein, which last mentioned Land and Church shall be held by them in trust for the purposes set forth in the Letters Patent aforesaid, and for the use of a Church of the United Church of England and Ireland in the said Town of Simcoe, as therein provided: And provided always, also that the receipt for the purchase money, to be contained in any such conveyance, shall be an absolute discharge to the purchaser or purchasers for the same, who shall be in no way bound to see to the application, mis-application or non-application of the same, or any part thereof: And provided also, that the said Church may be built either upon land purchased out of the proceeds of any such sales or upon any portion of the land in the said Letters Patent mentioned and described, as the said Trustees shall deem most expedient.

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ANNO OCTAVO.

VICTORIÆ REGINÆ.

CAP. XX.

An Act to Repeal an Act therein mentioned, and to provide for the regulation of Line Fences and Water Courses in Upper Canada.

[17th March, 1845.]

WHEREAS it is expedient to repeal the Act hereinafter mentioned, and to make better provision for the regulation of Line Fences and Water Courses 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 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 inhabitant freeholders and householders of each and every Township in that part of this Province formerly Upper Canada, at their annual Township Meeting for the election of Township Officers, to choose from among the inhabitants of the said Township, in the same manner as by law other Township Officers are chosen, not less than three nor more than twelve fit and proper persons to serve the office of Fence Viewers, who shall perform the duties hereinafter prescribed to Fence Viewers, which Fence Viewers are hereby declared to be Township Officers within the meaning of the Act of Upper Canada passed in the first year of Her Majesty's Reign, and intituled, *An Act to alter and amend sundry Acts regulating the appointment and duties of Township Officers*, and shall accordingly make the like declaration, and shall be liable to all the penalties by the said Act imposed for neglect or refusal to perform their duties, and shall be bound by all the provisions thereof applicable to Township Officers generally.

Preamble.

Fence Viewers to be chosen at Township Meetings, and to be Township Officers within the meaning of 1 Vict. cap. 4.

II.

Fence Viewers shall have power, on the application of parties being neighbours, to assign to each the share of the Line Fence he is bound to keep up.

Award how to be made and enforced.

Proviso, in certain cases, a new award may be obtained.

If either party refuse to make his share of a Line Fence, the other party may make it and recover the costs.

II. And be it enacted, That each of the parties occupying adjoining tracts of land, shall keep up, make and repair a fair and just proportion of the Division or Line Fence between their several tracts of land, which Line Fence shall be made on the line dividing such tracts of land, and equally on either side thereof: and that where there shall be a dispute between the parties as to the commencement or extent of the part of the said Division or Line Fence which either party may claim or refuse to make or repair, it shall and may be lawful for either party to submit the same to the determination and award of three Fence Viewers, which Fence Viewers are hereby authorized and required, upon being duly notified by either party in such case, to attend at the time and place stated in such notice, and after being satisfied that the other party or parties in the case have been duly notified to appear at the same time and place, to proceed to examine the premises; and such Fence Viewers or any two of them shall determine any and every dispute in the matter aforesaid between the said parties: And the award and determination of such Fence Viewers or any two of them on the matters aforesaid, shall be binding on the parties as far as concerns the making or repairing of such Division or Line Fence, and from thenceforth the occupier or occupiers of the said tracts or parcels of land shall respectively make and repair and keep in repair that part of such Division or Line Fence which shall have been assigned in such award or determination to the occupier or occupiers of such tract or parcel of land, which determination and award shall be made in writing and signed by such Fence Viewers or a majority of them and filed with the Town Clerk, and a copy of the same if so required given to each of the said parties: Provided always, that when by reason of any material change of circumstances in respect to the improvement and occupation of adjacent lots or parcels of land, an award which has been made under this Act shall cease, in the opinion of either of the parties, to be equitable between them, it shall be in the power of either to obtain another award of Fence Viewers by the same mode of proceeding as is hereinbefore directed: and that if the Fence Viewers who shall have been called upon to make such subsequent award shall find no reason for making an alteration, the whole cost of such reference shall be borne by the party at whose instance it shall have been made.

III. And be it enacted, That if any party who may be in the occupation of any tract or parcel of land, shall neglect or refuse to make or repair (as the case may be) an equal or just proportion of the Division or Line Fence between such tract or parcel of land and the adjoining tract or parcel of land, for a period of thirty days after being required by a demand in writing, by the party occupying such adjoining tract or parcel of land, or after the award of the Fence Viewers as aforesaid, to make or repair such equal or just proportion of the Division or Line Fence, or if the party making the demand shall for such period neglect or refuse to make or repair an

an equal or just proportion of the Division or Line Fence, it shall and may be lawful for either of the said parties, after first completing his own proportion of such Fence, to make or repair, in a substantial manner and of good sound materials, the whole or any part of the said Division or Line Fence, which ought to have been by the other party made or repaired, and to recover, in the manner hereinafter mentioned, of the party who may have neglected or refused in manner aforesaid to make or repair such proportion of the Division or Line Fence, the just and full value of such proportion not exceeding the sum of two shillings and six pence per rod, to be ascertained and determined in the manner hereinafter provided: Provided always, that any Fence coming within the meaning and intent of the resolution adopted by the inhabitant householders and freeholders, at their last annual Township Meeting, shall be considered by all Fence Viewers to be a lawful Fence, and when no such resolution shall have been adopted, then and in that case it shall be lawful for such Fence Viewers, when called upon, to exercise their own judgment and decide what they consider to be a lawful Fence.

IV. And be it enacted, That it shall and may be lawful for any Justice of the Peace, residing within the Township in which such Fence may be situated, and if there be no such Justice residing in the said Township, then any other Justice of the Peace residing in any adjacent Township, and he is hereby required, upon the demand of any party interested, to issue a Summons under his hand and seal directed to three Fence Viewers (by their proper names) of the Township in which such Fence is situated, requiring them to attend at the place and on the day and hour therein mentioned, to view such Fence and to appraise the same; and also to issue a Summons to the party so having neglected or refused to make or repair such proportion of the Division or Line Fence, (who shall thenceforth be considered as the party defendant in the case,) requiring him or them to appear at the same time and place, to shew cause why the party claiming payment as aforesaid (who shall thenceforth be considered as the party plaintiff in the case) should not recover the same.

V. And be it enacted, That such Fence Viewers, upon being personally served at least four days previously with such Summons, and any two of them being there then present, and after having duly examined the Fence and received evidence, which, if required by either party, and if the said Fence Viewers shall think it expedient, shall be given under oath, they or any two of them shall determine whether the said party plaintiff is entitled to recover any or what sum from the party defendant under the provisions of this Act; and in all cases where the commencement or extent of the part of such Division or Line Fence which each should make or repair has not been determined by the award of Fence Viewers as aforesaid, the said Fence Viewers or any two of them shall determine the

Proviso; a Fence shall be considered sufficient if it be within the description declared to be so by resolution of the Township meeting. If there be no resolution, Fence Viewers to have a discretion.

A Justice of the Peace may enforce payment of the costs of the Fence made by a party for his neighbour under the next preceding section, first procuring a report of Fence Viewers.

Duty of the Fence Viewers in making such report.

To what point the report shall extend.

same,

same, (which determination shall be final and binding on the occupiers of the said tracts or parcels of land, and have the same effect as if it had been made by the Fence Viewers in the manner first before mentioned,) and shall report their determination upon the matters aforesaid in writing under their hands to the Justice by whom the Summons shall have been issued, and shall also, in all cases where they determine that the plaintiff or plaintiffs is or are entitled to recover any thing from the defendant or defendants, state what distance of Fence they have determined that the defendant or defendants should have made or repaired; and the said Fence Viewers, if they shall be required by either party, before they shall have made a report as aforesaid to the said Justice, shall give to such party requiring the same a true copy of their said determination.

Copy may be required by either party.

Witnesses may be summoned.

And sworn.

The oath.

False swearing to be perjury.

VI. And be it enacted, That if either of the said parties shall desire to procure the attendance of any person or persons to give evidence before such Fence Viewers, it shall and may be lawful for the said Justice to issue, upon the application of either of the said parties, a Summons to any person or persons to attend as a witness or witnesses before the said Fence Viewers at the time and place mentioned in the said Summons to the Fence Viewers; and that the said Fence Viewers, when met as aforesaid at the time and place mentioned in the Summons, shall be and are hereby authorized, whenever it shall be desired by either party or they shall think it proper, to administer an oath to any witness, which oath shall be in the following form: "You do solemnly swear that you will true answer make to such questions as may be asked of you by either of the Fence Viewers now present, touching the matters which they are now to examine and determine: So help you God." And if any person giving evidence as aforesaid under oath shall be guilty of false swearing, he shall be guilty of wilful and corrupt perjury, and upon conviction thereof shall be liable to the same punishment and disabilities to which persons convicted of that offence in other cases are now by law liable.

The Report shall be transmitted by the Justice to the Clerk of the Division Court.

Execution to issue thereon.

Costs.

Proviso, delay before execution.

VII. And be it enacted, That the said Justice to whom the determination of the Fence Viewers shall be returned as aforesaid, shall transmit the same to the Clerk of the Division Court having jurisdiction over the said Township, and certify and transmit a copy thereof to the Township Clerk, to be entered in the book in which the Township proceedings are recorded, and thereupon the said Clerk of the said Division Court shall issue an execution against the goods and chattels of the said defendant or defendants, in the same manner as if the party in whose favor the said determination shall have been made, had recovered judgment in the said Court for the sum which the said Fence Viewers shall have determined as aforesaid he was entitled to receive, with such costs as are hereinafter provided and to be allowed: Provided also, that no such Writ of Execution shall be issued until after the expiration of forty days from the time of such determination.

VIII.

VIII. And be it enacted, That when any party shall cease to occupy or improve his land, or shall lay the enclosure before under improvement, in common, the said party or parties shall not have a right to take away any part of the Division or Line Fence adjoining to the next enclosure that is improved or occupied, provided the party occupying the lands adjoining the same will allow and pay therefor so much as the Fence Viewers or a majority of them shall in writing determine to be the reasonable value thereof; and whenever any lands which have laid unimproved and in common shall be afterwards enclosed or improved, the occupier or occupiers thereof shall pay for their fair or just proportion of the Division or Line Fence standing upon the divisional line between the same land and the land of the enclosure of any other occupant or proprietor, the value thereof to be ascertained and set forth in writing by three Fence Viewers, in case the parties shall not agree among themselves, and the amount of such value may be recovered according to the proportions so estimated, in the same manner and form as hereinbefore provided respecting the making and keeping in repair Division or Line Fences.

Provision as to Fences adjoining lands which, after being improved, are left in common, and when the lands after being unimproved become improved.

IX. And be it enacted, That in no case shall any person be authorized to take away any part of the Division or Line Fence which to the said party may belong, adjoining to the next enclosure which is improved or occupied, unless the party or parties occupying the lands adjoining the same, refuse, after demand made in writing by the person or persons purposing to remove part of any Line Fence, to pay for the same as aforesaid; nor without first giving due notice to such party for at least twelve months previously to the removal of the same.

In what case only any party may remove his portion of a Line Fence.

X. And be it enacted, That when a Water Fence or a Fence running into the water is necessary to be made, the same shall be made in equal parts, unless by the parties otherwise agreed; and in case either party shall refuse or neglect to make or maintain the share to such party belonging, similar proceedings shall or may be had, as in other cases of the like kind respecting other Fences in this Act mentioned.

Provision as to Water Fences.

XI. And be it enacted, That when lands belonging to or occupied by different persons, are subject to be fenced and bounded upon or divided from each other by any brook, pond, or creek, which of itself is not a sufficient fence, in such case, if the parties disagree, the same may be submitted to three Fence Viewers, as heretofore provided; and if in the opinion of such Fence Viewers, such brook, river, pond, or creek, is not of itself a sufficient barrier, and that it is impracticable to fence at the true boundary line, they shall judge and determine how or on which side thereof the Fence shall be set up and maintained, or whether partly on one side and partly on the other, as to them shall appear just, and reduce their determination to writing as heretofore provided in other cases; and if either of the parties

Duty of Fence Viewers as to lands bounded by brooks, &c.

Penalty for not obeying their award.

parties shall refuse or neglect to keep up or maintain the part of the Fence to such party belonging, according to the Fence Viewers' determination in writing as aforesaid, the same may be done and performed as is in this Act before provided in other cases, and the delinquent party shall be subject to the same costs and charges, and to be recovered in like manner.

Powers and duties of Fence Viewers with regard to Ditches or Water Courses in which two or more parties shall be interested.

XII. And whereas it is expedient to provide for the opening of Water Courses in Upper Canada: Be it therefore enacted, That in all cases when it shall be the joint interest of parties resident to open a Ditch or Water Course for the purpose of letting off surplus water from swamps or sunken miry lands in Upper Canada, in order to enable the owners or occupiers of such swampy or sunken lands to cultivate or improve the same, it shall be the duty of such several parties to open a just and fair proportion of such Ditch or Water Course according to the several interests that such parties may have in the same; and in cases where a dispute shall or may arise as to the part, width, depth, or extent that any party so interested ought to open or make, the same may be referred to three Fence Viewers, in the same way and manner as is heretofore by this Act provided in cases of disputes between parties relative to Line or Division Fences; and it shall be the duty of such Fence Viewers to whom such matters shall be referred, to divide or apportion such Ditch or Water Course among the several parties, in such way as in the opinion of such Fence Viewers shall be a just and equitable proportion, having due regard to the interest each of the parties shall have in the opening of such Ditch or Water Course; and the Fence Viewers shall at the same time decide what length of time shall be allowed to each of the said parties to open his share of such Ditch or Water Course; and the determination or award of such Fence Viewers shall be made in the same manner, and have the same effect in regard to Ditches or Water Courses as is provided by this Act in regard to Division or Line Fences.

Provision as to a Water Course crossing the land of a party not otherwise interested.

XIII. And be it enacted, That when it shall appear to such Fence Viewers that the owner or occupier of any tract or parcel of land is not sufficiently interested in the opening of such Ditch or Water Course to make him a party, and at the same time that it is necessary that such Ditch should be continued across his land by the other party or parties at his or their own expense, they may award the same in manner and form aforesaid; and upon such award, such party or parties may lawfully open such Ditch or Water Course across such land as aforesaid at his or their own expense, without being deemed to have committed a trespass by so doing.

Provision in case any party shall refuse to make his share of a Water Course.

XIV. And be it enacted, That if any party shall neglect or refuse upon demand made in writing as aforesaid, to open or make and keep open his share or proportion allotted or awarded to him by such Fence Viewers as aforesaid, within the time allowed by such Fence Viewers, either of the other parties may, after first completing

completing his own share or proportion allotted to him in manner aforesaid, open the share or proportion allotted to such party neglecting or refusing to open the same, and such party so opening such other party's share shall be entitled to recover not more than the sum of two shillings per rod from the party so neglecting or refusing to open his share or proportion, in the same manner as is in this Act provided relative to Line and Division Fences.

XV. And be it enacted, That any party who may be in possession of any part of an allowance for road laid out as such in the rear of his lot, in the original survey of any Township in Upper Canada, the same being enclosed by a lawful Fence,—and which road, from particular circumstances, may not be travelled or required to be used by the public for the time being, by reason of any other road or roads, being used in lieu thereof, or because the same has not been open for public travel,—shall be deemed and taken to be legally possessed of that part of such road as against any other private party: Provided always, that in any such case the said possession shall cease and determine, upon an order from any two Justices of the Peace for the District in which such allowance for road may be situate, being made and directed to the proper Township Officer requiring him to open the same.

A party may take lawful possession of the allowance for road in rear of his lot, in certain cases and on certain conditions.

Proviso.

XVI. And be it enacted, That the following fees, and no more, shall be received by the different parties acting under the provisions of this Act, that is to say:

Fees for services under this Act.

To the Justice of the Peace:

For Summons to Fence Viewers, one shilling and three pence.

For Subpœna, which may contain three names, one shilling and three pence.

For transmitting copy of Fence Viewers' determination to Division Court and to Township Clerk, one shilling and three pence.

To the Fence Viewers:

Five shillings per day each: if less than half a day employed, two shillings and six pence.

To the Bailiff or Constable employed:

For serving Summons or Subpœna, one shilling.

Mileage—per mile, four pence.

To Witnesses—per day each, two shillings and six pence.

XVII.

Fees actually paid to be included in the execution.

XVII. And be it enacted, That the fees hereinbefore allowed shall be included in the execution to be issued by the Clerk of the Division Court as aforesaid, upon the party in whose favour the determination of the Fence Viewers shall be made, making an affidavit that the same have been duly paid and disbursed to the said parties respectively, (and which affidavit the said Clerk is hereby empowered to administer), and when recovered shall be paid over by the said Clerk to the said party entitled to recover the same.

Interpretation clause.

XVIII. And be it enacted, That the words "Upper Canada" wherever they occur in this Act shall mean all that part of this Province which formerly constituted the Province of Upper Canada; that the word "party" 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.

Act of U. C. 4 William IV. c. 13. repealed.

XIX. And be it enacted, That the Act of the Legislature of Upper Canada, passed in the fourth year of the Reign of His late Majesty King William the Fourth, and intituled, *An Act to regulate Line Fences and Water Courses, and to repeal so much of an Act passed in the thirty-third year of His late Majesty King George the Third, intituled, "An Act to provide for the nomination and appointment of Parish and Town Officers within this Province," as relates to the office of Fence Viewers being discharged by Overseers of Highways and Roads*, shall be and the said Act is hereby repealed upon, from and after the first day of April next: Provided always, that the repeal of the said Act shall not be construed to revive any Act or part of an Act thereby repealed.

Proviso.

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



ANNO OCTAVO

VICTORIÆ REGINÆ.

CAP. XXI.

An Act to detach the Parish of Saint Sylvester from the County of Lotbinière, and to annex it to the County of Megantic, for the purposes of Registration only.

[17th March, 1845.]

WHEREAS the Parish of Saint Sylvester, in the Seigniorship of Saint Giles de Beaurivage, in the District of Quebec, is now for the purposes of Registration of Titles and other documents affecting real property, as well as for other purposes, within the County of Lotbinière, and it would greatly contribute to the convenience of the inhabitants of the said Parish that it should be, for the purposes of Registration, annexed to the County of Megantic: 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 said Parish of Saint Sylvester shall, for all the purposes of 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 prescribe and regulate the Registering of Titles to lands, tenements and hereditaments, real or immoveable estates, and of charges and incumbrances on the same, and for the alteration and improvement of the Law in relation to the alienation and hypothecation of real estates and the rights and interests acquired therein*, as amended by subsequent Acts of the Legislature of this Province, be detached from the said County of Lotbinière and annexed to the said County of Megantic, but shall remain part of the said County of Lotbinière for the purposes of representation in the Legislative Assembly of this Province.

Preamble.

The Parish of St Sylvester detached from the County of Lotbinière, and attached to that of Megantic for Registration purposes only.

Certified copies of all memorials, &c., relating to the Parish of St. Sylvester to be transmitted by the Registrar of Lotbinière to that of Megantic at the public expence.

II. Provided always and be it enacted, That all the memorials, books, records, indexes, documents and papers made under the authority of the Ordinance aforesaid and now in the Registry Office for the County of Lotbinière, shall remain in and form part of the records and papers of the said office, and so soon as may be after the passing of this Act, there shall be transmitted to the Registry Office of the said County of Megantic, by the Registrar of the said County of Lotbinière, copies certified by such Registrar of all such entries therein as relates to or in any manner affect lands, tenements, hereditaments real or immoveable estates, or any charges or incumbrances on the same within the said Parish of Saint Sylvester, and for such certified copies the Registrar furnishing the same shall receive from and out of the Consolidated Revenue Fund of this Province, a sum equal to six pence currency per hundred words contained in the said copies.

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



ANNO OCTAVO
VICTORIÆ REGINÆ.

CAP. XXII.

An Act to provide more effectually for the collection of certain arrears of Taxes on Lands in the District of Wellington, and other Districts, and better to define the limits of the said District of Wellington.

[10th February, 1845.]

WHEREAS the District of Wellington, in Upper Canada, was under the provisions of the Act of the Legislature of the late Province of Upper Canada, passed in the seventh year of the Reign of His late Majesty, and intituled, *An Act erecting certain parts of the Counties of Halton and Simcoe into a new District, by the name of the District of Wellington*, constituted in part out of tracts of land theretofore included within the Home District and the Gore District, respectively ; And whereas, at the time of the issuing of the Proclamation constituting the said District of Wellington, Taxes may have been due on some of the lands thereafter and now included within the said District of Wellington, which Taxes may still, with the Taxes since accrued on such lands, remain due, and some part thereof may belong by law to the Home District, and to the Gore District, respectively, and doubts may have arisen or may arise as to the provisions under which the payment of such Taxes may be enforced : 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 arrears of Taxes now due on any lands in the said District of Wellington, whether the same or any part thereof accrued before or after the passing of the Act herein first above cited, or before or after the issuing of the Proclamation erecting the said District, shall be payable to and recoverable by the District Treasurer of the said District of Wellington, and to and by him only ; any thing in the said Act or in any other Act or Law to the

Preamble.

U. C. 7 Will.
4. cap. 116,
cited.

Taxes on lands in the District of Wellington to be paid to the Treasurer of that District only, at what time soever such Taxes may have accrued.

contrary

Under what provisions of law the increase on such Taxes shall be calculated, and how they shall be recoverable.

Proviso.

The Home District and the Gore District to receive their proportion of such Taxes.

contrary notwithstanding ; and all such arrears of Taxes shall be subject to the same rate of increase for non-payment, and shall be recoverable and leviable by the sale of the lands on which they shall have accrued or otherwise, in the same manner, under the same provisions, and at the same time, as if the said District of Wellington had been constituted and erected as a separate and distinct District at least eight years before the passing of this Act, and the said lands had during that period formed part thereof, and been assessed therein : Provided always, that out of all sums received for such arrears of Taxes as aforesaid, the District Treasurer of the said District of Wellington shall pay to the District Treasurers of the Home District, and of the Gore District, respectively, such portions of the said sums as may, under the provisions of the Act first above cited, belong to the said Districts, respectively.

Certain words in the Act U.C. 7 Will. 4. c. 116, how to be understood.

II. And whereas doubts have arisen as to the precise limits intended to be assigned by the Act first above cited to the said District of Wellington, on the north-west side : For the removal thereof Be it enacted, That the words " the triangular piece of land adjoining the said tract in the proposed district of Huron, part of the late purchase from the Indians from Gore, and part of Indian Lands," in the preamble to the said Act, shall be understood to apply to and include the tract of land now forming the Township of Arthur and no more, and the said Township shall be within and form part of the said District of Wellington.

Certain of the provisions of this Act extended to other new Districts that may be in the same position as to the taxes belonging to other districts.

III. And whereas there may be in divers others of the newer Districts in Upper Canada, lands on which there may be due Taxes of which some portion accrued while such lands formed parts of some older Districts, and it is expedient to avoid the doubts which may arise in any such case and to make provision for that purpose similar to that hereinbefore made with regard to the District of Wellington : Be it therefore declared and enacted, That in every such case the arrears of Taxes are and shall be payable to and recoverable by the District Treasurer of the newer District and to and by him only, and all such arrears of Taxes shall be subject to the same rate of increase for non-payment, and shall be recoverable and leviable by the sale of the lands on which they shall have accrued or otherwise in the same manner, under the same provisions and at the same time, as if such newer District had been constituted and erected as a separate and distinct District, at least eight years before the passing of this Act, and the said lands had during the same period formed part thereof and been assessed therein : Provided always, that out of all sums received for such arrears of Taxes aforesaid, the District Treasurer of such newer District, shall pay over to the District Treasurer of the older District such sums as may under the provisions of the Act under which the newer District was constituted, belong to the older District from which the lands were detached.



ANNO OCTAVO
VICTORIÆ REGINÆ.

CAP. XXIII.

An Act to repeal a certain part of an Act of Upper Canada relating to Macadamized Roads, and to revive, with reference to such Roads, part of a certain other Act relative to Public Highways and Roads in Upper Canada.

[10th February, 1845.]

WHEREAS divers inhabitants of that part of this Province called Upper Canada, residing within half a mile of the different Macadamized Roads referred to in the Act of the Legislature of Upper Canada, passed in the third year of Her Majesty's Reign, and intituled, *An Act to repeal, alter and amend the Laws now in force for the Regulation of the several Macadamized Roads in this Province*, have suffered great inconvenience from being compelled to commute their Statute labour upon the said Macadamized Roads; And whereas in many cases the Roads intersecting the said Macadamized Roads, Concession Roads, and other Roads, have been neglected, and no Statute labour has since the passing of the said Act, been performed thereon; And whereas it is expedient to give relief to parties suffering from the unequal operation of the said obligation to commute their Statute labour: 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 forty-ninth section of the said Act be and the same is hereby repealed.

Preamble.

Act of U. C.
3 Vict. cap. 53
cited.

The 49th sect.
of the said Act
repealed.

Part of the Act of U. C. 59 Geo. III. cap. 8, revived as to persons who would without this Act have been bound to commute their Statute labour under the section above repealed.

On what Roads such labour shall be performed.

II. And be it enacted, That the provision of the said Act which repeals all other Acts contrary to or inconsistent therewith, shall not hereafter extend to a certain Act of the Legislature of Upper Canada, passed in the fifty-ninth year of the Reign of His Majesty King George the Third, intituled, *An Act to repeal part of and amend the Laws now in force for laying out, amending, and keeping in repair the Public Highways and Roads in this Province*, but the said last mentioned Act shall be revived and continued and shall be in force, with regard to the persons who without this Act would have been bound to commute their Statute labour as aforesaid; And the said Statute labour shall hereafter be performed by such persons, on such Roads other than the said Macadamized Roads as shall be appointed by the proper Road Officers within the several local divisions, respectively.

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Law Printer to the Queen's Most Excellent Majesty.



ANNO OCTAVO

VICTORIÆ REGINÆ.

CAP. XXIV.

[An Act to incorporate the Board of Trade of the City of Toronto.

[10th February, 1845.]

WHEREAS George Perceval Ridout, Thomas Clarkson, Peter Paterson, John Mulholland, William Ledley Perrin, and others hereinafter named, Merchants, resident and carrying on trade in the City of Toronto, have, by their Petition to the Legislature, represented that they have associated themselves together for some time past for the purpose of promoting such measures as they might, upon due consideration, deem calculated to advance and render prosperous the lawful trade and commerce of this Province, and of the said City of Toronto more especially, and have further represented, that having already experienced the good effects of their said Association, and being convinced that the advantages arising from it would be greatly extended and increased if they and their associates and successors were incorporated, and if certain powers were conferred on them, they pray the Legislature so to incorporate them and grant them such powers; And whereas it is expedient to grant the prayer of their said Petition: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the said George Perceval Ridout, Thomas Clarkson, Peter Paterson, John Mulholland, and William Ledley Perrin, with Duncan M'Donnell, J. M'Glashan, Timothy J. Farr, Henry Rowsell, Thomas Rigney, Thomas D. Harris, John Thomson, William Wakefield, Joseph Workman, R. C. M'Mullen, Joseph D. Ridout, K. M. Sutherland, J. B. Sutherland, John Harrington, William Rowsell, Robert Wightman, A. Badenach, John Shaw, Walter M'Farlane, William Henderson, James

Preamble.

Names of present members.

Beaty,

Other mem-
bers.

Incorporation
and corporate
powers.

Common seal.
Property.

Proviso.
Amount of pro-
perty to be
holden limited.
Proviso.

For what pur-
pose the funds
of the Corpo-
ration may be
used.

Legal domicile
of the Corpo-
ration.

Council to be
elected for ma-
naging the
business of the
Corporation.

Beaty, M. J. O'Beirne, George Michie, John Robertson, Peter Freeland, Alexander Murray, L. Moffatt, George Denholm, J. R. Armstrong, Alexander Ogilvie, Frederick Perkins, Robert Mackay, Angus M'Intosh, Charles Robertson, George H. Cheney, Thomas Brunskill, John Sproule, Samuel Phillips, J. M'Murich, E. F. Whittemore, Samuel Workman, and such other persons, being inhabitants of and using trade and commerce within the said City of Toronto, as are or shall be associated with the persons above named for the purposes of this Act, in the manner hereinafter provided, and their successors, shall be and are hereby constituted a body politic and corporate by the name of "*The Toronto Board of Trade*," and may by that name sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, in all Courts of Law and places whatsoever, and by that name they and their successors shall have perpetual succession and may have a common seal, and may break, change, alter or renew the same at pleasure, and shall have power to purchase, take, receive, hold and enjoy any estate whatever, real or personal, and to alienate, sell, convey, lease, or otherwise dispose of the same or any part thereof, from time to time, and as occasion may require, and other estate, real or personal, to acquire instead thereof: Provided always, that the clear annual value of the real and personal estate together held by the said Corporation at any one time, shall not exceed two thousand pounds, currency: And provided also, that the said Corporation shall not have or exercise any corporate powers whatsoever, except such as are expressly conferred on them by this Act, or are necessary for carrying the same into effect, according to its true intent and meaning.

II. And be it enacted, That the funds and property of the said Corporation shall be used and applied to and for such purposes only, as may be calculated to promote and extend the just and lawful trade and commerce of this Province, and of the said City of Toronto more especially, or as may be necessary for attaining the objects for which the said Corporation is constituted, according to the true intent and meaning of this Act.

III. And be it enacted, That the usual place of meeting of the said Corporation shall be held to be the legal domicile thereof; and service at such place of any notice or process of any kind, addressed to the said Corporation, shall be held to be sufficient service of such notice or process on the Corporation.

IV. And be it enacted, That for the management of the affairs and business of the said Corporation, there shall be a Council, to be called "*The Council of the Board of Trade*," which shall, from and after the first election hereinafter mentioned, consist of a President, a Vice President, a Treasurer, and twelve other Members of the Council, all of whom shall be Members of the said Corporation, and shall

shall have the powers and perform the duties hereinafter mentioned and assigned to the said Council: Provided always, that no two or more persons, co-partners in trade, shall be Members of said Council at the same time. Proviso.

V. And be it enacted, That the said George Perceval Ridout shall be the President, the said Joseph Workman, shall be Vice-President, the said Henry Rowsell, the Treasurer, and the said John Mulholland, William Ledley Perrin, Peter Pater-son, Duncan M'Donnell, John Thomson, Peter Freeland, Thomas D. Harris, James Beatty, Wm. Henderson, J. Shaw, R. H. Brett and E. F. Whittemore, the other Members of the Council, until the first election to be had under the Provisions of this Act; and the Council hereby appointed shall, until the said election, have all the powers assigned to the Council of the said Corporation by this Act. Present Mem-
bers of the
Council con-
tinued in office
for a certain
time.

VI. And be it enacted, That the Members of the said Corporation shall hold a general meeting every three months, viz: on the first Monday in January, April, July and October, at some place within the City of Toronto, of which due notice shall be given by the Council for the time being, and at the general meeting on the first Monday in the month of January, the Members of the said Corporation present, or a majority of them, shall then and there choose, by separate ballot, or shall in such other way as shall be fixed by the By-Laws of the Corporation, elect from among the Members of the Corporation, one President, one Vice-President, one Treasurer, and Twelve other Members of the Council, who with the said President, Vice-President and Treasurer, shall form the Council of the said Corporation, and shall hold their offices until others be elected at the next general meeting in January aforesaid in their stead, or until they shall be removed from office, or shall vacate the same under the provisions of any By-Laws of the Corporation: Provided always, that if the said election shall not take place on the first Monday of January in any year, the Corporation shall not thereby be dissolved, but such election may be had at any general meeting of the Corporation to be called in the manner hereinafter provided, and the Members of the Council then in office shall remain so until the election shall be had: And provided further, that no person shall be capable of being re-elected to the office of President, Vice-President, Treasurer, or Member of Council for the current year, if he shall have been absent from more than one-half the meetings of Council held in the preceding year, without leave of absence obtained from the President. Quarterly and
annual election
of the Council
provided for.

Proviso.
The failure of
an election not
to dissolve the
Corporation.

VII. And be it enacted, That if any Member of the said Council shall die, resign his office, or be absent for four months, continuously, from the meetings of Council, without leave of absence obtained from the President, it shall be lawful for the said Corporation, at any general meeting, to elect a Member of the Corporation to be Vacancies be-
tween annual
elections, how
to be filled.

be a Member of the Council in the place of the Member so dying or resigning or being absent; and the Member so elected shall hold office until the next annual election, and no longer.

Quorum at
general meet-
ings fixed.

VIII. And be it enacted, That at any annual or other general meeting of the Corporation, whether for the purpose of electing Members of the Council or for any other purpose, any twelve or more Members of the Corporation shall form a *Quorum*, and shall be competent to do and perform all acts which, either by this Act or by any By-Law of the Corporation, are or shall be directed to be done at any such general meeting.

Who shall be
eligible to be-
come Members.

IX. And be it enacted, That each and every person then resident in the City of Toronto and carrying on Trade or Commerce of any kind therein, or being a Cashier of any Chartered Bank therein, and having resided in the said City of Toronto continuously for not less than two years, shall be eligible to become a Member of the said Corporation: and at any general meeting of the Corporation it shall be lawful for any Member thereof to propose any such person as aforesaid, as a candidate for becoming a Member of the Corporation, and if such proposition shall be seconded by any other Member of the Corporation then present, such candidate shall be again proposed and balloted for at the next general meeting, not being less than one week after he shall be so proposed, and in the meantime the name of the person proposed and of the proposer and seconder shall be posted in a conspicuous part of the usual place of meeting of the Corporation, and if at the meeting at which such candidate shall be balloted for, not less than three-fifths of the Members present shall vote for his admission, he shall thenceforth be a Member of the Corporation, and shall have all the rights and be subject to all the obligations which the other Members possess or are subject to, and shall be bound by all the By-Laws of the Corporation.

Mode of pro-
posing and
electing Mem-
bers.

Ballot for
Members.

General meet-
ing may be
called by the
Council.

X. And be it enacted, That it shall always be lawful for the Council of the said Corporation, or a majority of them, by a notice inserted at least one week in one or more newspapers, published in the said City of Toronto, and posted during the same time in a conspicuous part of the place where the meetings of the Corporation are then held, or by a circular from the Secretary to each Member, to call a general meeting of the Corporation for any of the purposes of this Act.

Members of
the Council
to take an oath
of office.

XI. And be it enacted, That each of the Members of the Council of the said Corporation, whether hereby appointed or hereafter to be elected, shall, before entering upon the discharge of their duties as such, take and subscribe an oath that they will respectively, faithfully and truly perform their duty as such Members, and will

will in all matters connected with the discharge of such duty, do all such things and such things only as they shall truly and conscientiously believe to be adapted to promote the objects for which the said Corporation is constituted, according to the true intent and meaning of this Act: and such oath shall be administered to the President and Vice-President hereby appointed, by the Mayor of the said City of Toronto, or in his absence by the Senior Alderman present, and shall remain among the records of the Corporation of the said City, and by the said President, or Vice-President, or either of them, to the other Members of the Council hereby appointed or who shall be hereafter elected, and shall remain among the papers of the Corporation hereby constituted.

By whom it shall be administered and the record kept.

XII. And be it enacted, That it shall be competent to the said Council, to hold meetings from time to time and to adjourn the same when necessary, and at the said meetings to transact such business as may by this Act, or by the By-Laws of the Corporation be assigned to them, and such meetings of the Council shall be convened by the Secretary, at the instance of the President, or upon request of any two Members of the Council; and the said Council shall, in addition to the powers hereby expressly conferred on them, have such powers as shall be assigned to them by any By-Law of the Corporation, except only the power of enacting or altering any By-Law, or of admitting any Member, which shall be done in the manner provided by this Act, and no other; and any five or more Members of the Council lawfully met, and of whom the President, or Vice-President shall be one, or in case of their absence any seven or more Members lawfully met, shall be a *Quorum*; and any majority of such *Quorum* may do all things within the powers of the Council; and at all meetings of the said Council and all general meetings of the Corporation, the President, or in his absence, the Vice-President, or if both be absent, any Member of the Council then present who may be chosen for the occasion, shall preside, and shall in all cases of equality of votes upon any division have a casting vote.

Powers of the Council.

Quorum at its meetings.

Who shall preside.

XIII. And be it enacted, That it shall be lawful for the said Corporation or the majority of them present at any general meeting, to make and enact such By-Laws, Rules, and Regulations for the government of the said Corporation, its Council, Officers and affairs, and for the guidance of the Board of Arbitration hereinafter mentioned, as such majority shall deem meet: Provided, that no such By-Law be contrary to or inconsistent with the provisions of this Act, or the laws of this Province: and such By-Laws shall be binding on all Members of the Corporation, its officers and servants and all other persons whomsoever lawfully under its control. Provided, that no By-Law as aforesaid shall be made or enacted by the said Corporation without notice thereof, having been given by motion of one Member and seconded by another Member at a previous general meeting, and duly entered on the minutes of the Corporation.

By-Laws, how to be made and for what purpose.

Proviso.

Proviso.

XIV.

Council to prepare By-Laws and submit them to a general meeting.

XIV. And be it enacted, That it shall be the duty of the Council hereby appointed, as soon as may be after the passing of this Act, to frame such By-Laws, Rules and Regulations as they shall consider best adapted to promote the welfare of the said Corporation and the purposes of this Act, and to submit the same for adoption to a general meeting of the Corporation, called for that purpose in the manner hereinbefore provided.

Monies due to the Corporation how to be recovered.

XV. And be it enacted, That all subscriptions of Members due to the Corporation under any By-Law, all penalties incurred under any By-Law, by any person bound thereby, and all other sums of money due to the Corporation, shall be paid to the Treasurer thereof, and in default of payment may be recovered in any action brought by him in the name of the Corporation, in any Court of competent civil jurisdiction.

Meetings of the Council to be open to Members, and registers to be kept.

XVI. And be it enacted, That the meetings of the Members of the Council shall be open to all other Members of the Corporation, who may attend at the same but who shall take no part in any proceedings thereat: and minutes of the proceedings at all such meetings, and at all general meetings of the Corporation, shall be entered in Registers to be kept for that purpose by a person or persons appointed to keep the same; and the entry shall be signed by the person or officer who shall have made the same, and by the officer or person who shall have presided at the meeting; and such Registers shall be open at all reasonable hours to any Member of the Corporation, free of any charge, and also to all other persons on payment of a fee of one shilling and three pence to the officer or person having charge of such Register.

Fee for search to non-members.

Board of Arbitration to be elected.

XVII. And be it enacted, That at the same time and times as are hereby appointed for the Election of the Council and in the same manner, it shall be lawful for the Members of the said Corporation to elect from their number twelve persons who shall form a Board which shall be called "*The Board of Arbitration,*" and any three of whom shall have power to arbitrate upon and give their award in any commercial case or difference which shall be voluntarily referred to them by the parties concerned: and wherever any such parties shall agree and bind themselves by bond or otherwise to submit the matter in dispute between them to the decision of the said *Board of Arbitration*, such submission shall be understood to be made to any three Members of the said Board, who may, either by the especial order of the said Board, or by virtue of any general rule adopted by them, or under any By-Law of the Corporation with regard to the consideration of cases so submitted to them, be appointed to hear and arbitrate upon the case, and shall be understood to bind the parties to submit to the decision of the said Board; and any such submission may be in the form of the Schedule to this Act, or in other words to the same effect.

How a submission to the arbitration of the Board shall be construed.

Form of submission.

XVIII.

XVIII. And be it enacted, That the several Members of the said Board of Arbitration shall, before they act as such, take and subscribe before the President or Vice-President of the Corporation, an oath that they will faithfully, impartially and diligently perform their duties as Members of the said Board of Arbitration, and will in all cases submitted to them, give a true and just award according to the best of their judgment and ability, without fear, favor or affection of or for any party or person whatsoever: and this oath shall be kept among the documents of the Corporation, in the manner provided with regard to the oath taken by the Members of the Council.

Members of the Board of Arbitration to take an oath of office.

Oath where to be kept.

XIX. And be it enacted, That any Member of the Council of the Corporation may be at the same time a Member of the said Board of Arbitration.

Members of the Council may be Members of the Board of Arbitration.

XX. And be it enacted, That the three Members appointed to hear any case submitted for arbitration as aforesaid, or any two of them, shall have full power to examine on oath (which oath any one of such three Members is hereby empowered to administer) any party or witness who, appearing voluntarily before them, shall be willing to be so examined, and shall give their award thereupon in writing; and their decision, or that of any two of them, given by such award, shall bind the parties according to the terms of the submission and the provisions of this Act.

Powers of the Members acting as Arbitrators in any case.

XXI. And be it enacted, That from and after the passing of this Act, the several persons composing the Boards of Examiners to examine applicants for the office of Inspector or Assistant Inspector, for or within the City of Toronto, of Flour and Meal, or of Beef and Pork, or of Pot and Pearl Ashes, or of any other article subject to inspection, shall cease to be Members of the said Boards, and thereafter the Members of the said Boards, respectively, shall be such persons only as shall from time to time be appointed to be such Members by the Council of the said Corporation, any law to the contrary notwithstanding; but the number, powers and duties of such Boards, and of the Members thereof respectively, shall be in all respects the same as they now are, and they shall be sworn to the due performance of their duty in like manner: Provided always, that nothing herein contained shall prevent any person who shall, under the provisions of this section, cease to be a Member of any such Board, from being re-appointed a Member thereof by the said Council, if they shall deem it expedient; nor shall anything herein contained prevent any Member of the said Corporation, not being a Member of the Council, from being appointed a Member of any of the said Boards; but no Member of the Council shall be so appointed.

Present Boards of Examiners abolished.

Others to be appointed by the Corporation.

Powers of such Boards.

Proviso.

Who may be appointed.

XXII. And be it enacted, That any person who may by law in other cases make a solemn affirmation, instead of taking an oath, may make such solemn affirmation in

Affirmations may be substituted for oaths in certain cases.

in any case where by this Act an oath is required ; and any person hereby authorized to administer an oath, may, in such cases as aforesaid, administer such solemn affirmation ; and any person who shall wilfully swear or affirm falsely in any case where an oath or solemn affirmation is required or authorized, shall be guilty of wilful and corrupt perjury.

Saving of
rights not ex-
pressly affect-
ed.

XXIII. And be it enacted, That nothing in this Act shall affect any rights of Her Majesty, Her Heirs or Successors, or of any party or person whomsoever ; such rights only excepted as are herein expressly mentioned and affected.

Act to be a
Public Act.

XXIV. And be it enacted, That this Act shall be a Public Act, and shall be judicially noticed as such by all Judges, Justices, and other persons whomsoever, without being specially pleaded.

S C H E D U L E .

Form of a Submission to the Board of Arbitration.

KNOW ALL MEN, that the undersigned
and the undersigned, (*if there be more parties, that is, more separate interests, mention them,*) having a difference as to the respective rights of the said parties in the case hereunto subjoined, have agreed and bound themselves under a penalty of
Currency, to perform the award to be made by the Board
of Arbitration of the Board of Trade of the City of Toronto, in the case aforesaid, under the penalty aforesaid, to be paid by the party refusing to perform such award, to the party ready and willing to perform the same.

In witness whereof, the said parties have hereunto interchangeably set their hands and seals, at the City of Toronto, on the _____ day of _____ 18 ____ .

A. B. [L. S.]
C. D. [L. S.]
E. F. [L. S.]

Form

Form of the Oath to be taken by the Members of the Council.

I SWEAR, that I will faithfully and truly perform my duty as a Member of the Council of the Board of Trade of the City of Toronto, and that I will, in all matters connected with the discharge of such duty, do all such things, and such things only, as I shall truly and conscientiously believe to be adapted to promote the objects for which the said Board was constituted, according to the true intent and meaning of the Act incorporating the same : So help me God.

Form of Oath to be taken by the Members of the Board of Arbitration.

I SWEAR, that I will faithfully, impartially, and diligently perform my duty as a Member of the Board of Arbitration of the Board of Trade of the City of Toronto, and that I will, in all cases in which I shall act as Arbitrator, give a true and just award, according to the best of my judgment and ability, without fear, favour or affection, of or for any party or person whomsoever : So help me God.

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



ANNO OCTAVO
VICTORIÆ REGINÆ.

CAP. XXV.

An Act to Incorporate the Saint Lawrence and Atlantic Rail-road Company.

[17th March, 1845.]

WHEREAS the construction of a Rail-road from the River St. Lawrence, as nearly opposite to the City of Montreal as may be found desirable, to the Boundary Line between this Province and the United States of America, with a Branch from the City of Quebec connecting therewith, would greatly contribute to the prosperity of this Province; and whereas the several persons hereinafter named are desirous to make and maintain the said Rail-road: Therefore for obtaining and perfecting the good effects and purposes aforesaid, 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 Peter M'Gill, John Frothingham, Joseph T. Barret, Charles H. Castle, William Lyman, Harrison Stephens, Joseph Shuter, Louis A. Dessaulles, Pierre D. Debartzch, Samuel C. Monk, The Baron de Longueuil, Isidore Hurteau, Charles Sabourin, Victor Chenier, Alexis Colin, Louis Colin, Joseph Lecours, Amable Gelineau, Marie J. Tonnancour, Leonard G. Tonnancour, Michel Lemaitre, Joseph Bistodeau, Eusèbe Cartier, Amable Archambault, A. Augustin Papineau, P. Edward Leclerc, Michel Plamondon, Horace Steward, John Gilman, Samuel Gilman, Joseph Ward, Lee Knowlton, David Wood, Alonzo Wood, Oliver Wells, Hiram J. Foster, Andrew Barton, Alexander Rea, Joseph Pennoyer, Hollis Smith, Alder W. Kendrick, Benjamin Pomroy, John Moore, Joshua Foss, Alexander Kilborn, William Morris, John Felton, Alexander T. Galt, Arba Stimson, Thomas Tait, William Gibson, C. B. Cleveland, Samuel Daniels, Joseph Rankin, William G. Cook, Philip Flanders,

Preamble.

A Joint Stock Company formed for the purpose of constructing a Rail-road from the St. Lawrence to the Province Line.

Flanders, Chester Hovey, Louis V. Sicotte, Nacisse Boivin, Maurice Buckley, Etienne Leduc and Charles Starnes, 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 their several and respective heirs, executors, administrators, curators and assigns, being proprietors of any share or shares in the Rail-road hereby authorized to be made, are and shall be, and be united into a Company for carrying on, making, completing and maintaining the said intended Rail-road, 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 Saint Lawrence and Atlantic Rail-road 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 and may have power and authority to purchase lands, tenements and hereditaments for them and their successors and assigns, for the use of the said Rail-road, 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 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 of Proprietors, any lands, tenements or hereditaments for the purposes aforesaid, and the same may re-purchase of the said Company without *Lettres d'Amortissement*, and the said Company of Proprietors and 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-road, to be called *The Saint Lawrence and Atlantic Rail-road*, from the River St. Lawrence as nearly opposite to the City of Montreal as may be found desirable, in the general direction of St. Hyacinthe and Sherbrooke to the Boundary Line between this Province and the United States of America, at such point or place of the said Boundary Line near the Connecticut River as that the said Rail-road may best connect with *The Atlantic and Saint Lawrence Rail-road*, to be constructed from Portland in the State of Maine to the said Boundary Line, there to connect with the Rail-road hereby authorized to be made and completed, and further to make and complete a Rail-road from any such point of the said Rail-road hereby authorized to be made as shall be deemed most favorable, to the said Boundary Line in the Township of Stanstead or elsewhere in the County of Stanstead with a view to uniting the same with any Rail-road which may be constructed within the State of Vermont, one of the United States of America.

Direction of the said Rail-road.

A Branch of the said Rail-road may be made to the Province Line near the State of Vermont.

Branch Rail-road may be made from opposite the City of Quebec.

II. And be it enacted, That the said Company of Proprietors and their successors and assigns shall be and are hereby authorized and empowered from and after the

the passing of this Act, by themselves, their deputies, agents, officers, workmen and servants, to make and complete a branch Rail-road from the South bank of the said River St. Lawrence, as nearly opposite to the said City of Quebec as may be found desirable, to connect with the said Rail-road at any point within this Province.

III. And be it enacted, That, for the purposes aforesaid, the said Company of Proprietors, their deputies, servants, agents and workmen, are hereby authorized and empowered to enter into and upon the lands and grounds of the Queen's Most Excellent Majesty, or of any person or persons, bodies politic, corporate or collegiate, or communities 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 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 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, 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 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 the lands adjoining or near the same respectively, such and so many houses, ware-houses, toll-houses, watch-houses, 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 of Proprietors shall think requisite and convenient for the purposes of the said Rail-road; 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 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 of Proprietors, 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

Power to the Company to set out and survey lands necessary for their works, &c.

Erecting buildings, machinery, &c.

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.

OR

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 of this Act; and this Act shall be sufficient to indemnify the said Company of Proprietors 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.

Company by a sworn Surveyor or Engineer may take surveys and levels of the lands through which the Rail-road is to be carried.

Plan and book of reference to be made and deposited.

IV. 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-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 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, 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, on the completion of the said Rail-road, be made or caused to be made, and certified by the Surveyor-General or his Deputies, who shall deposit copies thereof in each of the offices of the Prothonotaries of the Court of Queen's Bench for each District through which the said Rail-road, or any part thereof, shall or shall be intended to pass, and also in the office of the Secretary of the Province, and shall also deliver one copy thereof to the said Company of Proprietors; 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 said Secretary of the Province, or to the said Prothonotaries, 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 Secretary of the Province, or by one of the Prothonotaries of the Court of Queen's Bench for the said Districts, shall severally be, and are hereby declared to be good evidence in the Courts of Law and elsewhere.

Copies or extracts may be taken and used.

Fee.

When the Rail-road crosses any high-way, the ledge of such Rail-way not to rise nor sink more than one inch.

V. Provided always and be it enacted, That where the said Rail-road 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.

When the Company build a Bridge

VI. Provided always, and be it enacted, That where any Bridge shall be erected or made by the said Company, for the purpose of carrying the said Rail-way

over

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 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 feet.

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 public 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 one foot in thirteen 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.

VIII. Provided always, and be it enacted, That in all cases where the said intended Rail-way shall cross any public highway on a level, the said Company shall erect and at all times maintain a good and sufficient gate on each side of the said public highway, where the said Rail-way shall communicate with such public highway; which gates shall be constantly kept shut, except at such time as waggons, carts and other carriages passing along the said Rail-way, shall have to cross such public highway, and they shall be opened for the purpose only of letting such waggons, carts, or other carriages pass through; and every driver or person entrusted with the care of any waggon, cart or other carriage, or with any string of waggons, carts or other carriages, shall, and he is hereby directed to cause the said gates, and each of them, to be shut as soon as such waggons, carts or other carriages shall have passed through, under the penalty of five shillings, currency for every offence, to be recovered in like manner as any other penalty under this Act may be recovered.

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-three yards in breadth, except in such places where the said intended Rail-road shall be raised 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 and fifty yards in breadth in any such place, or where any houses, ware-houses, toll-houses, watch-houses, weighing-beams, cranes, fixed engines or inclined planes, may 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 the proprietors.

for the purpose of carrying the Rail-road over or across any highway, the arch of the bridge to be of certain dimensions.

In building a bridge for carrying a public carriage road over the Rail-way, the ascent of such bridge to be of certain dimensions.

Company to establish gates, where the Rail-way shall cross a public highway.

Lands taken for Rail-road not to exceed thirty-three yards in breadth. Exception.

After any lands have so been taken, all bodies corporate, &c., may sell their property therein to the Company of Proprietors.

Conveyances to the Company to be deposited in the Prothonotary's Office.

Where no power is vested in any body corporate to sell—a fixed annual rent to be established.

X. 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, 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 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, to contract for, sell and convey unto the said Company of Proprietors, 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; 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 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 of Proprietors and their successors, be deposited in the office of the Prothonotaries as aforesaid, and true copies thereof shall be allowed to be good evidence in all Courts whatsoever.

XI. Provided always, and be it enacted, That any body politic, community, corporation, or other person or persons whomsoever, 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, 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 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.

XII. And be it enacted, That it shall be lawful for the said Company of Proprietors to apply to the several owners of the estates, lands and grounds through which such Rail-road is intended to be carried, and to agree with such owners respectively, touching the compensation to be paid to them by the said Company of Proprietors for the purchase thereof, 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 Rail-road or other works or machines incidental or relative thereto, or 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 of Proprietors may make application to the Court of Queen's Bench for the District, 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 District for the time being, commanding such Sheriff to impanel, summon and return a Jury, qualified according to the laws of this Province 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 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 damage that may or shall be sustained as aforesaid, and in so doing the said Jury shall take into consideration the damage or inconvenience which may arise by means of any bridges, roads or other communication made necessary by reason of the said Rail-road, and may assess separate
 damage

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.

And mode of establishing such compensation.

damage for the same; and the said Jury shall distinguish the value set upon the lands, and the money assessed or adjudged for damages, separate and apart from each other; and the said Court shall give judgment for such sum, rent or indemnification so to be assessed by such Juries, which said verdict, and the judgment so thereupon pronounced, shall be binding and conclusive to all intents and purposes against the Queen's Majesty, Her Heirs and Successors, and against all bodies politic, corporate or collegiate, or communities, and all persons whomsoever.

How expenses, where a verdict is given for more money as indemnification than has been previously offered by the Company, are to be settled.

XIII. 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 damage done to any lands, grounds, hereditaments or property, or for any 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 of Proprietors, then all the expenses of summoning such Jury and taking such inquest shall be settled by the Court and defrayed by the said Company of Proprietors; 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 of Proprietors, 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 of Proprietors 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 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 sums so assessed or adjudged as aforesaid.

Persons not satisfied with the compensation offered by the Company, such persons making complaints and requesting a jury, to enter into a bond to prosecute his complaint and to bear all the costs and expenses in summoning the jury and taking such inquest.

XIV. 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 such Jury as aforesaid, enter into a Bond before one of the Judges of the Court of Queen's Bench for the District with one sufficient surety, to the Treasurer of the said Company of Proprietors, 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 or on behalf of the said Company of Proprietors, or their successors, before the 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.

XV. 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 such body politic, corporate or collegiate, or community, at any time after the same shall have been so agreed for, determined or assessed, such lands, grounds and hereditaments or property respectively may be entered upon and taken possession of by the said Company of Proprietors, and applied to the purpose of making and maintaining the said Rail-road and other works and conveniences thereunto appertaining.

On payment or legal tender of the said money or annual rent, such lands may be taken in possession by the Company.

XVI. 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 kept by the Prothonotary of the Court of Queen's Bench for the District, to be kept among the records of the said Court, and shall be deemed and taken to be records of the said Court to all intents and purposes; and the same, or true copies thereof, shall be allowed to be good evidence in all Courts whatsoever in this Province, and all persons shall have liberty to inspect the same, paying for each inspection the sum of one shilling, 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 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 into and out of the said lands, grounds, tenements, hereditaments and premises, shall vest in the said Company of Proprietors and their successors, and they shall respectively be deemed in law to be in actual possession and seisin 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.

All agreements, sales, &c., to be kept by the Prothonotary of the Court of Queen's Bench.

All applica-
tions for in-
demnity for
damage done
under this Act,
to be made
within a cer-
tain time.

XVII. And be it enacted, That application to the said Court 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.

Penalty on
persons ob-
structing the
free use of the
Rail-road.

XVIII. 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, 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 break-
ing down or
obstructing or
damaging the
Rail-road or
any houses.

XIX. 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 and maliciously obstruct or interrupt the free use of the said Rail-road, or to obstruct, hinder or prevent the carrying on, completing, supporting and maintaining the said intended Rail-road, 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.

Company of
Proprietors to
contribute
among them-
selves the ne-
cessary sums
for carrying on
their under-
taking.

XX. And to the end that the said Company of Proprietors 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

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 Peter McGill, John Frothingham, Alexander T. Galt, Alexander Rea, John Moore, Thomas Tait and the Baron de Longueuil, or a majority of them, shall cause books of subscription to be opened in the Cities of Quebec and Montreal, and at the Town of Sherbrooke and elsewhere 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 be held and bound to give public notice in the *Quebec, Montreal and Sherbrooke Gazettes*, and in any other public newspaper published in the said Cities of Quebec, Montreal, and at the Town of Sherbrooke, 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 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 six hundred thousand pounds currency of this Province in the whole, except as is 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 thereunto, 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.

Proviso.

Proviso.

XXI. And be it enacted, That the said sum of six hundred 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 within twelve calendar months from the time this Act shall obtain the Royal assent, become a subscriber or subscribers to the said Rail-road, shall be divided and distinguished into twelve 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 transferred as such, and that the said twelve 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

The sum that may be raised by the Company of Proprietors, to be divided into shares:

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 intended 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 twelve 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.

If this sum should not be sufficient, the Company may raise a further sum for completing their undertaking.

XXII. And be it enacted, That in case the said sum of six hundred 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 of Proprietors 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 its branches and other works or conveniences incidental or relative thereto, not exceeding the sum of five hundred 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 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, and a part of the said first sum of six hundred thousand pounds; any thing herein contained to the contrary notwithstanding.

Votes of Proprietors according to the number of their shares.

XXIII. 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 equal to the number of shares held by him: Provided always, that no one proprietor as aforesaid shall have more than one hundred and fifty votes; and all proprietors

of shares resident within the 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 :

“ I, _____ of _____ one of the Proprietors of the Saint Lawrence and Atlantic Rail-road, 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 _____ .”

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.

XXIV. 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.

XXV. 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 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.

XXVI. 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 Montreal, whenever five hundred Shares in the said undertaking shall have been subscribed—provided that public notice thereof be given during one week in the Montreal Gazette, and in any other paper published in the French language at Montréal ; 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 five or more Shares in the said undertaking, out of whom any five or more of them shall be a Committee for managing the affairs of the said Company of _____

No proprietor, unless a natural born subject or naturalized, to be President or Treasurer of the said Corporation.

No Shareholder to be liable for the debts of the Corporation beyond the amount of his capital not paid up.

The first general meeting of the proprietors to be held at the Court House in the City of Montreal.

of Proprietors, until the due appointment of Directors as hereinafter provided, and such Committee shall have the same powers and authorities as are hereinafter conferred on the said Directors, and shall be subject to the same restrictions and control.

A General Meeting of the Proprietors to be called after notice, and after half of the capital has been subscribed, to elect a Board of thirteen Directors.

XXVII. And be it enacted, That the said Committee shall call a General Meeting of the Proprietors for the purpose of putting this Act into effect, to be held in the City of Montreal within one month after one-half of the Capital Stock authorized to be raised under this Act shall have been subscribed, public notice thereof being given in the Quebec, Montreal and Sherbrooke Gazettes, and in any other paper published in the French language at Quebec, Montreal and Sherbrooke, at which 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 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 be not inconsistent with this Act.

In the month of January of each year, a Board of Directors to be elected.

Special meetings of Proprietors may be called.

XXVIII. And be it enacted, That in the month of January in each year an annual General Meeting of the said Company of 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 Corporation; but if at any time it shall appear to any eleven or more of such Proprietors, holding together one hundred and fifty 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 eleven or more of them to cause fifteen days' notice at least to be given thereof in the *Gazettes* aforesaid, or in such manner as the Proprietors, or 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 Meetings assembled, such majority not having either as Principals or Proxies, less than two hundred and fifty 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 Company of 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 of the Committee to manage the affairs of the said Company of Proprietors in manner aforesaid, to choose and appoint another or others in the room or stead of those of such Committee who may

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may die, or be absent, resign, or be removed, as aforesaid; any thing in this Act to the contrary notwithstanding.

XXIX. And be it enacted, That at the said Annual Meeting of Proprietors, three of the said thirteen Directors shall annually retire in rotation, the 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 except the Proprietors at such General Meeting proceed to fill up the vacancies thus occurring in the Direction.

Three Directors shall annually retire, by lot, but may be re-elected.
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XXX. And be it enacted, That any Meeting of the said Directors, at which not less than seven 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 Member of the said Committee, though he may be a Proprietor of many Shares, shall have more than one vote in the said Committee, except the Chairman, who shall be chosen by and out of the said Committee, 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 Committee 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 or other Meetings; such orders and directions not being contrary to any express directions or provisions in this Act contained.

Seven Directors to be a meeting for business.
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XXXI. 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 Committee for managing the affairs of the said Company.

No person holding an office, &c., under the Company, to be chosen a Member of the Committee.

XXXII. 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 Committee 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 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 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:

General 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.

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Calls how to
be made.

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 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 of Proprietors, as well as 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 the Gazettes, and in any other paper published in the French language as aforesaid, 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 money, to be called for as aforesaid, at the time and place appointed by such General Meeting or Committee, he, she or they, neglecting or refusing, shall forfeit a sum not exceeding five pounds for every one hundred pounds of his, her or their respective share and 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 Company of 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.

Penalty on
not paying
calls.

No advantage
to be taken of
any forfeiture
of any shares
of the said un-
dertaking, un-
less forfeited at
some general
meeting of the
said Company
of Proprietors.

XXXIII. 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 general meeting of the said Company of Proprietors, assembled at any time 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 Railroad or undertaking.

XXXIV.

XXXIV. And be it enacted, That the said Company of 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 Committees 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-road and all other works connected therewith, or belonging thereto, 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 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 the Province, for every offence; such fines or 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 of Proprietors, shall be published at least twice in the *Gazettes*, and in any other paper published in the French language as aforesaid, and affixed in the office of the said Company of Proprietors, 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 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.

Company of Proprietors may remove any person chosen upon such Board of Directors, and elect others in case of death, &c.

XXXV. 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 Committee 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 Committee

Proprietors of the said Rail-road may dispose of their shares.

or

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
sale of the
shares.

XXXVI. 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 “ Saint Lawrence and Atlantic Rail-road,”
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 _____.”

Directors may
appoint a
Treasurer and
Clerk, &c.

XXXVII. 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 Rail-road or undertaking, 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 of Proprietors, and of the Committee for the time being, by virtue of, and under the authority of this Act.

Company of
Proprietors
may establish
certain rates
for all goods,
&c. passing on
the Rail-road.

The rates.

XXXVIII. And be it enacted, That it shall and may be lawful to and for the said Company of Proprietors, 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 goods, wares, merchandize and commodities, of whatever description, transported upon the said Rail-road, five pounds, currency of this Province per ton weight, and for every passenger thirty shillings, currency, the said rates to be paid respectively for the whole distance from the River Saint Lawrence to the Province Line as aforesaid, and so in proportion for each mile of the said distance, 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 of Proprietors or their successors 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 of Proprietors 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 mean time the said goods, wares, merchandize or other commodities, to be at the risk of the owner or owners thereof, and the said Company of Proprietors 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.

XXXIX. And in order to ascertain the amount of clear profits of the said undertaking: Be it therefore enacted, That the said Company or the Committee 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 thirtieth day of November in each year, of the money collected and received by the said Company, or by the Committee 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 the said works, and of all other receipts and expenditure of the said Company or the said Committee; and at the meetings of the 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 meetings shall declare otherwise, and such division 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 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.

Amount of the profit of the said undertaking, to be annually made up and balanced at certain periods.

Proviso.

XL. Provided always, and be it enacted, That from and after the expiration of the first entire year, ending on the thirtieth day of November, after the said Rail-road shall have been completed and opened, the several rates by this Act granted, shall yearly and every year be regulated by the amount of dividends which the said Company shall have declared for the preceding year, that is to say, if the said Company

After the expiration of the first entire year ending 30th November after the said Rail-road is completed,

the several rates to be yearly regulated by the amount of dividends declared in the preceding year. A Tax to be paid to the Government on all the net income above six pounds per share.

Fractions in miles and fractions in weight of goods, in ascertained rates, &c. how regulated.

Company of Proprietors may at a general meeting make by-laws for fixing the price for the carriage of parcels on the Rail-road.

Company of Proprietors after six months to divide the land taken from the lands adjoining the Rail-road with fences to keep off cattle.

Company shall have declared for the preceding year a dividend not exceeding six pounds, currency, on each and every share in the said undertaking, the said Company shall be and they are hereby authorized and empowered to demand and receive not exceeding the maximum rates by this Act granted, but when and so often as the said Company shall have declared for the preceding year a dividend to a greater amount than six pounds per share, the said Company shall and they are hereby directed and required to pay over, as a Tax to the Provincial Treasury, 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.

XLI. 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 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.

XLII. Provided always, and be it enacted, That it shall and may be lawful to and for the said Company of Proprietors, their successors and assigns, from time to time at any General Meeting of the said Proprietors, to make such By-Law or By-Laws 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 of Proprietors, and their successors and assigns, 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, rates and dues are to be collected, in some conspicuous place there, a printed paper ascertaining 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, upon the said Rail-road, or upon any part thereof.

XLIII. And be it enacted, That the said Company of Proprietors shall, within six calendar months after any lands shall be taken for the use of the said Rail-road or undertaking, 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,

by, conveyed to, or vested in the said Company of Proprietors 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.

XLIV. And be it enacted, That as soon as conveniently may be after the said Rail-road or undertaking shall be completed, the said Company of Proprietors shall cause the same to be measured, and stones, with proper inscriptions on the sides thereof, denoting the distances, to be erected and for ever after maintained, at the distance of every mile from each other.

The Company to have the Rail-road measured, and stones with proper inscriptions to be placed on the same, denoting the distances.

XLV. And be it enacted, That the said Company of Proprietors, their successors and assigns, shall and are hereby required and directed to take a sufficient security, by one or more bond or bonds, in a sufficient penalty or penalties, from their Treasurer, Receiver and Collector for the time being, of the monies 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.

Treasurer and Receiver and Collector to give security for the faithful discharge of their offices.

XLVI. 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 and persons who have subscribed, or who shall hereafter subscribe to advance any money for and towards making and maintaining the said Rail-road and other works connected therewith, 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 of Proprietors, 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 of Proprietors or the said Committee, 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 of Proprietors to sue for and recover the same in any Court of Law having competent jurisdiction.

Company of Proprietors may compel the persons subscribing to pay the amount of their shares.

XLVII. And be it enacted, That all fines and forfeitures inflicted by this Act, or which shall be inflicted by virtue of any rule, order or by-law, to be made in pursuance thereof, (of which rule, order or 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

Forfeitures under this Act, how to be recovered and applied.

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 respective fines, forfeitures or penalties by this Act imposed and inflicted, or authorized to be imposed and inflicted, the application whereof is not hereinbefore particularly directed, shall be paid into the hands of the Treasurer or Receiver of the moneys to be raised by virtue of this Act, and shall be applied and disposed of for the use of the said Railroad 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 either of the Districts of Quebec, Montreal or St. Francis, 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.

Persons ag-
grieved may
appeal to the
Justices of the
Peace at the
General Ses-
sions.

XLVIII. And be it enacted, That if any person or persons shall think himself, herself or themselves aggrieved by any thing 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 Peace at the General Quarter or General Sessions, to be holden in and for the District.

Limitation of
actions.

XLIX. 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 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 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.

L. And be it enacted, That it shall and may be lawful for the said Company of Proprietors, in constructing and making the said Rail-road, to take and appropriate for the use of the same, so much of the land covered with the waters of the River Richelieu or of the land covered with the waters of the River Saint Lawrence or of any other river or stream, or of their respective beds, as may be found necessary for the making and completing, or more conveniently using the same, and thereon to erect such wharves, quays, inclined planes, cranes and other works, as to the said Company shall seem meet: Provided always, that nothing herein contained shall extend or be construed to extend to authorize the Company of Proprietors to take or appropriate for the use of the said Rail-road, or in constructing or making the same, any part of the bank of the said River Richelieu, or of the land covered with the said River Richelieu, within the distance of one thousand four hundred feet English measure above the bridge across the said River Richelieu, at the Port of Dorchester or Saint John's, unless with the approbation and consent of the Commissioners appointed under an Act passed in the third year of the Reign of His late Majesty King George the Fourth, chapter forty-one, for making a navigable Canal from, at or near the said Town of Saint John's to the Basin of Chambly, nor within three miles from the bridge across the said River Richelieu in the County of Chambly, at the said Town of Dorchester or Saint John's, commonly called Jones' Bridge, unless with the consent of the Proprietors thereof.

Company may take so much of the land covered with the waters of the River Richelieu and waters of the Saint Lawrence, or of any other river or stream, for the use of the said Rail-road as may be needed.

Proviso.

LI. And be it enacted, That the said Company of Proprietors, 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 Rail-road from the navigable waters of the River Saint Lawrence to the Province Line as aforesaid, in manner aforesaid, within ten 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: Provided always, that if the Rail-road herein-before mentioned as leading from the said Rail-road hereby authorized to be made to the said Boundary Line in the Township of Stanstead or elsewhere in the County of Stanstead, shall not also be made and completed within the period of ten years 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 so far as the said Rail-road connecting with the Township or County of Stanstead is concerned: And provided also, that if the Branch of the said Rail-road leading from the said City of Quebec to connect with the said Rail-road as aforesaid, shall not be so made and completed within a further period of ten years, 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 as far as the said Branch is concerned.

Rail-road to be completed within a certain time, or this Act void.

Company annually to submit to the Legislature detailed accounts.

LII. 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, a detailed and particular account, attested upon oath, of the moneys by them received and expended under and by virtue of this Act, with a statement of the amount of tonnage and of passengers that have been conveyed along the said road.

Saving of Her Majesty's rights, and of all other persons, &c.

LIII. 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.

Public Act.

LIV. 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 OCTAVO
VICTORIÆ REGINÆ.

CAP. XXVI.

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

[29th March, 1845.]

WHEREAS it is expedient to continue further for a limited time the several Acts hereinafter mentioned, which might otherwise expire before the next 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, 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 several Acts hereinafter mentioned, that is to say: the Act of the Legislature of Lower Canada, passed in the ninth year of the Reign of His Majesty King George the Fourth, and intituled, *An Act to provide for the more effectual extinction of secret incumbrances on Lands than was heretofore in use in this Province*; and the Act of the said Legislature passed in the same year of the same Reign, and intituled, *An Act to prevent fraudulent debtors evading their creditors in certain parts of this Province*; and the Act of the said Legislature passed in the same year of the same Reign, intituled, *An Act to facilitate the proceedings against the estates and effects of debtors in certain cases*; and the Act of the said Legislature passed in the same year of the same Reign, and intituled, *An Act for the preservation of the Salmon Fisheries in the Counties of Cornwallis and Northumberland*; and the Act of the said Legislature passed in the first year of the Reign of His late Majesty, and intituled, *An Act to encourage the destruction of Wolves*; and the Act of the said Legislature passed in the sixth year of the same Reign, and intituled, *An Act to regulate*

Preamble.

Act of L. C.
9 Geo. IV, cap.
20.

Act of L. C.
9 Geo. IV, cap.
27.

Act of L. C.
9 Geo. IV, cap.
28.

Act of L. C.
9 Geo. IV, cap.
51.

Act of L. C.
1 Will. IV,
cap. 6.

Act of L. C.
6 Will. IV,
cap. 19.
Act of L. C.
6 Will. IV,
cap. 35.
Act of L. C.
6 Will. IV.
cap. 56.

Act of U. C.
11 Geo. IV.
cap. 20.

Act of U. C.
3 Will. IV,
cap. 45.

Act of U. C.
6 Will. IV,
cap. 29.

Act of U. C.
3 Vict. cap. 43.

Act of Canada
4 and 5 Vict.
cap. 36.
The said Acts
continued.

regulate the Fees of persons employed by Justices of the Peace in the Country Parishes, as Clerks or Bailiffs in certain cases ; and the Act of the said Legislature passed in the same year of the same Reign, and intituled, An Act to provide for the Medical Treatment of Sick Mariners ; and the Act of the said Legislature passed in the same Session, and intituled, An Act to repeal a certain Act therein mentioned, and more effectually to remedy divers abuses prejudicial to Agriculture ; and the Act of the Legislature of Upper Canada passed in the eleventh year of the Reign of His Majesty King George the Fourth, and intituled, An Act to authorize the Quarter Sessions of the Home District to provide for the relief of insane destitute persons in that District ; and 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 continue an Act passed in the eleventh year of His late Majesty's Reign, intituled, " An Act to authorize the Quarter Sessions of the Home District to provide for the relief of insane destitute persons in that District," and to extend the provisions of the same to the other Districts of this Province ; and the Act of the said Legislature passed in the sixth year of the same Reign, and intituled, An Act to repeal an Act passed in the forty-ninth year of the Reign of His late Majesty King George the Third, intituled, " An Act to encourage the destroying of Wolves in this Province," and to make further provisions for exterminating those destructive animals ; and the Act of the said Legislature passed in the third year of Her Majesty's Reign, and intituled, An Act to authorize the raising of a sum of money in the District of Niagara, for the purpose of relieving the said District from debt ; and the Act of the Legislature of this Province passed in the Session held in the fourth and fifth years of Her Majesty's Reign, and intituled, An Act to regulate the Fisheries in the District of Gaspé, shall be, and the said Acts are hereby continued, and shall respectively remain in force until the thirty-first day of December, one thousand eight hundred and forty-nine, and thence to the end of the then next Session of the Provincial Parliament, and no longer.

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ANNO OCTAVO
VICTORIÆ REGINÆ.

CAP. XXVII.

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.

[29th March, 1845.]

WHEREAS it is expedient to make the exercise or disposal of certain rights less difficult and expensive, and further to facilitate the Registration of certain Titles relative to Immoveable Property in Lower Canada, by amending and repealing certain parts of 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 prescribe and regulate the Registering of Titles to Lands, Tenements and Hereditaments, Real or Immoveable Estates, and of charges or incumbrances upon 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 interests acquired therein;* and of the Act of the Parliament of this Province, passed in the seventh year of Her Majesty's Reign, and intituled, *An Act to amend the Ordinance providing for the Registration of Titles to Real Property or Incumbrances thereon in Lower Canada, and further to extend the time allowed by the said Ordinance for the Registration of certain Claims:* 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

Preamble.

Ordinance 4
Vict. cap. 30.

Act 7 Vict.
cap. 22.

At whose instance memorials may be registered.

By whom they may be attested

Registration of any deed shall avail to all parties.

Memorial may be registered without further proof.

Indorsation on the deed, &c.

Memorials executed in this Province may be registered without further formality.

Words "legal and customary dower," how to be understood in the said Ordinance.

Married woman may release her dower.

by the authority of the same, That whenever registration shall be made by Memorial in the manner prescribed by the said Ordinance, such Memorial may be executed by and registered at the instance of any party having an interest, direct or indirect, in the registration, or by and at the instance of the debtor or party charged with the incumbrance to be registered; that the Memorial may be attested before any Notary, or any Commissioner appointed to receive affidavits to be used in the Court of Queen's Bench, or any Justice of the Peace, and such Notary, Commissioner, or Justice of the Peace, shall and they are hereby authorized to administer the oath or oaths prescribed by the said Ordinance, and such oath or oaths shall have the same force and effect as if it or they had been administered by a Judge of the Court of Queen's Bench or of any Circuit Court in Lower Canada; that the registration by such Memorial shall avail to all parties interested in the Deed or Instrument to which the Memorial shall relate; and that any such Memorial may, without further proof, be presented to the Registrar or his Deputy for registration by any person whomsoever, and registered, on his producing the Documents on which it shall be founded; and the Memorial shall remain of record in the hands of the Registrar, who shall thereupon mark upon the said Documents,—“Registered by Memorial, (*mentioning the year, month, day and hour of registration, and the books in which the entries are made,*)” and shall certify the same by his signature; and for such certificate the Registrar shall be entitled to the sum of one shilling and six pence, currency.

II. And be it enacted, That any Memorial executed in any part of this Province, may, upon the observance of the formalities aforesaid, and without any other formality whatever, be validly registered at the instance of any person whomsoever.

III. And be it enacted, That the words “legal and customary dower,” in the thirty-fifth section, or in any other part of the said Ordinance, shall be deemed to include not only legal and customary dower, but also stipulated (*préfixe*) or conventional dower; and that such interpretation shall apply to all transactions or acts entered into or done by any married woman since the said Ordinance came into effect, and they shall avail as if such the said section had clearly included and been intended to apply to stipulated (*préfixe*) or conventional dower, as well as to legal and customary dower.

IV. And be it enacted, That it shall be lawful for any married woman, of the full age of twenty-one years, to release her dower and right to dower, whether customary or conventional, (*préfixe*) on any real or immoveable property whatever, by an instrument (*Acte*) separate from and posterior to that by which such property may have been sold, conveyed, exchanged, given, or otherwise alienated either by her husband alone or by her husband and herself jointly, and whether such

such instrument shall be or have been executed before or after the passing of this Act, or before or after the day on which the said Ordinance came into force, and the release of dower to be so made shall have the same effect with regard to such married woman, her children, heirs, or legal representatives, or other persons whatsoever, and with regard to conventional as well as customary dower, as the release of dower made under the thirty-fifth section of the said Ordinance would have under the said section, or the thirty-seventh section, or any other part of the said Ordinance, or of this Act, with regard to the same parties and to the legal or customary dower.

V. And be it enacted, That every Registrar shall provide himself with a sufficient number of books, and shall employ a sufficient number of writers, for the purpose of entering and transcribing therein all Deeds, Instruments and Documents, which shall have been entered in his office for registration on or before the first day of November last, following the orders of the numbers of the entries, so as to form regular volumes, in the order of the dates and numbers of such entries, and which books shall be authenticated by the proper officer,—all which shall be done by each Registrar, so as to complete the registration of the said Documents within six months from the passing of this Act; and in order to facilitate the procuring of certificates of the registration of any Deed or Document, it shall be sufficient that in any such certificate granted within six months from the passing of this Act, and relating to any Deed or Instrument registered on or before the first day of November last, mention be made of the day and hour of the entry for registration, and the number of the entry, without mentioning the book or page, and such certificate shall be taken and allowed as evidence of registry as if granted in the form prescribed by the said Ordinance.

Mode of facilitating the registration of titles fyled on or before 1st Nov. last.

They shall be registered within six months.

Facility afforded for procuring certificates of registration.

VI. And be it enacted, That all entries made as aforesaid shall be as valid, and shall have the same effect in law, as if they had been made in books previously authenticated as required by the said Ordinance: Provided always, that nothing contained in the next preceding Section shall be construed to affect in any manner the mode of registering any deed, instrument, or document which shall have been presented for registration after the said first day of November last, save and except that any certificate of the entry for registration of any such deed, instrument or document, granted before the passing of this Act, or within six months thereafter, mentioning the day and hour of such entry, and the number thereof, without mentioning the book or page, shall be taken and allowed as evidence of the registry as if granted in the form prescribed by the said Ordinance.

Entries made as aforesaid to be valid.

Proviso: Act not to affect deeds registered after 1st Nov. last.

VII.

Prior registration by others not to affect persons in open possession of any property.

VII. And be it enacted, That the registration of any title to or instrument creating any charge, incumbrance, or servitude upon any immoveable property, posterior to the title of any party who shall be in open and public possession of such property as proprietor, shall not affect the title or rights of such party, although the title of such party be not registered until after the registration of such posterior title or instrument.

Duration of Act.

VIII. And be it enacted, That this Act shall continue and be in force for and during the space of two years and to the end of the then next ensuing Session of the Provincial Parliament, and no longer.

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ANNO OCTAVO
VICTORIÆ REGINÆ.

CAP. XXVIII.

An Act to detach the Island of Orleans from the County of Montmorency, for the purposes of Registration of Titles, and to establish a Registry Office in the said Island.

[29th March, 1845.]

WHEREAS from the geographical position of the Island of Orleans, now included in the County of Montmorency, it is at times extremely difficult for the inhabitants of the said Island to have access to the Registry Office of the said County, and it is therefore expedient to establish a separate Registry Office for the said Island: 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 for all purposes of the Act passed in the fourth * year of Her Majesty's Reign, and intituled, *An Act to amend the Ordinance providing for the Registration of Titles to Real Property and incumbrances thereon in Lower Canada, and further to extend the time allowed by the said Ordinance for the Registration of certain claims*, and of the Ordinance therein mentioned and amended, the said Island of Orleans shall, from and after the first day of July, one thousand eight hundred and forty-five, be detached from the said County of Montmorency, and shall, for the said purposes only, be deemed to be a separate and distinct county.

Preamble.

* Sic.

For purposes of 4 Vict. cap. 22, Island of Orleans detached from County of Montmorency.

II. And be it enacted, That from and after the said day, there shall be established in and for the said Island, at such place as the Governor, or person administering the

A Registry Office shall be kept in the said Island.

the Government shall appoint, a Registry Office for the purposes of the Act and Ordinance aforesaid; and it shall be lawful for the Governor, or person administering the Government of this Province, to appoint a fit and proper person to be Registrar of and for the said Island, and from time to time to remove any such Registrar, and to appoint another in his stead.

Certified copies of certain documents in the Registry Office for the County of Montmorency, to be transmitted to that of the said Island.

III. And be it enacted, That so soon as may be after the said day, certified copies of all Memorials, Books, Records, Indexes, Documents and Papers, relating to or in any manner affecting lands, tenements, hereditaments, real or immoveable estates, in the said Island of Orleans, or any charges or incumbrances on the same, originally made, fyled or entered in the Registry Office of the said County of Montmorency, or of which, under the provisions of the said Act, certified copies shall have been or shall be transmitted to the Registrar of the said County, shall by such Registrar be transmitted to the Registry Office to be kept under this Act in the said Island of Orleans, there to remain as part of the records and muniments of the said office; and for such certified copies the Registrar furnishing the same shall receive from and out of the Consolidated Revenue Fund of this Province, a sum equal to four pence currency, per hundred words, contained in such certified copies; and the documents from which such copies shall be made shall remain in and form part of the records and muniments of the Registry Office of the County of Montmorency.

Expense of such copies how to be defrayed.

Registrar's security.

IV. And be it enacted, That the Registrar to be appointed for the said Island of Orleans, shall be required to give security for the due performance of the duties of his office in a sum not exceeding two thousand pounds, currency; any thing in the said Act or Ordinance, or in any other law, to the contrary notwithstanding.

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ANNO OCTAVO

VICTORIÆ REGINÆ.

CAP. XXIX.

An Act to repeal an Act of the present Session relative to the duties on Stills, and to make further provision on the same subject.

[29th March, 1845.]

WHEREAS the Act passed during the present Session and intituled, *An Act to amend the laws now in force imposing a duty upon Distilleries in any part of the Province of Canada*, was passed for a temporary purpose, and it is expedient to repeal the same, and also to provide for the duty to be paid on Stills constructed upon the plan known as "*Riley's Patent*," by which, with a smaller capacity, a much larger quantity of Spirits can be distilled in the same time, than by Stills of the ordinary construction, with reference to which the Acts now in force were 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 the Act cited in the Preamble to this Act shall be and is hereby repealed; and except in cases for which other provision is made by this Act, the duties on Stills shall be levied and paid, and licenses for using the same shall be granted in the same manner, upon the same conditions and under the same provisions as before the passing of the said Act.

Preamble.
Repeal of Act.
Riley's Patent.

Duties on Stills.

II. Provided always and be it enacted, That all Licenses heretofore granted under the authority of the Act hereby repealed, shall remain in force for the time for which they were so granted.

Existing Licenses in force.

III.

Duty upon
new License.

III. And be it enacted, That during the present year, one thousand eight hundred and forty-five, Licenses for keeping and using Stills may be granted, to be in force until the then next annual period fixed by Law for the expiration of such Licenses; and the duty to be paid for any such License shall be the same as if the License had been granted for a whole year, unless the party to whom the same shall be granted, shall have obtained a License under the Act hereby repealed, in which case the sum paid for such License shall be deducted from the duty otherwise payable under this Act.

Duty on
Riley's Patent
Still.

IV. And be it enacted, That the duty to be paid on any Still constructed upon the plan or principle of those known by the name of "*Riley's Patent*," shall be forty pounds, currency, yearly, for each such Still, instead of the duty which without this Act would be payable on such Still, and any person who shall (except during the time a License granted to him for such Still under the Act hereby repealed shall be in force) use any Still constructed on the said plan or principle without having specially mentioned the same in his application for a License, and paid the duty imposed upon the same by this Act, shall be held to have used the same without a License.

Penalty.

Duty of £100
may be paid by
instalments.

V. Provided always, That if the amount of duty payable by any party for a License to use any Still or Stills, shall amount to or exceed one hundred pounds, currency, such amount may be paid quarterly, one-fourth at the time of taking out the License and the one-fourth at the end of each three months thereafter until the whole be paid, and the amount due at any time shall be recoverable with costs by any process by which debts to the Crown may be recovered, and the party by whom any such duty shall be due and unpaid shall be deemed to be without a License, until the same be paid in full, and shall be liable to the penalty imposed on persons acting as Distillers without a License, if during the time the same shall remain unpaid, such party shall use any Still or Stills, or act as a Distiller.

Penalty.

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ANNO OCTAVO
VICTORIÆ REGINÆ.

CAP. XXX.

An Act to make provision for the Levying of Tolls on certain Public Works, and for the proper use of the said Works.

[29th March, 1845.]

WHEREAS it is expedient to provide for the levying of Tolls on the several Public Works constructed at the expence of the Province, mentioned in the Schedule to this Act, on some of which no Tolls have been established by any Act, and on others of which it will be expedient to alter the Tolls heretofore imposed: 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 first day of May, one thousand eight hundred and forty-five, so much of any Act or Law as establishes the Tolls to be taken on any of the Public Works, Roads or parts of Roads, mentioned in the Schedule to this Act, shall be repealed, all and every of which said Public Works are hereby declared to be and are hereby vested in the Board of Works, and it shall be lawful for the Governor, or person administering the Government of this Province, by Proclamation to be issued by and with the advice of the Executive Council at any time before or after the said day, to appoint and establish the Tolls which shall be paid upon the said Public Works, or any of them, upon, from and after the said day, and the regulations by and under which the same shall be collected, and the payment thereof, and the proper using the said Works ensured, and by such regulations to authorize the detention, at the risk and charges of the owner, of any vessel, carriage, animal, goods or thing, on which any

Preamble.

Certain Public Works, Roads, &c., vested in the Board of Works.

New Tolls upon the same.

Penalty.

any such Toll being due shall not be paid, and to impose penalties for the infraction of such regulations not exceeding five pounds, currency, for any one offence, which shall be recoverable in a summary manner before any one Justice of the Peace having jurisdiction in the place where the offence shall be committed, and from time to time by a like Proclamation, to repeal, alter and amend the said Tolls and regulations, or any of them.

Duration of this Act.

II. And be it enacted, That this Act shall continue in force for the space of one year from the date of the passing thereof, and thence to the end of the next ensuing Session of Parliament, and no longer.

S C H E D U L E

OF THE PUBLIC WORKS TO WHICH THIS ACT SHALL APPLY.

The Welland Canal and Feeder, and the Grand River, from Cayuga Bridge to its mouth.

The Welland River, from Port Robinson to its mouth, and the Cut at the Chippewa.

The Burlington Bay Canal.

The Canals at the Galoppes, Point Iroquois, Rapide Plat, and Farren's Point, the Cornwall Canal, the Beauharnois Canal, the Lachine Canal, and the Chambly Canal.

The several Locks and Works on the Scugog River Navigation, and the Navigations therewith connected, viz: from the head of Lake Scugog to Fenelon Falls, and from thence to Mud Lake and Buckhorn Rapids by Sturgeon, Pigeon, and Buckhorn Lakes in the Colborne and Newcastle Districts.

The several Locks, Dams, Slides, and works on the Otonabee River, the Rice Lake, the River Trent, and the Ottawa River, and the Madawaska River.

The Lock on the River Richelieu.

The

The Rondeau, Port Stanley, Port Burwell, Port Dover, Port Maitland, Port Colborne, Port Dalhousie, and Windsor Harbours, with the Basins, Piers and Breakwaters, and other works thereat.

All such parts of the Main Road from Quebec to Sandwich, of the Main Road from Queenston to Hamilton, of the Port Hope and Rice Lake Road, of the Windsor and Scugog Road, of the Main North Road from Toronto to Lake Huron at Penetanguishene, of the Hamilton and Port Dover Road, or of the London and Port Stanley Road, as have been or shall be macadamized, planked, or otherwise improved at the expence of the Province, under the superintendence and management of the Board of Works.

The Chaudière Bridge, near Quebec.

The Cap Rouge Bridge.

The Sainte Anne La Perade Bridge.

The Batiscan Bridge.

The Saint Maurice Bridge.

The Champlain Bridge.

The Union Suspension Bridge, and other Bridges over the River Ottawa between Bytown and Hull.

The Trent Bridge at the mouth of the River Trent.

The Bridge at the Narrows of Lake Simcoe.

The Dunnville Bridge.

The Caledonia Bridge.

The Brandford Bridge.

The Paris Bridge.

The

The Delaware Bridge.

The Chatham Bridge.

And all other Canals, Locks, Dams, Slides, Bridges, Roads, or other Public Works of a like nature, constructed or to be constructed, repaired or improved at the expence of the Province, under the superintendence and management of the Board of Works.

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*This Act repealed
in toto by Statute
10 & 11. Vic: ch: 11.*

ANNO OCTAVO

VICTORIÆ REGINÆ.

CAP. XXXI.

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.

[29th March, 1845.]

WHEREAS by an Act passed in England, in the twenty-first year of the Reign of King James the First, it was 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, all actions of debt grounded upon any lending or contract without specialty, and all actions of debt for arrearages of rent, should be commenced within three years after the end of the then present Session of Parliament, or within six years next after the cause of such actions or suits, and not after: And whereas a similar enactment is contained in an Act passed in Ireland, in the tenth year of the Reign of King Charles the First: And whereas various questions have arisen in that part of the Province which heretofore constituted the Province of Lower Canada, in actions grounded on debts, promises, contracts and agreements of a mercantile nature between Merchant and Merchant, Trader and Trader, so reputed and understood according to Law, not only as to the proof and effect of acknowledgments and promises offered in evidence for the purpose of taking cases out of the operation of the said enactments, but as to the existence of the said Statutes, as part of the law of the land in Lower Canada aforesaid, and it is expedient to prevent such questions, and to make provision for giving effect to the said enactments and to the intention thereof: Be it therefore enacted by the Queen's Most Excellent Majesty,

Preamble.
Recital of
British Act;

And of an
Irish Act.

Written memorandum to be necessary to prove any new or continuing contract.

Proviso as to part payment.

Proviso as to costs when the Plaintiff succeeds against one joint contractor and fails against others.

Provision as to parties pleading in abatement that others ought to be jointly sued.

Provisions as to memorandum made

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 in all actions grounded on debts, promises, contracts and agreements of a mercantile nature, between merchant and merchant, trader and trader, so reputed and understood according to law, 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 said enactments, or either of them, 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 the said enactments, or either of them, 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 either of the said recited Acts or 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.

II. And be it enacted, That if any defendant or defendants in any action or any simple contract 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 that the action could not by reason of the said recited Acts or Act, or of either of them, 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.

III. And be it enacted, That no indorsement or memorandum of any payment, written or made after the time appointed for this Act to take effect upon any promissory

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 either of the said Statutes.

after this Act shall take effect.

IV. And be it enacted, That the said recited Acts and this Act shall be deemed and taken to apply to the case of any debt of a mercantile nature as aforesaid alleged by way of set-off on the part of any defendant, either by plea, notice or otherwise.

This Act to apply to debts alleged by way of set off.

V. And be it enacted, That 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 any ratification after full age of any promise or contract of a mercantile nature as aforesaid, made during infancy, unless such promise or ratification shall be made by some writing signed by the party to be charged therewith.

Provisions as to ratification after full age attained, of contracts made during infancy

VI And be it enacted, That no action shall be brought 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.

Undertakings to answer for as other must be in writing.

VII. And whereas by an Act passed in England, in the twenty-ninth year of the Reign of King Charles the Second, intituled, *An Act for the prevention of frauds and perjuries*, it is among other things enacted, That from and after the twenty-fourth day of June, one thousand six hundred and seventy-seven, no contract for the sale of any goods, wares and merchandize, for the price of ten pounds sterling and upwards, shall be allowed to be good, except the buyer shall accept part of the goods so sold, and actually receive the same, or give something in earnest to bind the bargain, or in part payment, or that some note or memorandum in writing of the said bargain be made and signed by the parties to be charged by such contract, or their agents thereunto lawfully authorized: And whereas a similar enactment is contained in an Act passed in Ireland, in the seventh year of the Reign of King William the Third: And whereas it has been held that the said recited enactments do not extend to certain executory contracts for the sale of goods, which nevertheless are within the mischief thereby intended to be remedied, and it is expedient to extend the said enactments to such executory contracts: Be it enacted, That the said enactments shall extend to all contracts for the sale of goods of the value of ten pounds sterling and upwards, **notwithstanding**

Recital of certain Acts of England and Ireland.

The enactments of the said Acts

extended to
certain cases.

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.

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ANNO OCTAVO

VICTORIÆ REGINÆ.

CAP. XXXII.

An Act Supplementary to an Act of the last Session of the Legislature,
relating to the Administration of Justice in the Gaspé District.

[29th March, 1845.]

WHEREAS in the fifth section of an Act passed in the last Session of the Legislature, intituled, *An Act to establish the District of Gaspé, and to provide for the due administration of justice therein*, it is enacted, That "the Circuit Courts thereby established, and the Judges, and Officers thereof shall have like jurisdiction, power, authority and duties with the Circuit Courts established by the Act passed during the present Session, and intituled, *An Act to amend the Laws relative to the administration of justice in Lower Canada*," and whereas no Act under that title was passed during the said Session, the Act, intituled, *An Act to repeal certain Acts and Ordinances therein mentioned, and to make better provision for the administration of justice in Lower Canada*, being the Act intended, and it therefore is necessary to rectify the error: 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 aforesaid fifth section of the above recited Act, passed in the last Session of the Legislature, intituled, *An Act to establish the District of Gaspé, and to provide for the due administration of justice therein*, and in which fifth section the aforesaid error occurs, shall be and the same is hereby repealed.

Preamble.
Sect. 5, of the
Act 7 Vict. c.
17, cited.

The said section repealed.

II.

Except as here-
in excepted, the
Circuit Courts
in Gaspé, and
the Judges and
Officers thereof,
shall have the
same powers as
are vested in
the Circuit Courts
established by
the 7 Vic. c.
11, and in the
Judges and
Officers thereof,
and the provisions
of the said Act,
shall extend to the
Circuit Courts
in Gaspé.

II. And be it enacted, That except in those cases in which it is otherwise provided by the said Act, passed in the last Session of the Legislature, intituled, *An Act to establish the District of Gaspé, and to provide for the due administration of justice therein*, or where it shall be inconsistent with the enactments thereof, the Circuit Courts thereby established, and the Judges and Officers thereof, shall have like jurisdiction, power, authority and duties with the Circuit Courts established by an Act passed during the last Session, and intituled, *An Act to repeal certain Acts and Ordinances therein mentioned, and to make better provision for the administration of justice in Lower Canada*, and the Judges and Officers thereof respectively, and shall, as shall also the Attorneys practising therein, be bound by the same rules and provisions of Laws and in all suits and actions to be brought therein, an appeal shall lie, or such suits or actions may be evoked or removed to or into the Court of Queen's Bench for the District of Gaspé in like cases, and in the same manner and subject to the same provisions of Law, in and under which appeals lie, or suits and actions may be removed from the Circuit Courts in any other District in Lower Canada, to the Court of Queen's Bench in and for the same, sitting in Superior Term.

The same fees
to be taken on
proceedings in
the Circuit
Courts, in Gas-
pé, as on like
proceedings in
other Circuit
Courts.

III. And be it enacted, That no other or greater fees shall be allowed or awarded by reason of any proceeding or judgment in any or either of the said Circuit Courts to be holden in the said District of Gaspé, or before either of the District Judges therein, than such as are allowed in the like cases in the other Circuit Courts in Lower Canada.

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ANNO OCTAVO
VICTORIÆ REGINÆ.

CAP. XXXIII.

An Act to repeal part of a certain Ordinance therein mentioned, and to enable Notaries to act as Clerks of Circuit and Commissioners' Courts in Lower Canada.

[29th March, 1845.]

WHEREAS by an Ordinance passed by the Governor and Legislative Council of the Province of Quebec, in the twenty-fifth year of the Reign of His Majesty King George the Third, intituled, *An Ordinance concerning Advocates, Attorneys, Solicitors and Notaries, and for the more easy collection of His Majesty's Revenue*, it is among other things provided, that no person shall be or act as Clerk of any Court, who may be a Notary; And whereas great inconvenience has arisen in divers parts of Lower Canada, in consequence of such provision, in so far as the same applies to Circuit Courts and Commissioners' Courts: 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 so much of the said Ordinance as prevents any Notary from being and acting as Clerk of any Circuit Court or Commissioners' Court for the Summary Trial of Small Causes, is hereby repealed; and that from and after the passing of this Act, any Notary may lawfully act as Clerk of any such Circuit Court or Commissioners' Court in that part of this Province formerly the Province of Lower Canada; any law, custom, or Ordinance to the contrary notwithstanding.

Preamble.

Ordinance
25 Geo. III.
cap. 4.

Part of the
said Ordinance
repealed.

Indemnity
clause.

II. And be it enacted, That any Notary who, before the passing of this Act, shall have acted as Clerk of any Circuit Court or Commissioners' Court in Lower Canada, shall be and is hereby indemnified and held harmless for having so done, and all acts done by him in either capacity shall be good and valid as if this Act had been passed before he so acted.

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ANNO OCTAVO

VICTORIÆ REGINÆ.

CAP. XXXIV.

An Act to extend the benefit of a certain Act of Upper Canada therein mentioned, to the Clergymen or Ministers of *The Evangelical Association*.

[29th March, 1845.]

WHEREAS the Ministers and divers Members of the Religious Society or denomination of Christians called *The Evangelical Association*, have, by their Petition to the Legislature, prayed that the privileges and advantages granted to certain other denominations of Christians, by the Act of the Legislature of the late Province of Upper Canada, passed in the eleventh year of the Reign of His Majesty King George the Fourth, and intituled, *An Act to make valid certain Marriages heretofore contracted, and to provide for the future solemnization of Matrimony in this Province*, may be extended to the Members of *The Evangelical Association* aforesaid, and it is expedient to grant the prayer of the said Petition: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That 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 the said religious denomination called *The Evangelical Association*, as fully and effectually to all intents and purposes, and upon the same conditions and restrictions, as if *The Evangelical Association* aforesaid had been among the number

Preamble.

Act of U.C. 11
Geo. IV. cap.
36, cited.

The privileges granted by the said Act to Ministers of other denominations extended to those of *The Evangelical Association*.

of

of the religious denominations mentioned in the said third section, and subject to all the penalties imposed by the said Act for any contravention of the provisions thereof.

This Act to
extend only to
U. C.

II. Provided always, and be it declared and 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 OCTAVO
VICTORIÆ REGINÆ.

CAP. XXXV.

An Act to afford relief to a certain Religious Congregation at Montreal, denominated *Christian Unitarians*.

[17th March, 1845.]

WHEREAS certain inhabitants of Montreal, in the District of Montreal, denominating themselves *Christian Unitarians*, have, by their Petition to the Legislature prayed, that the Reverend John Cordner, their present Minister, or the person who may hereafter have the pastoral charge of the Congregation to which they belong, should be duly authorized to solemnize marriages, record births, administer baptism and inter the dead, and to keep Registers authenticated in due form of law for that purpose, and also that they may be enabled to take and hold the land required for the site of a Church or Meeting-house, School-house, Burial-ground and Dwelling-house for the use of a religious Teacher or Minister: And whereas it is equitable that those privileges should be extended to the said Reverend John Cordner or the Minister for the time being of such Congregation of *Christian Unitarians*, and that the said Congregation should be enabled to take and hold the land required for the site of a Church or Meeting-house, School-house, Burial-ground and Dwelling-house for the use of a religious Teacher or Minister: 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 be it enacted by the authority of the same, That it shall be lawful for the said John Cordner, or any Minister for the time being of the said Congregation, to obtain, have and keep, subject always to the penalties by law in this behalf provided,

Preamble.

Petition recited.

Minister of the said Congregation may keep Registers

Registers

of Marriages,
&c.

Legal vali-
dity of such
Registers.

Entry of birth,
in the place of
entry of bap-
tism permitted.

Proviso:
Age to be
stated.

Land for the
use of the said
Congregation
may be held by
Trustees for
them.

Such Trustees
may take a
conveyance of
the present site
of their Church
in Montreal.

Limitation of
the quantity of
Land to be
held.

Registers duly authenticated according to law of all such marriages, births, baptisms and burials as may be performed or take place under the ministry of such Minister or Clergyman ; and which Registers, the necessary legal formalities as by law already provided in relation to Registers of the like nature being observed, shall to all intents and purposes have the same effect at law, as if the same had been kept by any Minister in this Province heretofore legally authorized ; and an entry or record of the birth of any person regularly made and recorded in the Register to be so kept by such Minister or Clergyman, shall to all intents and purposes have the same effect in law as if the rite of baptism had been administered to such person, and an entry or record thereof regularly made in the Register to be so kept as aforesaid by such Minister or Clergyman, any law to the contrary notwithstanding : Provided that the age of the person to be so registered shall be specified in the Register to be kept as aforesaid.

II. And be it enacted, That whenever the said Congregation shall have occasion to take a conveyance of land for any of the uses hereinbefore set forth, it shall be lawful for them to appoint Trustees, to whom and to whose successors, to be appointed in such manner as shall be specified in the Deed of Conveyance, the land required for all or any of the purposes aforesaid may be conveyed ; and it shall be competent to such Trustees and their successors in perpetual succession, to take, hold and possess such land, and to commence, maintain or defend any action or actions at law, for the protection of or in any way concerning their rights and property therein.

III. And be it enacted, That it shall be lawful for any Trustees to be appointed by the said Congregation under the provisions of this Act, to take a conveyance of the lot of land situated at the place called Beaver Hall, in the said City of Montreal, upon which the said Congregation have recently erected a place of worship, from the persons now holding or who may hereafter hold the same in trust for the said Congregation, and upon such conveyance being made to the said Trustees to be appointed under this Act, the said Trustees to whom such conveyance shall be made, and their successors to be appointed in the manner specified in the Deed of Conveyance to them, shall be competent to take, hold and possess the said lot of land or *emplacement* in perpetual succession, and to commence, maintain and defend any action or actions of law for the protection of or in any way concerning their rights of property therein, in the same manner as they might or could do with respect to any other real estate held by such Trustees under the provisions of this Act.

IV. And be it enacted, That no more than two arpents of land in superficies shall be held in trust in the manner and for the purposes aforesaid for the use of the said Congregation.

V.

V. And be it enacted, That such Trustees shall, within twelve months after the execution of any such Deed of Conveyance, cause the same to be enregistered in the office of the Prothonotary of the Court of Queen's Bench, for the District in which the land so conveyed shall lie, for which enregistration the said Prothonotary shall be entitled to a fee of one shilling currency for every hundred words, and no more.

Trustees to cause all deeds to them to be registered in the Prothonotary's office.

VI. Provided always, and be it enacted, That the Minister or Trustees of the said Congregation shall not be entitled in any respect to the benefit of this Act, unless they shall respectively have taken the Oath of Allegiance before a Judge of the Court of Queen's Bench for the said District of Montreal, (which oath such Judge is hereby authorized to administer) and a certificate of the taking of such oath shall be made by the Prothonotary of the said Court in duplicate and signed by the said Judge, whereof one copy shall be fyled of record in the office of the said Prothonotary, and the other shall be delivered to the person taking such oath, and the said Prothonotary shall be entitled to receive for such certificate and the duplicate thereof, and for fyling the same, two shillings and six pence, currency, in the whole, and no more.

Ministers and Trustees not to have the benefit of this Act until they take the oath of Allegiance.

Certificate of their taking such oath to be fyled of record.

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

Saving of rights not expressly affected.

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

Act to be a Public Act.

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ANNO OCTAVO

VICTORIÆ REGINÆ.

CAP. XXXVI.

An Act to allow the issuing of *Testatum* Writs of *Capias ad Respondendum* in the several Districts in Upper Canada, and for other purposes therein mentioned,

[29th March, 1845.]

WHEREAS it is expedient to make certain amendments in the practice of the Court of Queen's Bench, in that part of the Province of Canada which formerly constituted the Province 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, 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 Clerk of the Crown, from time to time, and he is hereby required to supply his Deputies in each and every District of Upper Canada, with the original and *Testatum* Writs of *Mesne* and final Process, excepting Writs against Lands and Tenements, and that the same shall and may be issued by such Deputies in any District, in the same manner as may be done in the principal office at Toronto.

Preamble.

Clerk of the Crown in U. C. to supply his Deputies with Writs of *Mesne* and final Process.

II. And be it enacted, That the notice on the copy of *Mesne* Process to be served on a Defendant or Defendants, shall be in the form already by law provided ; and that all proceedings upon any suit so instituted in any District shall be continued and carried on in such District to final judgment : Provided always, that the service of papers shall be made upon the Defendant or Defendants, or if he or they appear by Attorney, then upon such Attorney at his office in the usual mode, or upon his Agent at Toronto, according to the existing practice of the Court of Queen's

Form of notice on *Mesne* Process.

Suit to be continued to final judgment in the District.

Proviso:
Court of Q. B.
or Judge in
Chambers, may
change the
Venue.

Queen's Bench : Provided always, that the Court of Queen's Bench, or any Judge thereof in Chambers, on making an order to change the *Venue* in any suit, may order the papers in such suit to be transmitted to and fyled in the office of the Clerk of the Crown at Toronto.

Deputy Clerk
of the Crown
may tax costs,
and enter
judgment in
certain cases

III. And be it enacted, That it shall and may be lawful for such Deputy Clerk of the Crown in each District, to tax the costs, and enter final judgment in all suits commenced within such District where a *Cognovit* shall have been executed, and also in cases of *Non. Pros.* and where judgment shall be final in the first instance, and to issue an original or *Testatum Writ* of *Fieri Facias* or *Capias ad Satisfaciendum*, according to the practice of the Court of Queen's Bench : Provided always, that it shall be lawful for either party, in any suit, to sue out a rule from the principal office at Toronto for the taxation of costs in such said suits by the Master.

Proviso.

Returns to be
made by the
Deputy Clerk
of the Crown
to the office at
Toronto.

IV. And be it enacted, That the Deputy Clerk of the Crown in each District shall transmit to the office of the Clerk of the Crown at Toronto, all judgments by him entered, and the papers thereto belonging, immediately after entering the same ; and that upon receipt thereof such judgments shall be entered of record and docketted in the principal office.

Clerk to file
papers.

V. And be it enacted, That it shall and may be lawful for the Clerk of the Crown at Toronto, in all cases pending in the said Court, where papers are transmitted to him without any charge thereon, to receive and file all such papers in the same manner as if the same had been taken to the said office, by the Attorney or Agent of the Attorney requiring the same to be filed.

Certain Writs
must be sued
out at Toronto.

VI. And be it enacted, That all *alias* and subsequent Writs of final Process, and all Writs against Lands, shall be sued out in the office of the Clerk of the Crown at Toronto.

Office of the
Deputy where
to be held.

Who may not
be a Deputy.

VII. And be it enacted, That the office of such Deputy Clerk of the Crown in each District shall be held in the Court House of each District, if room shall be provided for the same therein ; and that such Deputy shall not be a practising Attorney, or an articled Clerk to any practising Attorney.

Extension of
time for plead-
ing in certain
cases.

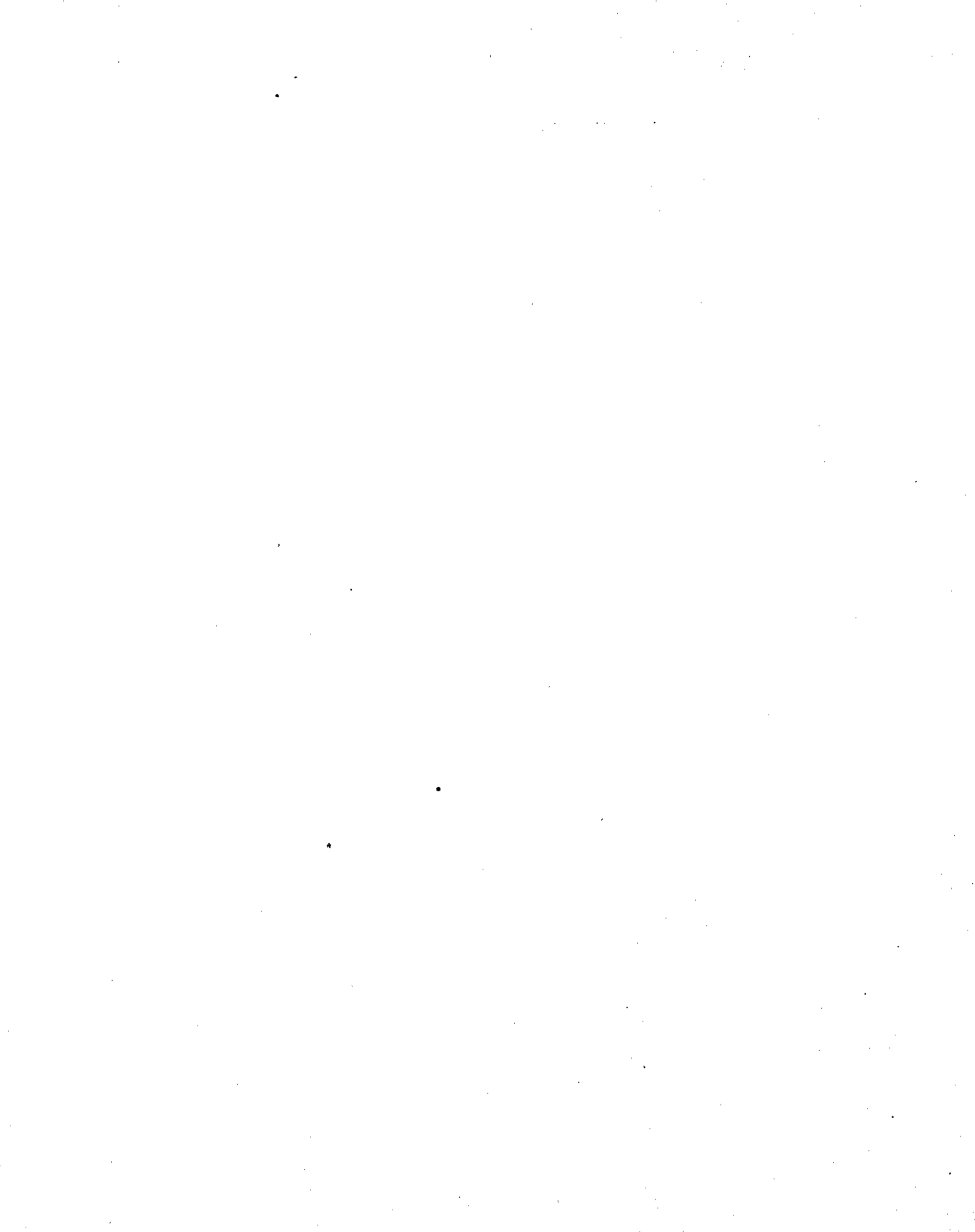
VIII. And be it enacted, That in all cases where a Writ shall have been sued out of the office of any Deputy Clerk of the Crown, for any District east of the Home District, into any District westward thereof, or from such Deputy in any District west of the Home District into a District eastward thereof, the time for fyling an appearance, and for pleading, replying, and rejoicing therein, shall be extended to twelve days ; any existing provision to the contrary notwithstanding.

IX.

IX. And be it enacted, That it shall and may be lawful for each and every such Deputy Clerk of the Crown to issue Rules upon the Sheriff, Coroners or Elisors of his District, for the return of any Writs of *Mesne* or Final Process to him directed, in the same manner as may now be done in the principal office.

Deputy may
issue Rules.

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ANNO OCTAVO

VICTORIÆ REGINÆ.

CAP. XXXVII.

An Act to amend an Act passed in the fourth and fifth years of the reign of Her Majesty, intituled, *An Act to repeal the laws now in force in that part of this Province formerly Upper Canada, for the recovery of Small Debts, and to make other provisions therefor.*

[29th March, 1845.]

WHEREAS an Act, passed in the fourth and fifth years of Her Majesty's reign, intituled, *An Act to repeal the laws now in force in that part of this Province formerly Upper Canada, for the recovery of Small Debts, and to make other provisions therefor*, requires amendment: 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 said Act as relates to the payment of salaries to any Clerks of the several Division Courts, shall be and the same is hereby repealed; and that hereafter such Clerks shall be paid by Fees, to be collected and received according to the Schedule to this Act annexed, in lieu of the salary and emoluments by the said Act allowed and provided, and in lieu of all other emolument or allowance whatsoever, and that no person who is an articulated clerk or a practising attorney shall hereafter be appointed to fill such office.

Preamble.
Act 4 & 5
Vict. cap. 3.
cited.

Clerks to be
paid by Fees
and not by sa-
lary.

II. And be it enacted, That it shall be the duty of the respective Judges of the said Courts to inspect and examine the Quarterly Accounts of the several Clerks within the district of every such Judge, of the Fees and Monies received by them, and

Accounts of
the Clerks to
be examined
by the Judge,

and then forwarded to the District Treasurer.

and to compare such accounts with the Book required to be kept by the Clerk, and with the accounts, papers and minutes of proceedings; and such Judge shall certify on each such account that he has examined the same and believes it to be correct, or if he does not believe it to be correct, he shall state his objections thereto, and the Clerk shall thereupon forward the account with such certificate to the Treasurer of his district.

Justices of the Peace of any District may from time to time appoint, alter and define the limits of the Divisions in their Districts.

III. And be it enacted, That notwithstanding anything in the said recited Act contained, it shall be lawful for the Justices of the Peace of any district in General Quarter Sessions assembled, to appoint the limits and extent of not less than three nor more than nine divisions within their respective districts, and from time to time, but subject to the foregoing restrictions, in like manner to alter the number, limits and extent of such divisions: Provided always, that there shall be one Division Court held in every city and district town.

In certain cases, the plaintiff or defendant may be examined.

IV. And be it enacted, That the proviso to the forty-first section of the said recited Act shall be and the same is hereby repealed; and that from and after the passing of this Act, in any case of debt or contract brought for a demand not exceeding forty-shillings, in which the plaintiff shall give sufficient evidence to satisfy the Judge that the defendant has become indebted to such plaintiff, but the plaintiff shall not have evidence to establish the particular amount, it shall be lawful for the Court in its discretion to examine the plaintiff on his oath, touching the items of such account or to examine the defendant on oath, and to give judgment thereupon accordingly.

Defendant may abandon the excess over £10 in any claim he may have against the plaintiff, and then set off his claims.

V. And be it enacted, That when a defendant hath any claim or demand against a plaintiff exceeding the sum of ten pounds, he may abandon the excess, and on proving such demand he shall be entitled to set off the same in like manner as he is now by law enabled to do in cases where the demand of such defendant does not exceed the sum of ten pounds; and the judgment of the Court on such set off shall be a full discharge, as well of the amount allowed to be set off, as the amount by which such claim of the defendant exceeded ten pounds, and such judgment shall be so entered accordingly.

Verdict of Jury must be unanimous.

VI. And be it enacted, That unless the Jury summoned to attend at any Division Court, and sworn to try the merits of any cause that shall be submitted to them, shall be unanimous, their verdict shall not be received or recorded.

Jury not agreeing in a reasonable time may be discharged.

VII. And be it enacted, That whenever the Judge holding any Division Court shall be satisfied that a Jury sworn in any cause before him cannot agree upon their verdict, after having been out a reasonable time, he may discharge them, and shall

shall then order the Clerk to summon a new Jury for the next sitting of the Court to be held in that Division, unless the parties shall have consented that the Judge may render judgment on the evidence, already taken before him, in which case he is hereby authorized to give judgment accordingly.

VIII. And be it enacted, That every decision of the Judge in any case heard before him, shall be openly pronounced in Court as soon as may be after the hearing thereof. Public decision.

IX. And be it enacted, That every Summons and Writ of Execution issued by a Clerk of any Division Court, shall be entirely filled up, and shall have no blank either in the date or otherwise, at the time of its delivery, to a Bailiff or any other person to be executed; and every such Summons or Execution which shall be issued and delivered to any person to be executed, contrary to the foregoing provision, shall be void. No Writ of Summons or Execution to be issued with any blank in it.

X. And be it enacted, That it shall and may be lawful for any Bailiff or Clerk of the said Courts to accept and take a confession or acknowledgment of debt from the defendant or defendants in any suit hereafter to be brought in any Division Court, who may be desirous of making the same, and such confession or acknowledgment shall be in writing and witnessed by the Bailiff or Clerk at the time of the taking thereof, and upon the production of such confession or acknowledgment to the Judge, and its being proved by the oath of the said Bailiff or Clerk, judgment may be entered thereon, and such oath or affidavit shall state that he has not and is not to receive anything from the plaintiff or defendant, or any other person, for taking such acknowledgment, and that he has no interest in the demand sought to be recovered. The Bailiff or Clerk serving the Summons may take a confession of debt in writing from the defendant.

XI. And be it enacted, That if any person against whom a judgment may have been entered up in any Division Court in any District subject to the operation of this Act, shall remove to another District without satisfying the said judgment, it shall be lawful for the Judge of the Division Court of the District to which the said party has removed to order an Execution for the debt and costs, for which judgment has been rendered in another District, against such party, to issue against such party upon the production of a copy of such judgment duly certified by the Judge of the District for which the judgment has been entered. Writ of Execution.

XII. And be it enacted, That every Writ of Execution issued by the Clerk of any Division Court shall be dated on the day when it shall actually issue, and shall be returnable within thirty days from the date thereof. How dated and made returnable.

XIII.

Bailiff neglecting to return Writ of Execution, or making false return, liable to plaintiff for amount of judgment with interest.

XIII. And be it enacted, That if any Bailiff shall neglect to return any Writ of Execution within three days after the return day thereof, or shall make a false return thereto, the party having sued out such Writ may maintain an action of debt against such Bailiff and his bail in the same Court, and shall recover therein the amount for which the Execution issued, with interest from the date of the judgment upon which such Execution was issued; and if a judgment be obtained in such suit against the Bailiff and his bail, Execution shall immediately issue thereon; any thing in this Act or in any other Act or Law to the contrary notwithstanding.

Goods taken in execution not to be sold within eight days, unless by consent.

XIV. And be it enacted, That no sale of any goods which shall be taken in execution shall be had until after the end of eight days at least next following the day on which such goods shall have been so taken, unless upon the request in writing, under the hand of the party whose goods shall have been taken; and the Bailiff, after taking goods and chattels into his custody by virtue of a Writ of Execution, shall indorse thereon the date of the seizure; and shall immediately give public notice by advertisement signed by himself, and put up at three of the most public places in the division where such goods and chattels shall be taken, of the time and place within such division when and where they will be exposed to sale, which notice shall describe the goods and chattels taken, and shall be so put up at least eight days before the time appointed for the sale.

No Bailiff or Officer of the Court to purchase at a sale under execution.

XV. And be it enacted, That no Bailiff, or other Officer of any Division Court, shall, directly or indirectly, purchase any goods or chattels at any sale made by him under execution, and every purchase made in contravention of this enactment shall be absolutely void.

Clerk and Bailiff of any Division Court to sue and be sued in the next adjoining Division Court.

XVI. And be it enacted, That when any Clerk or Bailiff of any Division Court, either by himself, or jointly with any other person or persons, is liable to be sued, or may sue any other person or persons, for a debt or demand, within the jurisdiction of the Division Court of which he shall be Clerk or Bailiff, then, and in every such case, such Clerk or Bailiff may sue, and shall be liable to be sued for any debt due to or by him, separately, or jointly with any other person or persons, in the next adjoining Division Court for the same District, in the same manner to all intents and purposes as if the cause of action for which any such suit shall be brought had arisen within such next adjoining Division, or the defendant or defendants were resident therein.

Judge may order immediate execution.

XVII. And be it enacted, That it shall and may be lawful for the Judge of the said Court, at any time after the giving and recording of any judgment, upon application being made to him by the party in whose favour such judgment shall be given, upon oath or other sufficient testimony, to the satisfaction of the said Judge, that

that the party will be in danger of losing the amount of such judgment, if he be compelled to wait till the day of payment thereof before any Execution can issue thereon, to order the issue of an Execution at such time as he shall think fit.

XVIII. And be it enacted, That in lieu of the Schedule of Fees to the said recited Act annexed, there shall be payable on every proceeding in the said Division Courts, and to the Clerks and Bailiffs of the said Courts respectively, the Fees which are set down in the Schedule to this Act annexed, and no other; which said last mentioned Schedule shall, for all intents and purposes, be substituted for, and shall in all respects be observed, as the Schedule of Fees to the said recited Act is therein directed to be observed; and the Fees to be received under this Act for the Fee-Fund, shall be taken to be, and the same are hereby declared to be the Fees for which the several Clerks and Bailiffs, and their sureties, respectively, now are or hereafter shall be accountable, by virtue of any bonds or securities by them given or entered into, or to be given and entered into, in pursuance of the said recited Act.

Schedule of Fees annexed to this Act substituted for Schedule annexed to Act amended.

XIX. And be it enacted, That nothing in the said Act, passed in the fourth and fifth years of Her Majesty's Reign, intituled, *An Act to repeal the law now in force in that part of this Province formerly Upper Canada, for the recovery of Small Debts, and to make other provisions therefor*, contained, shall be held to require the service upon any defendant of any Order for payment made under the provisions of the said Act.

Order need not be served on Defendant.

XX. And be it enacted, That the forty-ninth and sixty-third clauses of the said above recited Act, and so much of the ninth section, or of any other part of the said Act, as provides for the payment of any salary or emolument to the Judge be, and the same are hereby repealed.

4 & 5 Vic. repealed.

XXI. And be it enacted, That in any case when the Judge of the District Court shall remove any Clerk of a Division Court and appoint another in his place, and in all cases of appointment of a Clerk by any Judge, the said Judge shall and may direct that the Books, Papers, and all Documents relating to the business or matters of the Division Court, be delivered over to the newly appointed Clerk, and if any person or persons in whose custody, such Books, Papers or Documents may be, shall refuse to obey such order, it shall and may be lawful for Her Majesty's Court of Queen's Bench in Canada West, or for any Judge thereof in vacation, upon proof of service of the order of the Judge of the District Court, upon such person or persons as shall have the custody or possession of such Books, Papers or Documents, to make a Rule or Summons to shew cause why such Books, Papers or Documents should not be delivered in conformity with the order of the Judge of the

Judge may order delivery of Books and Papers to new Clerk of Court.

Penalty on disobedience.

the District Court; and upon proper proof of the service of such Rule or Summons, or on hearing the parties, it shall and may be lawful for the said Court of Queen's Bench or Judge thereof, to order the issue of an Attachment against such person or persons, and in default of the delivering up of the said Books, Papers or Documents to make such Order for the imprisonment or such other punishment of the parties respectively, as the justice of the case to the said Court or Judge shall seem to require.

Similar enactment retrospectively.

XXII. And whereas under the former Act relative to the Court of Requests, various Clerks were appointed for townships and other localities under the Commissioners; and whereas when the Division Court Act was passed, no provisions were therein contained for the delivering up of the Books, Papers and Documents connected with the business and with the claims of suitors; and whereas it has been found inconvenient that such Books, Papers and Documents should remain elsewhere than with the Clerks of the different Division Courts: Be it therefore enacted, That it shall and may be lawful for the Judge of the District Court, by writing under his hand, to require any person or persons in whose possession or custody any such Books, Papers or Documents, shall or may be, to deliver the same, or all, or any, or either thereof as he shall see fit, over to such Division Court Clerk as he shall name, and in the event of the same not being delivered in compliance with such order or requisition, it shall and may be lawful for Her said Majesty's Court of Queen's Bench, or for any Judge thereof in vacation, to proceed against such person or persons in the like manner as provided for in the clause respecting new appointments of Clerks.

Imprisonment for neglect to obey Summons as Witness.

XXIII. And be it enacted, That any person who shall be summoned according to law to give evidence in any Division Court, and who shall neglect or refuse to attend and give evidence accordingly, or to produce any Books or Papers required by such Summons to be produced at such Court, and any person who being in Court and called upon by order of the Court to give evidence, shall neglect or refuse to give evidence with sufficient cause, shall, in addition to the fine now imposed by law, be liable to be imprisoned by order of the said Court for a term not exceeding ten days.

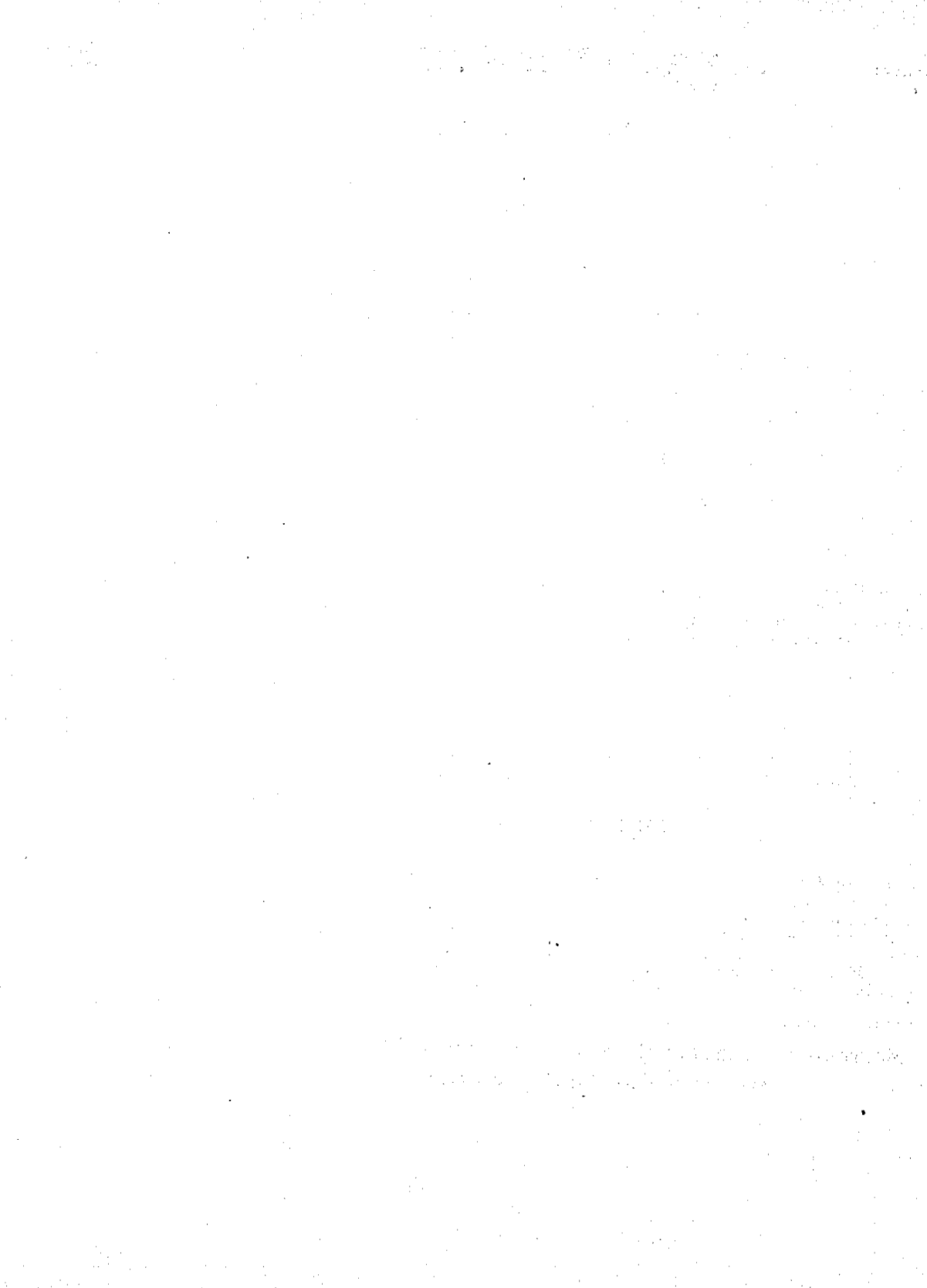
SCHEDULE OF FEES.

FEE - FUND.	Not exceeding two pounds.		Not exceeding five pounds.		Exceeding five pounds.	
	s.	d.	s.	d.	s.	d.
Entering Account and issuing Summons.....	0	4	0	6	1	3
Hearing an undefended cause.....	0	6	0	9	1	3
Hearing a defended cause.....	1	0	2	0	3	9
Every Order for payment (not to be charged where the defendant gives a confession of judgment).....	0	3	0	6	0	9
TO THE CLERK.						
Entering Account and issuing Summons.....	0	8	0	9	1	3
Summons to Witness to attend.....	0	6	0	6	0	6
Taking Cognovit.....	0	6	0	6	0	6
Entering Judgment.....	0	6	0	6	1	0
Every Execution.....	0	6	1	0	1	6
Every Search.....	0	6	0	6	0	6
Deposit to be applied by the Clerk to pay Jurors and Bailiff for Summoning Jury and for calling Jury.....	5	0	5	0	5	0
Every Notice of Trial when there is a Jury.....	0	6	0	6	0	6

TO THE BAILIFF.

	s.	d.
For the Service of every Summons, Order or other Proceedings, on each person.....	0	6
For taking confession.....	0	3
For taking goods in execution.....	2	0
For every Mile travelled, more than two, from the Clerk's Office, to serve Summons or execute Warrant.....	0	4
For every Mile travelled in taking any person committed for contempt, to Gaol.....	0	6
For every Jury sworn, to be paid by the Clerk out of the deposits made.....	1	0

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ANNO OCTAVO
VICTORIÆ REGINÆ.

CAP. XXXVIII.

An Act to regulate the Fees of certain District Officers in that part of this Province called Upper Canada.

[29th March, 1845.]

WHEREAS certain Officers connected with the Administration of Justice in the several Districts in that part of this Province which formerly constituted Upper Canada, are required to perform many services for which no Fees are fixed by law ; And whereas it is proper and necessary to establish reasonable Fees and Allowances for the same, and to provide for the payment 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 it shall be the duty of the several Justices of the Peace in the different Districts of Upper Canada in the General Quarter Sessions of the Peace, to be holden in the month of July next, to frame a Table of Fees for all services now rendered in the administration of Justice, and for other District purposes, by any Sheriff, Coroner, Clerk of the Peace, Constable and Crier, which services are not remunerated by any law now in force ; and that the several Clerks of the Peace shall forthwith transmit such Table to the Clerk of the Crown in Toronto, to be by him laid before the Judges of the Court of Queen's Bench at Toronto, and that it shall be lawful for the said Judges in term time, by any rule or rules to

Preamble.

Fees to be fixed by Quarter Sessions.

Duty of Clerks of the Peace.

be

be by them made from time to time, as occasion shall require, to appoint the Fee which shall be taken and received by such Sheriff, Coroner, Clerk of the Peace, Constable or Crier, for such service as aforesaid.

Mode of levying Fees.

II. And be it enacted, That all Per Centage, Fees or Allowances, on levying Fines and Recognizances, shall be levied over and above the amount of such Fines and Recognizances, and all Fees on service for the private benefit of or in the nature of a civil remedy, for individuals at whose instance the same are performed shall be paid by such individuals, and that the Judges shall, in the Table to be by them framed as aforesaid, distinguish the Fee to be paid by private individuals, and that, except as is in this Act otherwise provided, all other Fees shall be paid out of the District Funds.

By whom costs in prosecutions for assault and battery are to be paid.

Proviso,—Cases of felony.

Proviso, as to Fees for services not mentioned therein.

III. And be it enacted, That when any person or persons shall be convicted before any Court of Quarter Sessions of any assault and battery, or other misdemeanor, such person or persons shall pay such costs as shall be allowed and taxed by the Court, but when any Defendant or Defendants shall be acquitted, the costs of the prosecution shall be paid out of the District funds : Provided, that when any person or persons shall be prosecuted or tried for Felony and convicted or acquitted, or shall be otherwise discharged, the costs of prosecution shall be paid out of the District funds : Provided also, that nothing herein contained shall be construed to extend to deprive any of the before mentioned Officers of such Fees as are allowed by any Act of Parliament now in force in this Province, for other services not herein provided for.

Penalty for any Officer taking higher Fees for the said services.

Proviso as to Fees for other services.

IV. And be it enacted, That if at any time after the passing of this Act, any Officer hereinbefore mentioned shall wilfully and knowingly demand or receive any other or greater Fee or Allowance than the Fee and Allowance, Fees or Allowances established by this Act, for any or all the services performed by them respectively, he shall, for every such offence, forfeit and pay the sum of ten pounds, to any person who shall sue for the same by action of debt, bill, plaint or information, in any Court having competent jurisdiction to hear and determine the same : Provided, that nothing herein contained shall prevent any such Officers from demanding and receiving any Fee allowed to them respectively by any other Act of Parliament now or hereafter to be in force in this Province, for other services.

District Treasurer's duty.

V. And be it enacted, That the Treasurer of every District shall pay the amount for such Fees, which are payable out of District funds, when duly allowed by the Magistrates in Quarter Sessions assembled, and without further authority, in the order prescribed for the payment of the expenses of the administration of Justice, in and by the fifty-ninth section of the Act of the Parliament of this Province, passed

passed in the fourth and fifth years of Her Majesty's Reign, intituled, *An Act to provide for the better internal Government of that part of this Province which formerly constituted the Province of Upper Canada, by the establishment of Local or Municipal authorities therein.*

VI. And be it enacted, That all such Suits and Actions shall be brought before the end of six Calendar months after the offence committed, and not otherwise.

Limitation of
Suits for penal-
ties.

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ANNO OCTAVO
VICTORIÆ REGINÆ.

CAP. XXXIX.

An Act to authorize the appointment of a Reporter in the Court of Chancery.

[29th March, 1845.]

WHEREAS it is desirable that the decisions of Her Majesty's Court of Chancery in this Province should be recorded and published for general information, and there is reason to believe that the same cannot be effected otherwise than by the employment of a Reporter to the said Court, under proper regulations: 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 Law Society of that part of this Province called Upper Canada, in convocation, by an Instrument under the Seal of the Society, to appoint a fit and proper person to be Reporter of the said Court of Chancery, such Reporter to be amenable to the said Society, in convocation, for the correct and faithful discharge of his duty, and to be subject to such rules and regulations for the discharge of the duties of his office, as shall or may be made for that purpose by the said Society, in convocation, with the approbation of the Vice Chancellor; and it shall be in the power of the said Law Society, in convocation, to remove such Reporter, and to appoint another in his place from time to time: Provided always, that no person shall be eligible to the office of Reporter other than Members of the said Society of the degree of Barrister at Law, and that no appointment to or removal from the said office shall take place without the approbation of the Vice Chancellor of the said Court, signified to the said Society

Preamble.

The Law Society of Upper Canada to appoint a Law Reporter to the Court of Chancery. And make rules for his government. Society may remove him.

Proviso, Qualification and conditions.

Approval of the Vice-Chancellor.

Proviso, as to
Reporter of
Q. B.

Society in writing under the hand of such Vice Chancellor : And provided always, that nothing herein contained shall prevent such office being held by the same person as may, for the time being, be Reporter to the Court of Queen's Bench in and for the same part of this Province.

Duty of such
Reporter.

II. And be it enacted, That it shall be the duty of such Reporter to report as well the substance of such of the verbal decisions of the Court as shall be of general importance, as to report also such decisions as may be delivered in writing ; and it shall further be his duty, without any unnecessary delay, to cause such reports to be fairly entered in a book, and to submit the same for the inspection of the Vice Chancellor, which reports, after due examination and correction, shall be signed by the said Vice Chancellor.

Reports to be
corrected by
the Vice-
Chancellor.
Signed.

Publication of
Reports.

III. And be it enacted, That such Reporter shall be at liberty to print and publish such reports, or a digest thereof ; and it shall be his duty so to do whenever thereto required by the said Law Society, in convocation, and in such manner as the said Law Society shall direct, the profits arising therefrom to belong to such Reporter.

Salary limited
to £100 ; and
how provided
for.

IV. And be it enacted, That the salary of such Reporter shall not exceed the sum of one hundred pounds per annum, and shall and may be fixed at or varied within the said amount as the said Law Society, in convocation, shall think just and proper ; and for the purpose of providing such salary, it shall be in the power of the said Law Society, in convocation, to appoint such sum as they may think proper not exceeding the sum of one pound and five shillings, to be paid to the Treasurer of the said Law Society annually by every Solicitor of the said Court practising therein ; and in case of persons being as well such Solicitors as also Attorneys of the said Court of Queen's Bench, it shall be lawful for the said Law Society, if they shall think fit, to appoint one sum of money to be paid by any such person annually as such Solicitor and Attorney.

Solicitors in
Chancery to
pay a sum an-
nually to the
Treasurer of
Law Society.
Certificate.

Registrar's
Fee.

V. And be it enacted, That every Solicitor practising in the said Court shall annually, on or before the twentieth day of August, pay to the Treasurer of the Law Society such sum of money as shall in that behalf be appointed as aforesaid ; and thereupon the Registrar of the said Court shall, upon production of a receipt for such payment on or before such twentieth day of August, give to such Solicitor a certificate of his being a Solicitor of the said Court of Chancery ; for which certificate such Registrar shall be entitled to a Fee of two shillings and six pence, currency.

VI. And be it enacted, That if any Solicitor shall neglect to take out such certificate within the time aforesaid, he shall not be entitled thereto until he shall have produced a receipt from the Treasurer of the Law Society for the sum of four pounds ; and if any Solicitor shall practise in the said Court, without such certificate, he shall forfeit the sum of ten pounds, to be recovered by information in Her Majesty's said Court of Queen's Bench, and to be paid into the hands of the Treasurer of the said Law Society : Provided always, that nothing herein contained shall extend to require any person admitted as such Solicitor after the said twentieth day of August in any year, to take out any certificate as aforesaid, before the twentieth day of August following.

Penalty for not taking out certificate.

Or practising without it.

Proviso:

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ANNO OCTAVO

VICTORIÆ REGINÆ.

CAP. XL.

An Act to repeal certain Ordinances therein mentioned, and to make better provision for the establishment of Local and Municipal Authorities in Lower Canada.

[29th March, 1845.]

WHEREAS experience hath demonstrated that the Ordinances hereinafter mentioned, are not and cannot be adapted to the present state of Lower Canada, and that it is necessary to make other Legislative provision for the establishment of Municipal Institutions in that portion of 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 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*, shall be, and the said Ordinances, from and after the first day of July next, are hereby repealed.

Preamble.

Ordinances of
L. C. 4. Vict.
caps. 3 and 4,
repealed.

FIRST

FIRST PART.

PARISHES AND TOWNSHIPS.

Inhabitants of each Parish or Township incorporated.

Their Corporate powers.

II. And be it enacted, That the inhabitants of every Parish or Township, or other Territorial Division recognized or designated as a Municipality in the manner hereinafter provided, (and any such Territorial Division shall be included by the words "Parish" and "Township" wherever they occur in this Act,) shall be a body politic or corporate, by the name of "*The Corporation of the Parish (or Township) or Municipality of* (as the case may be,)" and shall by that name have perpetual succession, and may or may not, as to the said Corporation shall seem meet, have a common seal, and may sue and be sued, and may acquire and hold and enjoy real property within the limits of such Parish or Township or Municipality, not exceeding in amount the yearly value of two hundred pounds currency, and 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.

Each Corporation to be represented by a Council.

III. And be it enacted, That each of the said Corporations shall be represented by, and its duties performed and powers exercised, by and through a Parish Township or Municipality Council, to be chosen and appointed as hereinafter provided.

Actions by or against the Corporation how to be brought.

IV. 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; but the Council may appoint and change at pleasure the Advocate or Attorney to be employed in any such case.

First Election of Councillors.

Number of Councillors.

V. And be it enacted, That on the second Monday in the month of July next, the inhabitants of each Parish or Township shall hold a meeting, at which the senior Justice of the Peace resident therein and present, shall preside, (or in default of a Justice of the Peace, such person as the majority of the persons present at the meeting shall appoint,) and shall, after this Act shall have been read, proceed to elect seven persons qualified to vote, to be Councillors, and to compose the Parish, Township or Municipality Council mentioned in the third section.

How and by whom the elections are to be conducted and determined.

VI. And be it enacted, That the said inhabitants being householders shall, at every such meeting, first proceed to the election of a Councillor or Councillors; and the Poll for such election, if demanded by any Candidate or by any electors then present, shall

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 shall then 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 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 favour, to be duly elected Councillor or 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.

Case of equality of votes.

Poll Lists to be delivered to Clerk of the Council.

VII. And be it enacted, That the first meeting in each Parish or Township shall be called by a notice to be given publicly at least eight days previous, at the door of the churches or other places of public worship, 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 under the fifth section may preside at the meetings therein mentioned, or by any three electors of such Parish or Township : Provided that any meeting may be legally held, and proceedings aforesaid may be had thereat, even without any previous calling thereof, if there be sixty electors or upwards present at such meeting.

How the meeting for the first Election shall be called.

Proviso, as to meetings at which 60 Electors shall attend.

VIII. And be it enacted, That at each subsequent general meeting of the inhabitants of any Parish or Township, which shall be held in every year on the second Monday in July, the senior Councillor present thereat shall preside ; and it shall be the duty of the Council to provide that there be at least one Councillor present at each such meeting.

At subsequent elections the senior Councillor present shall preside.

IX. And be it enacted, That no person shall vote at any such general meeting, 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 aleu*, free and common soccage, *en fief*, or *en roture*, 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,

Who shall vote at such elections.

Property qualification.

Residence.

unless, in either case, he shall have resided in the Parish or Township 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.

Exemptions.

X. 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: 1st. Persons in Holy Orders, or being Ministers of any religious denomination; 2dly. 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; 3rdly. Officers of Her Majesty's Army or Navy on full pay, Practising Physicians, Surgeons and Apothecaries. And the following persons shall be exempt from serving in any such office, except with their own consent: 1stly. Schoolmasters actually engaged in teaching; 2ndly. Any Miller who shall be the only one employed in a mill; 3rdly. Persons of more than sixty years of age; 4thly. 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.

Term of service.

XI. And be it enacted, That the seven 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 three years, with the exception mentioned in the next following section.

Two Councillors to retire at the end of each year.

XII. And be it enacted, That at the end of the first year after their election, two of the Councillors (to be determined by lot) shall go out of office; two more (to be determined in like manner,) shall go out at the end of the next following year, and the Chairman or Mayor and the two remaining Councillors shall go out at the end of the third year; and at the first meeting of the Council, the two Councillors who are to go out at the end of the first and second years respectively, shall be determined by lot; but any Councillor so going out may be re-elected with his own consent.

Person presiding at general meeting to administer oath.

XIII. 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 the next section; 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.

XIV.

XIV. 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 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 Parish (*or* Township *or* Municipality) of

Councillors elected must take an oath of office within eight days. Oath.

: So help you God." And any person elected a Councillor for any Parish, Township, or Municipality, shall, after having taken the said oath, or made the said affirmation, be deemed to be legally appointed to the said office, and shall be bound to perform the duties thereof.

XV. 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 mention of the taking of such oath or affirmation shall be made in the Journal of the Council.

A like oath of office to be taken by each officer of Council.

XVI. And be it enacted, That if any Parish, Township or Municipality shall refuse or neglect to elect Councillors in the manner hereinbefore provided, the Governor shall appoint them *ex-officio*, 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 will go out of office and be replaced as ordained by the twelfth section of this Act.

Governor to appoint Councillors if the Parish or Township do not.

XVII. And be it enacted, That every person elected or appointed to the office of Councillor in any Parish, Township or Municipality shall, within eight days at farthest after receiving notice of his election or appointment, accept the said office, and take the oath of office prescribed by the fourteenth section of this Act, under a penalty of not less than five pounds nor more than ten 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 distress 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 the Mayor or temporary Chairman of the Council, or of any Justice of the Peace within or near the place, to be issued at the instance of the Secretary-Treasurer, or of any inhabitant elector of the Parish, Township or 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.

Penalty on persons elected Councillors and refusing to serve.

How levied.

Distribution of penalty.

XVIII.

Councillors refusing to take the oath, shall be replaced by another election.

XVIII. And be it enacted, That after the refusal or neglect as aforesaid of any person elected as a Councillor, to take the oath of office, it shall be lawful for any one of the other Councillors, having taken the oath of office, and they are respectively hereby required, to call a general meeting of the Parish, Township or Municipality, to elect another Councillor in the place of such person, by public notice given eight days previously, in the manner provided by the seventh section; and after the refusal of any Officer or Functionary appointed by the Council, such Council shall appoint another in his stead.

Other Functionaries refusing.

Vacancies occasioned by death, illness, &c., how to be filled.

XIX. 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 Parish, Township, or Municipality, or of his absence for more than six months, or serious illness or incapacity happening after his election or appointment, such vacancy shall be filled either by election at a general meeting called as aforesaid, or by the Council, as the case may require.

Council to elect a Chairman or Mayor.

XX. And be it enacted, That within eight days at latest after all the Councillors shall have taken the requisite oath of office, they 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 Parish (Township or Municipality) of* " adding the name of the Parish, Township or Municipality.

Questions to be decided by majority. Casting vote.

XXI. And be it enacted, 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.

Quarterly meetings.

And others.

Notice of meetings.

Sittings to be public. Exception.

XXII. And be it enacted, That there shall be four regular quarterly sittings of each Council in every year, to be held on the first 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 and hour of all, and shall give public notice accordingly; and their sittings shall be public; but they may, nevertheless, in all cases where they shall deem secrecy important, deliberate with closed doors, and cause the public to withdraw.

Councils to make rules.

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

XXIV.

XXIV. And be it enacted, That each Council shall appoint three Assessors, who shall be also the Valuers of all property liable to assessment and rates; a Secretary of the Council, who shall at the same time be the Treasurer of the Corporation; 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.

Councils to
appoint certain
Officers.

XXV. And be it enacted, That each Council shall have power, after a previous estimate of the expenses necessary to be incurred for any purposes within their jurisdiction, to raise and assess such sum as may be necessary to cover the amount of such estimate, and to cause the same to be apportioned by rate, upon the owners of property liable to assessment and being within the Parish, Township or Municipality, whether such owners be or be not resident therein, in proportion to the value of their respective rateable property in the Parish, Township or Municipality: Provided that such rates shall not in any one year exceed in the whole three pence in the pound on the value of such property.

After a pre-
vious estimate,
Council may
assess the sum
requisite for
any purpose
upon the inha-
bitants.

XXVI. And be it enacted, That the said rates shall be payable by and recovered from the owner, occupant or possessor of rateable property, and shall, if not paid for want of personal property, or goods or chattels, to be sold or disposed of as provided in the thirty-fifth Section of this Act, be a special charge, bearing *hypothèque* and not requiring registration to preserve it, on all immovable property, which said property, or so much thereof as may be necessary, will be liable to be sold after a lapse of five years, whatever be the amount due.

Rates how
payable or re-
coverable.

XXVII. And be it enacted, That the Councils of the several Municipalities shall cause the necessary assessments to be equally rated upon all the immovable property within their jurisdiction in proportion to the value of such property respectively: Provided that unconceded lands in Seigniories shall be free from assessment; but that all Seigniors shall pay one-fortieth part of the sum assessed in the Parish or portions of Parishes of which they are Seigniors.

Assessments
on immovable
property and
Seigniories.

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

Duties and
powers of
Council.

First. The opening, construction, alteration or removal of the Highways and Public Bridges within the Parish, Township or Municipality, conformably to Law.

Roads and
Bridges.

Secondly. The Division of the Parish, Township or Municipality into Surveyor's and Overseer's Districts.

Parish, &c.
Divisions.

Thirdly.

- Statute Labour.** Thirdly. The direction of the labour required by law for the making, repairing, and gradual improvement of the Highways and Public Bridges.
- Public Pounds.** Fourthly. The establishment of Public Pounds for the safe keeping of animals found doing damage or astray on the highways and public bridges, or on the lands of others than the owners of such animals.
- Water-courses.** Fifthly. The regulation of the manner in which fences, ditches, and water-courses, either between neighbours, or by the side of highways or of roads between neighbours, or other water-courses whatsoever, shall be made and kept in order.
- Toll-Roads, &c.** Sixthly. 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.
- Borrowing money.** Seventhly. 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 the twenty-fifth Section.
- Requiring security.** Eighthly. The requiring of sufficient security from all persons accountable for the Parish, Township or Municipality monies, and from all Contractors with the Council, and the fixing of the amount of such security.
- Contracts.** Ninthly. 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.
- Imposing rates.** Tenthly. The imposing of any rate payable in money, produce or work, which may be required for the benefit of the Corporation.
- Time and mode of levying rates.** Eleventhly. The fixing and altering, as occasion may require, the times at which the contributions or rates are to be paid by the parties liable, and the mode of levying them.
- Rating Assessments.** Twelfthly. The superintendence of the due rating or apportionment of all sums or contributions assessed or imposed by them.
- Ferries.** Thirteenthly. The granting of Licenses for Ferries, and fixing and levying the Tolls at such Ferries.

Fourteenthly.

Fourteenthly. The purchasing and acquiring of immovable 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 Parish, Township or Municipality.

Acquiring property.

Fifteenthly. 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.

Investment of monies.

Sixteenthly. 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.

Paying Officers.

Seventeenthly. The fixing and determining as occasion may require, the times, places, and hours of their sittings, in addition to the quarterly sittings prescribed by the twenty-second section of this Act.

Times and places of their sittings.

Eighteenthly. The causing to be made by the Assessors or other proper persons, a valuation of the ratable immovable property of the inhabitants of the Parish, Township or Municipality, according to the twenty-fifth section of this Act, once in every five years, such valuation to be considered as the basis for the assessments, rates and contributions to be levied in the Parish, Township or Municipality, under any law whatsoever.

Valuation of property liable to assessment.

Nineteenthly. The selection and appointment of fit and proper persons to take the Census of the Parish or Township, 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 Parish, Township or Municipality.

Census Officers.

Twentiethly. 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.

Regulations for carrying laws into effect.

Penalties limited.

Twenty-firstly. The obliging each wholesale or retail Trader to take out a License for keeping his Store or Shop, and the proportioning of the sums to be paid for the same, which shall not be less than forty 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 twelve pounds, ten shillings, currency.

Licenses for Traders.

Twenty-secondly. The granting of Licenses to keep Temperance Houses of public entertainment, the sum to be paid for which shall not be less than twenty shillings nor more than seventy-five shillings currency.

Temperance houses.

Twenty-thirdly.

Causing ac-
counts to be
rendered.

Twenty-thirdly. 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 Parish or Township or Municipality, and for causing the amount to be paid over to their Secretary-Treasurer.

Twenty-fourthly. The making Rules and Regulations for trying Contested Elections of Members of their own Body, and the trying of the said Contested Elections.

District of
Gaspé.

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

Powers of
Grands Voyers
vested in
Councils.

XXX. And be it enacted, That all and every the powers and authorities which, by any Act or Acts, Ordinance or Ordinances of the Legislature, or any Law or Laws of the Legislature of Lower Canada, were formerly vested in and would have been legally exercised by the *Grands Voyers* of the said Province, or by any Magistrate, with regard to any Highways or Bridges, 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 Parish, Township or Municipality Councils hereby established, within their respective limits; 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 the making of ditches or outlets, 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 Parish, Township or Municipality Councils respectively as aforesaid; any law, usage or custom to the contrary thereof notwithstanding.

Parishes, &c.
having less
than 300 souls
to be united to
others.

XXXI. And be it enacted, That any Parish or Township, having a population of less than three hundred souls, may be united to one of the adjacent Parishes, Townships or Municipality in the same County, as provided for in other cases by the fortieth section of this Act, to be again separated therefrom when its population shall amount to three hundred souls, except only in the cases provided for in the forty-first section.

XXXII.

XXXII. And be it enacted, That the Secretary Treasurer of the Council shall keep a Book, in which shall be entered the Minutes of the proceedings of the Council and the Rules and Regulations made by the same; 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.

Minutes and Registers to be kept.

XXXIII. 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.

Documents and Papers belonging to the Parish or Township, to be returned to the Council.

XXXIV. And be it enacted, That any such Council may, by action before any competent Court, compel any party having any Papers or Documents, or any property moveable or immovable 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.

Action to compel the delivery of such property.

XXXV. And be it enacted, That every Court of Commissioners for the trial of Small Causes, held within the County in which the Parish or Township shall be situate, or any Justice of the Peace residing in such Parish or Township, or in any adjacent Parish or Township, shall be and is hereby declared a competent Tribunal to take cognizance of, hear and determine any contest which may arise relative to the carrying into effect of 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 distress 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.

What shall be a competent Tribunal to try cases arising under this Act.

XXXVI. And be it enacted, That an Appeal shall lie from such judgment to the nearest Circuit Court or nearest Court of Queen's Bench in Inferior Term, on the Appellant's giving security that if the Appeal be dismissed, the costs incurred and the sum or thing touching which the Appeal is brought, shall be paid, delivered or reimbursed.

Appeal to the Circuit Court.

XXXVII.

Notice of Appeal.

Such Appeal to be prosecuted without delay.

XXXVII. And be it enacted, That the Appellant shall give notice of his intention to Appeal, within three days after the rendering of the judgment, to the Court who shall have rendered it, and such Appeal shall be begun and prosecuted before such Circuit Court, or nearest 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.

Certain parts of the Parishes of Quebec, Montreal and St. Roch, excepted.

XXXVIII. 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.

False swearing or affirming to be perjury.

XXXIX. 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.

Recital as to Boundaries.

Governor in Council may declare and alter boundaries of Parishes and Townships.

XL. And inasmuch as in certain parts of Lower Canada there are Parishes legally established as such for the Roman Catholic and Protestant Communions, respectively, the limits whereof do not coincide, or which include parts of several Townships, and Townships in which the several Settlements have no actual and direct means of communication with each other, in all which localities great difficulty may occur in carrying this Act into effect; For remedy thereof, Be it enacted, That the Governor in Council shall have power from time to time to define by Proclamation the boundaries which are to circumscribe any tract which is to form a Municipality, either by declaring by Proclamation a Roman Catholic or a Protestant Parish to be a Municipality, or by uniting two Parishes, or a part of a Parish to another Parish, or divers parts of Parishes or Townships to each other, or a part or parts of any Township or Townships, or a Township to any other Township; and each tract of land so circumscribed and bounded, shall be deemed to be a Municipality, (that is to say, a Parish or Township,) for all the purposes of this Act, until the boundaries thereof shall be again altered in like manner by the Governor in Council.

Parishes or Townships may be permanently united.

XLI. And be it enacted, That upon petition to that effect from any two or more adjoining Townships or Parishes situated in the same County, the Governor in Council shall have power to unite permanently the same into one Municipality; and in case of such union of several Parishes or Townships in one Municipality, each shall be represented by three Councillors elected by each of them; and such Councillors and Council shall be regulated by the provisions of this Act.

XLII.

XLII. And be it enacted, That if any petition praying for such permanent union of Townships or Parishes is presented by the Municipal Council thereof alone, the same shall not be acted upon until confirmed by a general meeting of the Parish or Township duly called for that purpose ; and that no Parish or Township shall be permanently united to another, unless its consent be so expressed.

No Parish or Township to be so united against the wish of the inhabitants.

XLIII. And be it enacted, That nothing in this Act contained shall have the effect of delaying, annulling or preventing the operation of any *Procès-Verbal* or by-law of Municipal Council obliging the inhabitants of one or of several Parishes or Townships, or any of them, to perform labour on any public road, bridge or water-course out of their respective Parishes or Townships, but that such public road, bridge or water-course 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 Municipal Council of the Parish or Township wherein may be situate the public road, bridge or water-course on which such non-resident inhabitants may be obliged by such *Procès-Verbal* or by-law to perform labour, 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.

This Act not to prevent the effect of certain *Procès-Verbaux*.

XLIV. And whereas some of the objects for which Municipal Institutions or Corporations are established by this Act cannot be obtained without the co-operation of two or more Townships or Parishes ; Be it therefore enacted, That when any Council shall conceive that for the due execution of any provision of this Act, they are entitled to require the co-operation of one or more of the neighbouring Townships or Parishes, the said Council shall, by an address to the Council or Councils, whose co-operation they may need, containing the names of two Delegates from their own body upon the matter for which they require such co-operation, request the nomination of two Delegates from each of such Council or Councils so addressed, to meet their own, with which address or request it will be the duty of each Council so addressed to comply within twelve days after the receipt of such address or request : the same request shall also be sent to the Mayor, or his substitute, and two of the Councillors of the most populous adjoining Township, Parish or Municipality not interested, and the said Mayor or his substitute shall preside at the said meeting of Delegates.

Provisions for cases in which the co-operation of two or more Municipalities shall be necessary.

XLV. And be it enacted, That the said Delegates shall meet in the first instance at the place of meeting of the addressing Council, the day and hour being previously determined by the Delegates of the addressing Council, the said hour not being earlier than ten of the clock in the morning nor later than two of the clock in the afternoon ; that the said Delegates shall deliberate among themselves on the

Meeting of Delegates and their proceedings.

Power to adjourn.

matter

Their decision
to be binding.

† *Sic.*
Umpire in case
of equal divi-
sion.

Decision to be
by majority.

Clerk of the
meeting.

matter referred to them, and if they cannot come to a decision on the first day of their meeting they must adjourn to the next or any other day, and so on until they are agreed : their decision shall be binding on the Townships or Parishes for which they shall have been so delegated ; but in case of equal decision,† the Mayor shall be umpire, and his decision shall be final.

XLVI. And be it enacted, That in the meeting of Delegates, all matters shall be determined by a majority of votes ; no Delegate to absent himself from the meeting under a penalty of twenty shillings per day during such absence ; the Mayor presiding at the said meeting shall nominate the Clerk of the meeting.

SECOND PART.

VILLAGES, TOWNS AND BOROUGHS.

Inhabitants of
a Village may
address the
Council to
have limits as-
signed to it.

XLVII. And be it enacted, That the inhabitants entitled to vote at elections of Parish or Township Councillors, in each Village or Town not already incorporated, containing sixty 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-owners 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 Parish or Township, praying them to fix limits and boundaries for such Village or Town for the purposes of this Act.

Justice of the
Peace may call
a meeting.

Notice of such
meeting.

XLVIII. And be it enacted, That it shall be the duty of the Senior Justice of the Peace, on being thereunto requested by any thirty landowners in any Village or Town containing sixty 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 the Public Worship, (and if there be no place of Public Worship, then at two of the most frequented places in the Parish or Township in which the Village or Town shall be situate,) a meeting of the land-owners, and of the tenants paying respectively a rent of not less 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 Parish or Township to fix limits and boundaries to such Village or Town.

Petition to be
acted upon
forthwith by
the Council.

XLIX. 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 Parish or Township 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

shall have power; on receipt of a duly attested record of the proceedings had by such Parish or Township Council, 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 such Parish or Township, 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 Parish or Township to diminish the limits of any Town, Borough or Village already fixed by competent authority.

Description of boundaries to be published.

L. And be it enacted, That after the publication of the limits assigned to any Village, Town or Borough, by the Council of the Parish or Township, one of the Councillors of such Parish or Township shall call a public meeting of the landowners 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, and shall preside at such meeting, at which five persons resident therein, and being electors, shall be elected to be Councillors for such Village or Town, if there be not more than sixty houses therein, and seven such persons shall be so elected to be Councillors if there be more than sixty houses: Provided always, that no elector for any Village or Town shall, after the incorporation thereof, vote at any election under this Act, for the Parish or Township in which such Village or Town may lie, nor shall any elector for the Parish or Township thereafter vote at any election for such Village or Town, nor shall any person vote at any election held under this Act for any place within which he shall not be resident.

First Election in the Village or Town, how called, and proceedings.

Councillors to be elected.

Proviso, no person to vote in any place where he is not resident.

LI. 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 Parish or Township 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 Parish or Township, the Council whereof shall have thereafter no jurisdiction in such Village or Town.

After the Election the Inhabitants of the Village shall be incorporated.

Corporate powers.

Mayor to be chosen.

LII. 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 from that time they 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 Parishes or Townships 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.

Powers and functions of the Council of any Village to be the same as those of any Parish.

Until a Village or Town be so detached, the Parish Council to have like power.

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

Town Council to have certain powers for improving the streets, &c.

LIV. And be it enacted, That the Council of any Village or Town shall also have power to make by-laws for the laying out, straightening, levelling, draining, or gradually widening of the streets 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.

All assessments to be hereafter paid to the Treasurer of the Village or Town.

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

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

LVI. And be it enacted, That two of the Councillors of each Village or Town shall go out of office at the end of the first year, and shall be replaced or re-elected at a general meeting, for three years; two shall go out of office at the end of the second year, and the two remaining Councillors and the Mayor shall go out at the end of the third year; and after so going out, those elected in their stead, or themselves, if re-elected, shall remain respectively three years in office.

Election of Mayor, &c.

LVII. And be it enacted, That the election of a Mayor shall take place once in three years only; 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.

Quorum.

LVIII. And be it enacted, That the Council of each Village or Town shall also have power to make by-laws for the prevention of fires, either by regulating the mode of placing stoves or stove-pipes in any house, or the mode of keeping ashes ; and they shall have power to prescribe the manner in which vacant lots in and near the Village or Town shall be distributed and divided, and to fix the width of any streets to be made on such vacant lots.

Regulations
for preventing
fires.

As to vacant
lots and streets
through them.

LIX. And be it enacted, That it shall be the duty of the Provincial Secretary forthwith after the passing of this Act, to have printed a sufficient number of copies of the same, and to see them distributed to all the Parishes or Townships.

Printed copies
of Act to be
distributed.

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

Extent of this
Act.

LXI. And be it enacted, That the words " Lower Canada," wherever 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.

LXII. And be it enacted, That no Councillor nor 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 such Parish, Township or Municipality, and holding real property therein to the value of two hundred and fifty pounds, currency, over and above every charge or incumbrance thereon.

Qualification.

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

Duration of
Act.

SCHEDULES.

SCHEDULES.

No. 1.

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 Parish 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 and tenement held in free and common soccage (*franc alev, fief or roture, as the case may be*) in the said Parish (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 and 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.

No. 2.

Oath of a Tenant or Lessee.

You swear (or affirm) that your name is _____ that your addition (profession or trade,) is _____ that you are an inhabitant householder resident in the Parish 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.



ANNO OCTAVO
VICTORIÆ REGINÆ.

CAP. XLI.

An Act to make better Provision for Elementary Instruction in Lower Canada.

[29th March, 1845.]

WHEREAS the establishment and support of Common Schools, for the instruction of Youth, is of paramount importance, and it is necessary to ensure more ample funds and to make better Legislative provision than has been heretofore made for this purpose 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 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 from and after the passing of this Act, there shall be in each of the Cities of Quebec and Montreal, and in each Parish, Township, Town or Village in Lower Canada, Common Schools for the Elementary instruction of Youth, to be managed by School Commissioners, in the manner hereinafter provided.

Preamble.

Common Schools to be established in the local divisions of Lower Canada.

II. And be it enacted, That each separate Parish, Township or Place, which, immediately before the passing of this Act, was entitled to elect or to participate, either separately or in union with any one or more Parishes and Townships, in the election of a District Councillor or Councillors, shall be held to be a Parish or Township for the purposes of this Act, until other Territorial subdivisions of the Province for School purposes shall be made according to Law; and that each

What shall be deemed a Parish, Township or Village.

new

new Parish, Township or Village hereafter separately recognized as such, shall be deemed to be a new Parish, Township or Village for the purposes of this Act.

Failure to elect School Officers in any local division provided for.

III. And be it enacted, That no failure to elect any Officer or to assess or levy any rate shall be construed to prevent the effect of any of the provisions of this Act, which shall then be carried into effect by the Governor in Council, by the means of the Superintendent of Schools hereinafter mentioned, and of School Commissioners, Assessors, Collectors, Teachers, and other Functionaries, who may be requisite according to the true intent and meaning of this Act, who shall be appointed by the Governor, at the instance of the Superintendent of Schools, and shall have all the rights, powers and authority, which under this Act, would have been possessed by the persons who ought to have been elected or to act under the like names of office or with similar functions, and shall have the same duties and be liable to the same penalties

Times of the first and other meetings for the Election of School Commissioners.

IV. And be it enacted, That forthwith after the passing of this Act, a general meeting of all the landholders and householders in the Parish or Township shall be called by the Senior Justice of the Peace, or in his default by any other Resident Justice of the Peace, or in their default by any three land-holders, by giving eight days previous public notice at the door of the Churches or places of Public Worship, or if there be no Church or place of Public Worship, then by a notice posted at two of the most public places in the Township or Parish; and at such meeting the Senior Justice present, or in his default any other Justice of the Peace present, or in their default, such other person as shall be appointed by the meeting, shall preside; and that thereafter the general annual meeting for the election of School Commissioners shall be held on the first Monday, in July, in each year.

Election of School Commissioners.

V. And be it enacted, That at such meeting, the persons qualified to vote thereat, shall elect as many School Commissioners as there shall be School Districts in the Township or Parish; provided there be no less than five nor more than nine Commissioners elected: Provided also, that in Parishes or Townships, where no School Districts have been established, there shall be elected five School Commissioners.

Term for which the Commissioners shall hold office.

VI. And be it enacted, That such School Commissioners shall remain in office for three years, except that in the first instance one-third (to be determined by lot) shall go out of office at the end of one year, and another third (to be determined in like manner) at the end of two years, and the other third at the end of three years, and shall be replaced by others to be elected at the annual general meeting.

VII.

VII. And be it enacted, That if the number of School Commissioners shall not be divisible by three without a remainder, such remainder shall be added to the number to go out of office at the end of the third year.

When the number shall not be divisible by three without a remainder.

VIII. And be it enacted, That no School Commissioner shall be a Teacher of any School in his District.

No Commissioner to be Teacher of any School in his District.

IX. And be it enacted, That the School Commissioners in office at the passing of this Act, shall continue to act as such until they shall be replaced by others under the provisions of this Act, but may with their own consent be re-elected under it.

Present School Commissioners continued for a certain time.

X. And be it enacted, That the Chairman of any general meeting shall, within eight days thereafter, report the proceedings thereat to the Superintendent of Schools, and transmit to him a list of the persons elected thereat as School Commissioners.

Report of proceedings at any meeting.

XI. And be it enacted, That for the Parishes and Townships in which no election of School Commissioners shall have been had at the time hereby prescribed, the Superintendent of Schools shall *ex officio*, upon an order from the Governor, appoint them, and also a Secretary-Treasurer.

Superintendent to appoint Commissioners in default of Election.

XII. Provided always, and be it enacted, That within fifteen days after the time when the said election ought to have been had, the School Commissioners for the then last year, the School Visitors, the acting Church-wardens, Elder, Class Leader or Trustees of the several religious denominations, and the Clergyman or Minister of the most numerous congregation, may meet and submit to the Superintendent of Schools the names of so many persons as School Commissioners as are provided by the fifth section of this Act; and on the approval of the Superintendent signified to the Chairman of such meeting, such persons shall become School Commissioners for the purposes of this Act.

Proviso: Certain Functionaries may recommend persons as Commissioners.

To be approved by the Superintendent.

XIII. And be it enacted, That if one or more vacancies shall happen among the School Commissioners, by reason of the permanent absence from the Township or Parish, death or incapacity from sickness of any Commissioner, he shall be replaced by the Electors for the locality at a meeting to be called for that purpose by the Chairman of the Commissioners.

Vacancies among Commissioners how filled.

XIV. And be it enacted, That no School Commissioner shall be re-elected, except by his own consent, during the four years next after his going out of office.

Re-election.

XV.

Meetings of
School Com-
missioners.
Chairman and
Secretary-
Treasurer.
Proviso.

XV. And be it enacted, That the School Commissioners shall meet on the first Monday after their appointment or after notice of their election, for the purpose of choosing a Chairman and Secretary-Treasurer, who shall give sufficient security, himself for one half and two sureties each for one-quarter of the sum deemed right and sufficient by the Commissioners: Provided, that in Townships or Parishes where two-thirds of the population shall belong to one religious persuasion, the *Curē* or residing Minister of that persuasion shall be *ex officio* one of the School Commissioners.

Decisions by
plurality of
votes.

Chairman
shall have but
the casting
vote.

XVI. And be it enacted, That at the meetings of the School Commissioners all questions shall be decided by plurality of votes; and that when the votes upon any question proposed are found to be on both sides equal, without the vote of the Chairman, then and in such case the Chairman shall be entitled to give his vote, as a casting vote, but on no other occasion shall the Chairman be entitled to vote.

Parish, &c., to
be divided into
School Dis-
tricts.

Alteration of
limits.

XVII. And be it enacted, That the Commissioners shall divide the Parish or Township into School Districts in all places where this shall not have been already done, and shall designate them by the numbers 1, 2, &c., and the limits assigned by them to each District shall be entered in the Register of their proceedings; they may also at their discretion alter the limits of Districts already existing, and erect new ones from time to time, so as to suit the population and local circumstances.

Requisite
number of
children.

XVIII. And be it enacted, That no School District shall contain less than twenty children between the ages of five and sixteen years: Nevertheless, the Commissioners may allow one School District, in each Parish or Township, to have less than the aforesaid number of children.

A School to be
in each Dis-
trict.
United Dis-
tricts.

XIX. And be it enacted, That the School Commissioners shall take care that there be a School in each School District, and may, when they shall deem it expedient, unite two or more Districts, and again separate them, and shall give notice to the Superintendent of Schools of their having so done.

Duties of
School Com-
missioners.

XX. And be it enacted, That it shall be the duty of the School Commissioners in each Parish or Township:

As to present
School proper-
ty.

Firstly. To take possession of all lands and School-houses which may have been acquired, given to or erected by the School Trustees or Commissioners, or by the Royal Institution, (which Institution is hereby authorized to surrender the same) under

under any Act for the encouragement of education, and in case of opposition, to give notice thereof to the Superintendent of Schools, who shall advise them as to the means of removing or overcoming such opposition.

Secondly. To acquire and hold for the Corporation, by any title whatsoever, all real or personal property, monies or income, for the purposes of education, until the power hereby given shall be taken away or modified by law, and to apply the same according to the instructions of the donors.

Acquisition of School property.

Thirdly. To do whatsoever it may be expedient to do with regard to building, repairing, keeping in order or renewing all School-houses, lands, fences and moveable property which shall be held by them, or to have temporarily or accept the gratuitous use of houses and other buildings for the purpose of keeping Schools therein: Provided that no rate should be levied for the building of a Superior or Model School to exceed the sum of one hundred and fifty pounds, nor for a Common School to exceed the sum of seventy-five pounds; and all accounts relative to the objects aforesaid shall be transmitted annually to the Superintendent of Schools.

Keeping such property in order.

Proviso.

Accounts.

Fourthly. To appoint and engage from time to time School-Masters and School-Mistresses duly qualified to teach in the Schools under their control, and to remove them at pleasure.

Engaging Teachers.

Fifthly. To comply, as regards the Accounts and Registers to be kept by the Secretary-Treasurer, with the instructions, whether special or general, which may from time to time be given them by the Superintendent of Schools, to whom they shall report their proceedings yearly, before the first day of July.

To comply with instructions as to Management. Discipline, &c.

Sixthly. To keep and cause to be kept Registers of their proceedings, signed for each sitting by the Chairman and Secretary; and also correct Accounts of their Receipts and Expenditure, with reference to the Schools in each District under their control, mentioning specially what relates to each School; and such Accounts shall be open to all persons paying towards the Schools, at seasonable hours.

To keep Registers and Accounts.

Seventhly. To cause to be levied by assessment and rate, in the manner herein-after provided by this Act, or by voluntary subscriptions in each Parish or Township, a sum equal to that allowed out of the Common School Fund for each Parish or Township, and to report their proceedings in this respect to the Superintendent; and to enable the School Commissioners to receive from the Superintendent of Education, their share of the Common School Fund, they shall furnish him with a declaration from the Secretary-Treasurer, that he has actually and *bonâ fide* received

To levy by assessment a sum equal to that allowed out of the Common School Fund.

received and has in his possession for the purposes of this Act, a sum equal to the said share accruing to such Commissioners, and stating whether the same has been levied by assessment and rate, or by voluntary subscription.

Superior or Model Schools.

.Eighthly. Out of the monies arising from the School Fund, or from assessments imposed to raise a like sum in the Parishes and Townships, or from any other source, they may, if they think proper, allow a sum not exceeding twenty pounds yearly for the support of any Superior School, or Model School, at the most thickly settled place in the Parish or Township, over and above the share which would otherwise come to such School, and the remainder or whole of the said monies, if there is no Model School, shall be distributed in equal shares among the School Districts, the Model School being counted alone as one.

Fixing rates to be paid by parents for their children.

Ninthly. They shall fix the Fees per month to be paid for each child attending any School under their control—such Fees not exceeding one shilling and three pence per month, according to the means of the parents, age of children and course of instruction; but in Model Schools, the Commissioners may ask higher Fees.

Exempting indigent persons.

Tenthly. They may wholly or in part exempt indigent persons from paying such Fees, and shall fix the times of payments as well for such indigent persons as for others.

To direct prosecutions.

Eleventhly. To cause any party neglecting or refusing to pay his portion of any School rate, to be prosecuted before any Justice of the Peace or before the nearest Commissioners, Court for the trial of small causes, having jurisdiction in the locality, (and any such Justice of the Peace or Commissioners' Court is hereby authorized and required to hear and adjudge upon such prosecution in a summary manner, and to cause the sum for which judgment shall be given to be levied by the seizure and sale of the goods and chattels of the defendant, under a Warrant to be granted by such Justice or Commissioner.

Deposit of monies not required in any District.

Application of the same.

XXI. And be it enacted, That if in any School District there shall be no School in operation, the School Commissioners shall deposit the money to which such District would otherwise be entitled in some Savings Bank, at interest, where, with the consent of the inhabitants of such District, they shall allow it to accumulate during the term which shall not exceed four years, to be thereafter by them used either in the purchase of ground for or in building a School-house, or towards other educational purposes in such School District.

School Commissioners to

XXII. And be it enacted, That the School Commissioners in each Parish or Township shall be a Corporation under the name of "*The School Commissioners of*"

of the Parish (Township or Municipality) of
County of

in the

," and shall have perpetual succession and a common Seal, if they think proper to have one, and may sue and be sued, and shall, generally, have the same power which any other body politic or corporate has with regard to the purposes for which it is constituted; but they shall not at any time hold real property to the value of more than five hundred pounds yearly, in the Parishes of Quebec or Montreal, or of three hundred pounds yearly value for any other Parish or any Township.

be a Corporation.

Their Corporate powers.

Limitation as to real property.

XXIV. And be it enacted, That no such Corporation shall alienate any portion of the property held by it without the express authority of the Superintendent of Schools; and no such Corporation shall cease by reason of the want of School Commissioners in any Parish or Township at any time, but in such case the powers of the Corporation as regards the possession of any property real or personal, shall become vested in the Superintendent of Schools in trust, until it shall be otherwise provided by law, and all Lands, School-houses or other property, real or personal, belonging to the Common Schools in any Parish or Township, under any law or by any title whatsoever, is hereby vested in the Corporation of the School Commissioners for the same in trust.

Proviso: as to alienation of School property.

Corporation may be in abeyance.

School property vested in the Corporation.

XXV. And be it enacted, That the *Fabrique* of any Parish, and the School Commissioners thereof, may by mutual agreement in due form made, unite for one or more years the *Fabrique* Schools in operation, with the Schools to be kept under this Act; and any *Fabrique* contributing not less than twelve pounds ten shillings for the year, towards the support of any School under the management of School Commissioners, shall thereby acquire a right to the *Curè* and Church-warden in office to be Commissioners, if they were not so before; but no *Fabrique* shall so unite its School to those managed by Commissioners of another faith, except under an express and formal agreement with the School Commissioners of such other faith.

Conditions on which a *Fabrique* may unite its Schools to those under the Commissioners.

Proviso.

XXVI. And be it enacted, That when in any Parish or Township the regulations and arrangements made by the School Commissioners for the conduct of any School, shall not be agreeable to any number whatever of the inhabitants professing a religious faith different from that of the majority of the inhabitants of such Parish or Township, the inhabitants so dissentient may collectively signify such dissent in writing to the Chairman of the Commissioners, and give in the names of one or more (but not more than three) Trustees, chosen by them for the purposes of this Act; and such Trustees shall have the same powers and be subject to the same duties as School Commissioners; and such dissentient inhabitants may, by the intervention of such Trustees, establish in the manner provided by

Provision in the case where a minority of the inhabitants professing a different faith from the majority may wish to have a separate School or Schools.

this

this Act with regard to other Schools, one or more Schools, which shall be subject to the same provisions, duties and supervision, and they shall be entitled to receive from the Superintendent or from the School Commissioners, such sum out of the general or local School Fund as shall be proportionate to the population they represent.

On what condition a School shall be entitled to an allowance out of the School Fund.

XXVII. And be it enacted, That to entitle any School to its allowance out of the general or local School Fund, it shall be requisite and sufficient that such School has been under the management of School Commissioners or Trustees appointed in the manner provided by the next preceding section; that it has been in actual operation during at least eight calendar months; that it has been attended by at least fifteen children (periods of epidemic or contagious diseases excepted); that the returns have been certified by the Master and at least two of the Commissioners or Trustees, if there be two, and if not, then by the Trustee; and that a sum equal to the allowance made by the Legislature for such Parish or Township, has been raised as hereinbefore provided.

Trustees of dissentient Schools.

XXVIII. And be it enacted, That the Trustees of dissentient minorities shall also be elected for three years; except that at the end of each of the two first years one of the Trustees shall retire and be replaced or re-elected by such dissentients; children from other School Districts, of the same faith as the dissentients for whom the School was established, may attend the same whenever such dissentients shall not be sufficiently numerous in any District to support a School alone.

A separate Girls' School may be established at the most thickly settled place.

XXIX. And be it enacted, That the School Commissioners may, if they deem it expedient, establish in the City, Town, Parish or Township, a Girls' School distinct from that for Boys: if any religious community shall have already established a Girls' School for elementary education, such community may place its School from year to year, as may be agreed upon under the management of the Commissioners, and it shall then be considered as entitled to all the advantages hereby granted to Common Schools.

Allowance to the Secretary-Treasurer.

XXX. And be it enacted, That the Secretary-Treasurer shall receive a sum not exceeding two-and-a-half per cent. on all moneys by him received, but this allowance shall cover all his contingent expenses, except the purchase of the Book used as a Register, the price of which shall be paid out of the moneys in his hands.

Common Schools to be visited.

XXXI. And be it enacted, That the Schools established under this Act in each Parish, Township or Municipality, as well as those in the Cities of Quebec and Montreal, shall be visited at least once in every year by some of the Visitors hereinafter mentioned

mentioned, and oftener, if they deem it requisite ; they shall be entitled to have communication of the Regulations and other documents relative to each School, and of all other information concerning it.

XXXII. And be it enacted, That the Visitors for each Parish, Township or City shall be : First, the resident Clergymen, of whatever denomination ; secondly, the Judges ; thirdly, the Members of the Legislature ; fourthly, the Justices of the Peace ; fifthly, the Mayor or the Warden of the Municipality ; sixthly, the Colonels, Lieutenant Colonels and Majors, and the Senior Captain of Militia resident in the locality ; and the Superintendent of Schools shall be, *ex officio*, Visitor General. No Priest, Minister or Ecclesiastic shall be entitled to visit any School belonging to any inhabitants not of his own persuasion, except with the consent of the Commissioners or Trustees of such School.

Who shall be Visitors.

Ecclesiastics of one persuasion not to visit Schools of another.

XXXIII. And be it enacted, That the Governor may from time to time appoint, by Letters Patent, under the Great Seal of the Province, a fit and proper person to be Superintendent of Schools for Lower Canada, and to hold his office during pleasure ; the said Superintendent shall receive five hundred pounds currency salary, per annum, and shall be allowed one hundred and seventy-five pounds per annum for a Clerk, and the contingent expenses of his office to be by him accounted for, according to the terms of this Act ; and the said Superintendent shall give security to Her Majesty, Her Heirs or Successors, to the satisfaction of the Governor in Council, to the amount of two thousand pounds, currency.

Superintendent of Schools for Lower Canada to be appointed.

XXXIV. And be it enacted, That it shall be the duty of the Superintendent of Schools :

Duties of the Superintendent.

First. To receive from the Receiver-General all sums of money appropriated for the purposes of this Act, and to distribute the same among the School Commissioners of the respective Townships or Parishes, according to law, and in proportion to the population of the same, as ascertained by the then last Census.

Distribution of monies.

Secondly. To prepare and cause to be printed and distributed all necessary Forms.

Preparing Forms.

Thirdly. To prepare and cause to be printed recommendations and advices on the management of Schools, as well for the School Commissioners as for the Secretary-Treasurers, Trustees, School-Masters and Mistresses.

To prepare recommendations, &c.

Fourthly. To keep correct Books and distinct Schedules of all the matters subjected to his superintendence and control, so that all requisite information may be clearly and promptly obtained by the Government, the Legislature or the School Visitors.

To keep Books.

Fifthly.

To examine and control School Accounts.

Fifthly. To examine and control the Accounts of all parties accountable for any public monies appropriated and distributed under the authority of this Act, or of any other Provincial Act, for purposes of education, unless such Act shall contain a special exemption from the obligation to account to the Superintendent for the application of any sum of money so appropriated or distributed, and report whether the said monies are *bonâ fide* applied for the purposes for which they were granted.

To lay Reports before the Legislature.

Sixthly. To lay annually before the Legislature, a detailed Report of the actual state of Education in Lower Canada, Tables of Schools, number of children attending them, and other like matters.

The rate mentioned in 20th Sect. to be laid equally on all property.

To bear *hypothèque* if not paid.

XXXV. And be it enacted, That the assessment mentioned in the twentieth and other sections of this Act, shall be laid equally according to valuation, upon all rateable property in the Parish or Township, and shall be payable by and recoverable from the owner, occupant or possessor of property liable to be rated, and shall, if not paid, be a special charge bearing *hypothèque*, and not requiring registration to preserve it on all immovable property.

Immovable property to be equally rated.

Seignories.

XXXVI. And be it enacted, That the Council of the Municipality shall cause the assessment required for raising the sum equal to that which it shall receive from the Common School Fund, to be equally rated upon all the immovable property within their jurisdiction, in proportion to the value of such property respectively, and that they shall at the same time, and in the same manner, cause an additional sum not exceeding twelve per cent. upon the former, to be raised for the purpose of making good any deficiency which may arise in the collection of the assessment: Provided, that unconceded lands in Seignories shall be free from assessment, but that all the Seigniors shall pay one-fortieth part of the sum assessed in the Parish, or portions of Parishes of which they are Seigniors.

Basis of valuation.

XXXVII. And be it enacted, That in all places where a valuation of property shall have been made by order of the Municipal authorities under the Act passed during the present Session for repealing certain Ordinances and for establishing Municipalities in Lower Canada, such valuation shall serve as the basis of the rates which shall be made under the authority of this Act, but if no such valuation shall have been made, they are hereby authorized to cause the same to be made by one or more fit and proper persons.

When the School rates and School taxes shall be

XXXVIII. And be it enacted, That each School rate imposed by or under the authority of this Act, shall be fixed and laid between the first day of May and the first day of July, (excepting the first year when it shall be fixed and laid between

between the first day of July and the first day of September,) and paid in each year at any time, on demand, after public notice being given at least thirty days before exacting the payment of the same; and the Commissioner and Secretary-Treasurer may, in their discretion, receive the amount of such rates in produce at prices to be fixed by them; and notice given in the manner hereinbefore prescribed, with regard to Parish or Township meetings, that the roll of such rates so fixed lies for inspection in the hands of the Secretary-Treasurer, shall be sufficient publication and notification thereof; and it shall lie in his hands for inspection during thirty days at least after notice, during which time it may be amended by the Municipal Authority, after which it shall be in full force, and shall be conclusive evidence as to the rate of taxes payable by any party or on any property; and in case of voluntary contribution the same must be paid into the hands of the Treasurer, according to the requirements of this Act, on or before the first day of August in each and every year.

assessed and paid, or sued for.

Receipts in Produce.

Notice of completion of Assessment and Tax Roll.

Inspection and correction.

XXXIX. And be it enacted, That in each of the Cities of Quebec and Montreal the provisions of this Act with regard to the establishment of Common Schools in each Parish or Township or School District, shall have effect and be applied according to the true intent and meaning of this Act, except in so far as it may be otherwise herein provided; and all persons appointed or called upon to carry this Act into effect in the said Cities, shall have the same powers as the Corresponding Functionaries in the Parishes and Townships by whatever name they may be designated, and shall be subject to the same obligations and penalties.

Provisions as to the Cities of Quebec and Montreal.

Powers of School Officers in the said Cities.

XL. And be it enacted, That for all purposes relative to the distribution and apportionment of School monies, and for all other purposes of this Act, where it shall not be repugnant to the other provisions thereof, the Cities of Quebec and Montreal shall be respectively considered as one Parish; it shall not be necessary to divide them into School Districts, but each School shall be considered as a District, the School whereof may be attended by Children from any part of the City.

Each of the said Cities to be deemed one Parish for the purposes of this Act. They need not be divided into School Districts.

XLI. And be it enacted, That in Quebec and Montreal the Corporation shall appoint twelve School Commissioners, six of whom shall be Roman Catholics and six Protestants; and such Commissioners shall form two separate and distinct Corporations, the one for the Roman Catholics and the other for the Protestants; and one-half of each of the said Corporations shall be renewed annually by the said Corporation.

Corporation to appoint Commissioners in the said Cities.

XLII. And be it enacted, That in the said Cities no School rate shall be levied; but the Treasurer of each City shall pay out of the funds thereof to the said Boards

How the School Funds shall be raised

in the said Cities.

Boards of Commissioners, and in proportion to the population of the religious persuasion represented by them, a sum equal to that coming to such City out of the Common School Funds, to be employed by them for the purposes of this Act.

Proportion of public monies to be allowed for each City.

XLIII. And whereas the Cities of Quebec and Montreal possess Educational Institutions which do not and cannot exist in the Country parts: Be it enacted, That the said City of Montreal shall be entitled to receive out of the Common School Fund only one-fourth, and the City of Quebec two-thirds of the sum they would have been respectively entitled to according to their population.

City School Commissioners to obey instructions of Superintendent.

XLIV. And be it enacted, That the School Commissioners for Quebec and Montreal shall, in their intercourse with the Superintendent of Education, be guided by the same rules and regulations as other School Commissioners.

Deposit of School monies belonging to any locality and not immediately required.

XLV. And be it enacted, That any sum of money whatever arising from the general local School Fund, from whatever source derived, which shall not have been employed or paid, shall be deposited by the School Commissioners, Trustees, or Secretary-Treasurer, at interest, to be drawn out as need may be, by the Corporation by whom it may have been so deposited.

Mode of paying public monies out of the Common School Fund.

XLVI. And be it enacted, That the sums annually paid out of the Common School Fund, shall be paid by the Receiver General on the Warrant of the Governor to the Superintendent of Schools from time to time, as they can be apportioned and distributed by that Officer, and the Superintendent shall pay their respective shares to the several School Commissioners, who shall have power to direct the payment as well out of the local fund as out of the public monies coming to any School, of such contingent expenses as may not have been otherwise specially provided for by this Act; and the due application of all public monies 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 accounts thereof shall be laid before the Legislature at the then next Session thereof.

Accounts to Her Majesty.

And to the Legislature.

Indemnity for payments made out of the Common School Fund before the first day of March, 1845.

XLVII. And whereas it is expedient to indemnify all officers and persons who, before the passing of this Act, have, under orders of the Governor in Council, acted in the apportionment, distribution, and application of monies out of the Common School Fund, in any manner which, though consistent with the spirit and intention of the laws then in force, may not have been strictly in accordance with the letter thereof: Be it enacted, That all officers or persons in any manner concerned in the making of any Order in Council made before the first day of March, one thousand eight hundred and forty-five concerning the distribution, apportionment,

apportionment, payment or application of any such monies as aforesaid, or in distributing, apportioning, paying or applying such monies under the said Orders or any of them, shall be and are hereby indemnified and held harmless for all acts so done or advised by them, any thing in any Act or Law to the contrary notwithstanding; and the distribution, apportionment, payment, and application so made as aforesaid shall be held to have been legally and validly made and performed: Provided always, that all such officers and persons, and all persons entrusted with the distribution and application of any such monies in the various Districts, Counties, and other subdivisions of the Province, shall duly account for the same.

Provision for
accounting.

XLVIII. And be it enacted, That the balance remaining unexpended or unclaimed out of the proportion of the Common School Fund belonging to Lower Canada, shall be appropriated by the Superintendent of Schools in aiding to finish School-houses actually commenced or to build new ones or to make extensive repairs to old ones in such manner as he shall deem most conducive to the advancement of Elementary Education.

XLIX. And be it enacted, That every person duly called upon to accept any office or perform any functions under this Act, who shall refuse to accept or neglect to perform the same, or shall in any way wilfully contravene the provisions of this Act, shall thereby for each such offence, whether of omission or commission, incur a penalty of not less than five shillings, nor more than three pounds, according to the gravity of the offence, at the discretion of the Court or authority having cognizance thereof; and any Justice of the Peace residing within the locality or County or the nearest Court of Commissioners for the Trial of Small Causes shall have jurisdiction with regard to any such offence, and may, after judgment cause the penalty to be levied under Warrant by the seizure and sale of the goods and chattels of the offender; and the amount of all penalties so levied shall be paid into the hands of the Secretary-Treasurer, of the Parish, Township, or City in which the offence shall have been committed, and shall make part of the Local School Fund: And all persons entrusted in any manner with carrying this Act into effect, or having paid the amount of rates due by them, shall be competent to prosecute for the recovery of such penalties.

Penalty on
persons appointed to
office under this
Act, who shall
refuse to accept,
&c.

How such
penalty may be
enforced.

Application of
penalties.

Who may
prosecute.

L. And be it enacted, That the *quorum* of any Corporation or body constituted by this Act shall be the absolute majority of all the Members thereof; and any majority of the Members present at any meeting regularly held, at which there shall be a *quorum*, may validly exercise all the powers of the Corporation.

Quorum of
Commissioners
fixed.

Powers of
majority.

LI. And be it enacted, That nothing herein contained shall affect the rights of Her Majesty, Her Heirs or Successors, or of any Body politic or corporate or of any person whomsoever, except in so far as may be herein specially provided and enacted.

Saving of
Rights not
specially affect-
ed, &c.

LII.

Interpretation
clause.

Lower Canada.

Governor.

Governor in
Council.

Assessment.

Rate.

Tax.

Singular num-
ber or mascu-
line gender.

General rule.

Commence-
ment of this
Act.

Act of Ca-
nada 4 & 5
Vict. cap. 18,
repealed in
part as to
Lower Cana-
da.

Distribution of
printed copies
of Act.

Duration of
Act.

LII. And be it enacted, That the words "Lower Canada," wheresoever they occur in this Act, shall mean all that part of this Province which formerly constituted the Province of Lower Canada; the word "Governor" shall mean the Governor, Lieutenant-Governor, or person administering the Government of this Province; and the words "Governor in Council" shall mean the Governor, Lieutenant-Governor, or person administering the Government of the Province, acting by and with the advice and consent of the Executive Council thereof; the word "Assessment" shall mean the determining of the total sum to be raised by a rate; the word "Rate" shall mean the proportionate sum to be paid by each party under any assessment; and the word "Tax" shall mean a definite sum to be paid by some certain classes of persons, without regard to the value of their property, or on some certain property without regard to its value; and all words importing the singular number or the masculine gender only, shall include several persons, matters, and things of one 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 or repugnant to such construction; and generally all words, expressions, and provisions herein occurring, shall receive such large, beneficial and liberal construction as will best insure the attainment of the objects of this Act, and the enforcement of its several enactments according to their true intent, meaning and spirit.

LIII. And be it enacted, That this Act shall have force and effect from and after the day of the passing thereof.

LIV. And be it enacted, That the Act passed in the Session held in the fourth and fifth years of Her Majesty's Reign, intituled, *An Act to repeal certain Acts therein mentioned, and to make further provision for the establishment and maintenance of Common Schools throughout the Province*, shall, from and after the passing of this Act, be repealed so far as relates to Lower Canada, in and with regard to which it shall have no force or effect, save and except always the first, second, and third Sections of the said Act, and so much of the twenty-first Section as provides for the due accounting for the application of the monies appropriated by the second and third Sections aforesaid.

LV. 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 and distributed in the several Parishes and Townships of Lower Canada a sufficient number of copies of the same.

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

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



ANNO OCTAVO
VICTORIÆ REGINÆ.

CAP. XLII.

An Act the better to facilitate Optional Commutation of the Tenure of Lands *en roture*, in the Seigniories and Fiefs in Lower Canada into that of *franc-aleu roturier*.

[29th March, 1845.]

WHEREAS it is expedient to facilitate, when the parties find it to their mutual advantage, and optionally agree upon the terms, commutation of the tenure of Lands held *en roture* in the several Fiefs and Seigniories in Lower Canada, into that of *franc-aleu roturier*, and the extinguishment of all Feodal dues, charges and incumbrances thereupon, as well in those Fiefs and Seigniories whereof the respective Seigniors or Proprietors may not already have commuted with the Crown in respect of its rights and interests therein, including also Fiefs and Seigniories in mortmain, as in those with respect to which a commutation by the Seigniors or Proprietors thereof with the Crown has been or shall be effected : 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 whenever any *Censitaire* or owner of Land held *en roture* in any Fief or Seigniority in that part of this Province known as Lower Canada, Fiefs and Seigniories in mortmain also included, shall be desirous to commute the Tenure thereof into the Tenure *en franc-aleu roturier*, and for this purpose shall have made and concluded an agreement, in writing before Notaries, with the Seignior or Proprietor of the Fief or Seigniority wherein the land is situate, his Agent, Attorney, or other lawful representative, as to the value or indemnity to be given

Preamble.

When the *censitaire* and Seignior shall have agreed on the terms of commutation before Notaries.

The commutation shall free the land from all Seigniorial burthens whatsoever.

given or paid to such Seignior or Proprietor, for the release of the land in question from all such Feodal or Seigniorial dues, charges and incumbrances affecting the same, and its commutation from the Tenure *en roture* into the Tenure *en franc-aleu roturier*, and such agreement in writing shall have been duly enregistered in the Registry Office of the County wherein the land is situate, the commutation of the Tenure of such land or lands *en roture* into the Tenure *en franc-aleu roturier*, shall, to all intents and purposes, be held and taken to be perfect and accomplished, and the Tenure of the said land or lands forever thereafter deemed and considered to be *en franc-aleu roturier*, and as such shall accordingly be disincumbered and free of all Feodal and Seigniorial dues, charges, liabilities and incumbrances of any and every kind and description whatsoever, for ever thereafter, as are the lands holden in free and common soccage in the Townships in Lower Canada.

Manner in which the commutation money may remain secured on the property the tenure whereof shall be commuted.

II. And be it enacted, That the commutation money or indemnity agreed upon may, if it be the option and pleasure of the parties, remain secured, *à titre de constitution de rente, à rente foncière*, or otherwise, according to the stipulation between the parties, upon the land or real property, the tenure whereof shall have been so as aforesaid commuted, with the same privilege, *ex causâ*, and as *baillieur de fonds*, and preference thereupon over all other hypothecary claims affecting the same, as such Seignior or Proprietor would by law be entitled to for the recovery of any Seigniorial dues upon or arising out of such land previous to commutation of the tenure thereof.

The Seignior who commutes with respect to any lands in his Fief or Seignior shall give into the Receiver General a copy of the *Acte* and pay 5 per cent. on the commutation money.

III. And be it enacted, That each and every Seignior or Proprietor of any Fief or Seignior in this Province who, pursuant hereto, shall have commuted with respect to any land or lands in his Fief or Seignior, shall be held to give in to the Receiver General of the Province, in the course of the first ten days of January next after the commutation, an authentic copy of the Notarial agreement or *Acte* of each and every such commutation that he shall during the preceding year have agreed to, accompanied by an attestation on oath (which oath any and every Justice of the Peace is, when demanded, hereby authorized and required to administer,) endorsed upon the same, that such Notarial *Acte* specifies the whole and sole terms upon which the commutation mentioned in it has been made, and each and every Seignior or Proprietor having so accounted for the commutations with respect to any land or lands, or other real property in his Fief or Seignior, shall, in conformity thereto, be liable to pay over on or before the first day of July next ensuing the actual receipt of the sum principal agreed upon as the commutation money, (unless the same shall, as hereinafter provided, be remitted to him,) into the hands of the Receiver General of the Province for the public uses thereof, an amount equal to one-twentieth of, or five per cent. upon the total amount of commutation money or indemnity he shall have received or agreed upon as aforesaid, as the proportion thereof, due to the Crown as Seignior *suzerain* or *dominant*.

IV.

IV. And be it enacted, That each and every Seigneur or Proprietor of any *Arrière Fief* in this Province holding under any *dominant* Seigneur or Seigniors other than the Crown, who, pursuant hereto, shall have commuted with respect to any land in his *Arrière Fief*, shall be held to give in to his said Seigneur dominant, in the course of the first ten days of January next after the commutation, an authentic copy of the Notarial agreement or *Acte* of each and every such commutation that he shall, during the preceding year, have agreed to, accompanied by an attestation on oath, (which oath any and every Justice of the Peace is hereby authorized and required to administer,) indorsed upon the same, that such Notarial *Acte* specifies the whole and sole terms upon which the commutation mentioned in it has been made, and each and every Seigneur or Proprietor of any such *Arrière Fief*, having so accounted for the commutations with respect to any land or lands or other real property in his *Arrière Fief*, shall, in conformity thereto, be liable to pay over on or before the first day of April then next ensuing, (unless the same shall have been remitted for the whole or in part to him by the Seigneur *dominant*,) into the hands of the said Seigneur *dominant*, an amount equal to one-fifth of the total commutation money or indemnity he shall have received or agreed upon as aforesaid, as the proportion thereof due to the said Seigneur *dominant*.

Proprietors of *Arrière Fief* commuting, to give an authentic copy of the *Acte* of commutation and 5 per cent. to the Seigneur *dominant*.

V. And be it enacted, That the said Seigneur *dominant* shall in like manner in his turn be liable to pay over on or before the first day of July then next ensuing (unless the same, as hereinafter mentioned, shall have been remitted to him,) into the hands of the Receiver General of the Province, for the public uses thereof, an amount equal to one-twentieth of the total amount of commutation money or indemnity to which, pursuant hereto, he shall be entitled, or shall have agreed to receive as the proportion or amount due him as Seigneur *dominant*, and such Seigneur *dominant* shall, at or before the time of paying over such sum of money to the Receiver General, make an attestation under oath, (which oath any and every Justice of the Peace is hereby authorized and required to administer,) that the said sum of money is the one-fifth of the total amount of commutation money or indemnity by him received or agreed upon as such Seigneur *dominant*: Provided always, that nothing in this and the next preceding Section shall extend or be construed to extend to prevent any Seigneur or Proprietor of any *Arrière Fief* holding under any other Seignior, to make and conclude an agreement in writing before Notaries with his said Seigneur *dominant*, for the total extinction of all Feodal and Seigniorial dues, charges and incumbrances affecting the same, and belonging to such Seigneur *dominant*, previous to commutation by him with his own *Censitaires*, and to agree and stipulate for the payment of a certain fixed sum, or for a *rente constituée* or *rente foncière*, or otherwise, as the commutation money or indemnity to such Seigneur *dominant* for all his rights and title therein; and such Seigneur *dominant* shall, on receipt of such sum of money so agreed upon and stipulated

Seigneur *dominant* to account to the Crown for one fifth of his receipts.

Proviso.

Proviso.

stipulated for, be held to pay over to the Receiver General the one-twentieth part thereof at the same time, with the same formalities and with the same attestation on oath as hereinbefore mentioned and required: Provided always, that in all cases of immediate payment by the Seignior *servant* to the Seignior *dominant*, for the commutation agreed upon between them, or for the one-fifth part of the consideration of any commutation between the Seignior *servant* and his *Censitaires*, the Seignior *servant* shall, in the manner hereinafter provided in the like case as to *Censitaires*, deposit the amount coming to the Seignior *dominant* in the office of the Prothonotary, and with the like observances, and that the same proceedings shall be had thereupon as is in that case by this Act required, with the view of saving the rights of third parties, and with the like effects as respects the land, the tenure of which shall have been commuted.

Penalty on refusal or neglect to comply with the preceding sections.

VI. And be it enacted, That any Seignior or Proprietor of a Seignior having commuted, who shall neglect or refuse to transmit an authentic copy or copies of the Notarial agreement or agreements of any such commutation or commutations as aforesaid, within the appointed time according to the requirements of this Act, shall, for every such neglect or refusal, forfeit to Her Majesty, Her Heirs and Successors, double the sum which by reason of any and every such commutation he would, according to this Act, be liable for.

The Governor may remit the indemnity due to the Crown.

VII. And be it enacted, That it shall be lawful for the Governor, or person administering the Government of the Province for the time being; to remit, in all cases of commutation effected under this Act, if to encourage and facilitate the commutation hereby intended he shall see fit, the proportion hereinabove fixed as the indemnity which by reason of such commutation will be payable, and may be claimed on the part of the Crown; and in like manner it shall be lawful, if he see fit, whether in consideration of the loss or disuse of any Seigniorial rights from whatsoever cause, formerly appertaining to Fiefs or Seigniories in Lower Canada, or solely with a view to ease, expedite and promote the commutation intended by this Act, to abandon and give up to any Seignior or Proprietor of any such Fief or Seignior desirous of promoting a commutation of the tenure of lands within his Fief or Seignior, all claim to any and every indemnity as aforesaid, coming to, or that might be due or claimed on the part of the Crown, or to accept of a smaller proportion than that hereinabove (in the third section) mentioned as the indemnity to the Crown on such commutations, and such indemnity being abandoned and given up, or the sum determined and fixed as the indemnity to the Crown, being paid into the Treasury of the Province, the Seignior or Proprietor in whose favour such abandonment shall have been made, or who shall have paid such indemnity, shall thereafter, in all time to come, be free to commute for any and all lands within his Fief or Seignior, without being therefor, or in respect to the same, in any manner accountable to the Crown.

VIII.

VIII. And be it enacted, That all monies arising from the commutation of the tenure of any land under this Act, whether the same be paid to the Seignior as aforesaid, or remain as the principal of a *rente constituée* or *rente foncière*, or otherwise, shall be held to be immovable property by fiction of law, and deemed to be *propres* belonging to any party, to whom the Seignior in which such land is situate shall be *propre*, and shall accordingly be subject to investment, and being so invested *bonâ fide* with a proper declaration of *emploi*, shall be substituted for the rights they represent, and shall have the same destination as such rights would have had.

Commutation monies to be immovable property.

IX. And whereas it is expedient, in the case where the *Censitaire* commuting for the tenure of any such land *en roture* into the tenure *en franc-aleu roturier*, shall prefer making immediate payment of the commutation money or indemnity agreed to be given to the Seignior or Proprietor aforesaid of the Fief or Seignior wherein the land is situate, to provide that due and reasonable notice of the commutation be given, to the end that all concerned, whose interests might in any wise be thereby prejudiced or affected, may avail themselves of such notice, and take their recourse accordingly; Be it therefore enacted, That the amount agreed upon by the *Censitaire* and Seignior as the indemnity to such Seignior for the commutation of tenure as aforesaid, of any land *en roture* in his Fief or Seignior into the tenure *en franc-aleu roturier*, shall, when to be paid, be at the diligence of the *Censitaire* or land-owner deposited within thirty days next after the day of commutation, together with an authentic copy of the Notarial agreement or instrument in writing relating thereto, in the office of the Prothonotary of the Court of Queen's Bench for the District wherein the land is situate, (and of which deposit it shall be the duty of the Prothonotary to grant him *Acte*,) there to abide the order or judgment of the Court disposing thereof, in case any hypothecary claim or claims affecting the same shall arise and be presented before the said Court: Provided always, that such Seignior or Proprietor may be allowed to take up and retain the said commutation money or indemnity so deposited, on giving a bond (and for the taking of which bond the Prothonotary shall be entitled to a fee of one shilling and three pence, and no more,) or security to the satisfaction of any one of the Judges of the said Court that the amount will, within twenty days next after the rendering of any order or judgment by the said Court, (whether notice of such order or judgment be or be not served upon or given him,) directing the distribution and payment thereof to any hypothecary claimant or claimants upon the same, be forthcoming and repaid into the Prothonotary's office, to be disposed of according to such order or judgment.

Preamble.

Indemnity agreed upon to be deposited in the office of the Prothonotary to abide the judgment of the Court.

Proviso.

Prothonotary's fee.

X. And be it enacted, That it shall be the duty of the Prothonotary to cause notice to be given three times at least in the course of the four months next after the

Prothonotary to give notice of Commutation, in Gazette

and other
Newspapers to
be named by
the Court.

the day of such deposit aforesaid, in the English and French languages, in the Gazette and in some other newspaper or newspapers to be named by the Court, or any of the Judges thereof, printed in the District wherein the land commuted is situate, of such commutation; and by *criée* or proclamation as in the case of *décret* or Sheriff's sale three times during the aforesaid term, at the Church-door of the Parish wherein as aforesaid such land is situate, immediately after the issue of divine service thereat in the forenoon, and if there be no Church, then at the most public place in the Seigniorship, designating the land or lands or other real property, and requiring all persons having any hypothecary claim or claims that may in any wise affect such commutation money or indemnity, to present and fyle the same at his office within the fifteen days next after the expiration of the said four months notice, to the end that the same be taken into consideration by the Court and disposed of in due course of law; and that in default of presenting and fying the same within the appointed time, all such claims will thereafter be foreclosed; and accordingly all claims that might by law in any wise have affected such commutation money or indemnity, that shall not be presented within the time appointed, shall be foreclosed, and those presented collocated for payment according to their order of priority or privilege, by judgment of the Court, and be paid from and out of the said amount of commutation money, in so far as the same shall suffice therefor.

Fee of Prothonotary on fying agreement, and for enregistering the same.

XI. And be it enacted, That for the fying of such Notarial agreement or instrument in writing, the Prothonotary shall be entitled to the fee of one shilling and no more, and for enregistering the same in a Register *paraphé*, (which it shall be his duty to keep for the purpose,) at the rate of three pence per hundred words, and no more, and at the same rate for certified copies thereof; and to which Register any and every person requiring it shall at all times, during office hours, have access gratis; and that the said fee and charges, and all costs and expenses of printing pursuant hereto, shall be taxed in each case at the lowest rate at which, consistently with justice, the same can be fixed, by some one or more of the Judges of the said Court before whom the proceeding is pending, and shall be defrayed by the parties commuting in equal proportions, unless it shall be otherwise stipulated by and between themselves in the *Acte* or agreement of commutation; but that all costs and charges upon, or incidental to, any claim upon such commutation money or indemnity, shall be at the expense of the claimant or of the Seignior or Proprietor having commuted as aforesaid, as to justice it shall appertain, and by the Court seized of the case it shall be awarded.

If no Hypothecary claim be fyled, a memorandum thereof

XII. And be it enacted, That if no hypothecary claim as aforesaid be, pursuant to the notice hereinbefore required to be given, presented and fyled within the appointed time, a memorandum to that effect, shall be entered upon the aforesaid Register

Register to be kept for the purpose, and the bond given as aforesaid (when such may have been the case) by such Seignior or Proprietor, shall be discharged and deemed cancelled, and a memorandum to that effect be accordingly indorsed upon the same by the Prothonotary, and be in like manner entered upon the aforesaid Register and the proceeding shall thereby be closed; and it also shall be the duty of the Prothonotary to pay all monies that by any order or judgment of Court in any case within the meaning and provisions of this Act, shall be directed to be paid to any claimant, and to take the necessary receipts and discharges therefor, making mention of the same on the said Register, and of the respective dates thereof, for future reference thereunto in case of need, and for which service he shall be entitled to such compensation as shall be allowed by the Court.

shall be entered upon the Register, and the bond given by the Seignior discharged.

XIII. And be it enacted, That from and after the fying as aforesaid of such Notarial agreement or instrument in writing, and deposit of the commutation money or indemnity agreed upon as aforesaid in the office of the Prothonotary, the actual and every future owner (*détenteur*) of such land, the tenure whereof shall have been so commuted, and in like manner the land also, shall thenceforward for ever cease to be liable or subject to any hypothecary claim of any and every description, created or caused by the Seignior or Proprietor of the Seigniorie wherein such land is situate, or by any of his *auteurs* or predecessors having owned such Seigniorie.

After the fying of Notarial agreement and deposit of commutation money, the owner of land shall not be subject to any hypothecary claim created by Seignior.

XIV. And be it enacted, That whenever any *rente constituée* or *rente foncière* created under this Act between Seignior and Seignior, or between Seignior and *Censitaire* shall be redeemed by actual payment, whether by operation of law and in a compulsory manner or by mutual agreement, as the case may be, such redemption shall become subject to the same deposit of the price or principal thereof in the Court of Queen's Bench as hereinbefore provided to protect the rights of third parties, and the same proceedings shall be had thereon at the diligence of the person having to pay the said price or principal: Provided always, that such *rente constituée* or *rente foncière* shall be considered in matters of succession and in judicial proceedings, and to all other intents and purposes whatever as being a territorial right attached to the domain of the Seigniorie, to the Seignior or Proprietor of which it is payable, and shall not be liable to be transferred, seized, sold, alienated, hypothecated or mortgaged apart from the said Seigniorie, but shall form part of the same and shall also be transferred, seized, sold, alienated, hypothecated, mortgaged and otherwise legally dealt with, along with the said Seigniorie, and the register to be kept by the Seigniors as hereinafter mentioned shall be considered as one of the titles of the said Seigniorie.

Redemption of *rente constituée*, &c. subject to be deposited in Court.

Proviso:

XV. And be it enacted, That it shall be lawful for the several religious or ecclesiastical communities in Lower Canada, holding in mortmain Fiefs or Seigniories therein,

Religious Communities in Lower

Canada, may invest sums of money accruing to them from any Commutation.

therein, to invest from time to time, as they shall see fit, in any lands or tenements in this Province, or in any public or private securities in the United Kingdom or in this Province, which they shall deem the most advisable or advantageous to their respective communities or corporations, any and every sum or sums of money that may accrue to them from any commutation made in pursuance of this Act.

Any *rente constituée* as consideration for Commutation may be redeemed by the owner, subject to the requirements of this section.

XVI. And be it enacted, That any rent constituted (*rente constituée*) as the consideration for such commutation as aforesaid, shall be redeemable at the option of the land owner, by one payment, or as agreed upon, including all arrears, in cases where the Seignior has the right of alienating such rent, and observing the formalities and requirements hereinbefore mentioned with respect to the ready payment for the liberation of all hypothecary claims; but if the seignior be entailed (*substituée*) or held in mortmain, or by a Corporation, or the commutation be made on the part of the Seignior, by a tutor, curator, or administrator, the rent and arrears only shall be received, and the principal sum shall only become payable in the cases by law provided, or when the party to whom the rent is payable, shall have power of alienating the Seigniorly wherein it may be due: Provided always, that in all cases where the party with whom, as the Seignior or as the representative of the Seignior, the commutation is affected, shall not have the power of alienating any seigniorial right commuted, the commutation of such right shall be made for an annual rent, and not for a sum payable at once.

Commutation of any Seigniorial right to be accompanied by same formalities as the alienation of any immovable property.

XVII. And be it enacted, That the commutation of any seigniorial right held in mortmain, or by any Corporation, shall be accompanied by the same formalities as the alienation of any immovable property of the same party would be; and tutors, curators, and administrators of any kind, shall be thereunto authorized in the manner required by law to enable them to alienate the real property of the parties they represent; and the owners and possessors of any entailed seigniorial rights, the absolute property whereof is entailed on their children or descendants, born or to be born, or on the children or descendants, born or to be born of their collateral relatives, descendants of the party by whom the entail was created, or on other persons born or to be born, may commute such rights on an advice of relatives (*avis de parens*) duly homologated according to law; but if the absolute property of such rights be entailed on persons not descendants of the then possessor, then no such commutation shall be effected without the consent of a curator to the entail duly appointed in the usual form: Provided that in all cases mentioned in this section the commutation shall be made for an annual rent, and not otherwise.

Proviso.

Penalty to which Seigniors, or any person holding

XVIII. And be it enacted, That any person or persons representing any party holding in mortmain or any Corporation, and any tutor, curator or administrator, or the possessor of an entailed estate, who shall on account of any such commutation collusively

collusively receive for his or her advantage, or for that of any third party, any sum of money, promise or valuable consideration, over and above the rent stipulated, and any Seigneur in possession who in effecting any such commutation shall have assumed to alienate rights with regard to which he has no power of alienation, and shall under such pretence have received any principal sum for such commutation, when in fact such principal sum ought to have been received by some other party or converted into annual rent, such person or Seigneur may, on being legally convicted of such offence before any Court of competent jurisdiction, be condemned to pay a penalty equal to double the amount which he shall have so received collusively under such false pretence, and any possessor of any land *en roture* or *censitaire*, who shall collusively pay to any such person or Seigneur any sum of money in order to obtain any such commutation as aforesaid with intent to defraud any other party, may be condemned to a penalty equal to double the sum so received to be imposed in like manner by the Court before whom such offender shall have been convicted.

in mortmain or any tutor, &c. may be condemned in certain cases.

XIX. And be it enacted, That the Directors and Principals of any Community or Corporation holding estates in mortmain, and all curators, tutors and administrators, and all possessors of entailed estates, shall be bound to take all necessary precautionary measures for the conservation of any such rents as aforesaid in which the parties they represent may be interested; and in any case of compulsory redemption of such rent, shall be bound within one year thereafter to reinvest the principal sum in a secure and profitable manner, for the benefit of the Corporation or persons therein interested.

Directors of any Community or Corporation and others, shall take necessary measures for the conservation of any rents in which the parties they represent may be interested.

XX. And be it enacted, That whenever any such commutation shall have taken place, all arrears due on the property to which it relates, shall be held to be commuted and extinguished, unless the contrary be stipulated; and in the case last mentioned, or where such arrears shall be valued apart, or shall remain as a charge upon the property, the precise amount shall be ascertained and mentioned in the deed of commutation; but no such arrangement shall affect any arrears on any other property held by the same party: Provided also, that when any such commutation shall be effected on a part only of any land *en roture* or grant, a proportionate part of the arrears due on the whole, shall be held to be commuted and extinguished: Provided further, that when a part only of any such land *en roture* or grant shall be so commuted, the Seigniorial charges and dues on the part uncommuted shall be proportionally reduced.

When a commutation shall have taken place, all arrears due on the property to be commuted and extinguished, unless contrary be stipulated.

Proviso.

Proviso.

XXI. Provided also and be it enacted, That nothing in this Act contained shall extend to affect any commutation of Tenure effected in any Seignior held by the Ecclesiastics of the Seminary of Saint Sulpice, under the Ordinance in that behalf made and provided.

Proviso—Nothing in this act to affect any commutations effected by Ecclesiastics of Saint Sulpice.

XXII.

Commutation to be in all cases full and perfect.

XXII. And be it enacted, That no commutation shall be effected for a part only of the Seigniorial rights affecting any property; but such commutation shall be in all cases full and perfect, so as to produce a change of Tenure as aforesaid.

Extinguishment of *lods et ventes* only.

XXIII. Provided always and be it enacted, That in cases where the parties, Seignior and *Censitaire*, may, without intending commutation of the tenure of any such land, be desirous only of transacting for the extinguishment of *lods et ventes* upon all future sales or mutations thereof, and of liberating such land from the liability therefor in time to come, it shall be lawful for them so to do, and to agree and stipulate by *Acte* before Notaries in this behalf, as they may be advised and think proper, the requirements of this Act, for preserving the right of others when payment of the indemnity or composition money agreed upon is made, being always duly observed.

Persons holding in mortmain, Corporations, tutors, &c., who possess property held *en roture* may commute by paying consideration out of the monies of those whom they represent, &c.

XXIV. And be it enacted, That those who hold in mortmain, and Corporations, tutors, curators and administrators, possessing property held *en roture*, the tenure whereof may be commuted with advantage to those whom they represent, may effect such commutation by paying the consideration out of the monies of those whom they represent, or may validly bind them to the payment of the rent stipulated in the deed of commutation, provided they observe the formalities required by law in the alienation of the property of such parties holding in mortmain or Corporations, or of those whose rights such tutors, curators or administrators represent.

Seignior shall keep a Register, with an index.

XXV. And be it enacted, That the Seignior shall keep a Register, in which shall be entered at full length, all deeds of commutation, and all receipts for principal sums received for the redemption of any rent constituted, as the consideration of any commutation, and all judgments relating to any such commutation, with a proper index; and such Register shall be open to all persons at all seasonable times; and the Seignior, or the person in whose keeping such Register shall be, may demand six pence currency for each communication of any such Register; and copies of all entries in such Registers shall be delivered to any party interested, by the Seignior or his agent, on payment of three pence currency, for each hundred words; and such Register shall be held to be a public memorial made for the common benefit of the Seignior and his *Censitaires*, and placed in the keeping of the Seignior.

Register to be open to all persons.

Accounting clause.

XXVI. And be it enacted, That all monies paid to the Receiver General under the authority of this Act, shall form part of the Consolidated Revenue Fund of this Province, and shall be accounted for to Her Majesty, Her Heirs and Successors, through the Lords Commissioners of Her Majesty's Treasury for the time being, in such manner and form as Her Majesty, Her Heirs and Successors shall be pleased to direct.



ANNO OCTAVO

VICTORIÆ REGINÆ.

CAP. XLIII.

An Act to empower the Seigniors of the Fiefs Nazareth, Saint Augustin and Saint Joseph, in the City of Montreal, or either of them, to invest the monies arising from any commutation of Tenure granted by them, in real property and other securities.

[29th March, 1845.]

WHEREAS difficulty has occurred in giving effect to the Act passed in the seventh year of Her Majesty's Reign, and intituled, *An Act to empower the Seigniors of the Fiefs Nazareth, St. Augustin and St. Joseph in the City and County of Montreal, to commute the tenure of the lands now held en censive in the said Fiefs respectively*, owing to the want of power in the Religious Communities who are proprietors of the said Fiefs, to invest the commutation money in real property and other securities, and it is expedient to give them such power in order that the said Act may have effect: 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 Religious Community being the Seignior or entitled to any Seigniorial Rights in or with regard to the Fiefs Nazareth, St. Augustin and St. Joseph in the said Act mentioned, or of any of them, to invest any monies to be received as the consideration or indemnity for the commutation of any such Seigniorial rights under the provisions of the said Act either as a redeemable ground rent on the land of which the tenure shall be commuted, with the same privilege for the security thereof, as they would have had for the rights commuted, or in real property lying within this Province, or in any stocks or public securities in
this

Preamble.
Act 7 Vict.
cap. 27, cited.

Any Religious
Community
being Seignior
of any of the
said Fiefs may
invest the commutation
money in real property,
stocks,
&c.

this Province or in any part of the United Kingdom of Great Britain and Ireland, and to hold such real property, stocks, or securities, and to alienate and dispose of the same and acquire others in their stead, without Her Majesty's Letters of Mortmain, or other authority than this Act; any law, statute or usage to the contrary notwithstanding: Provided always, that no other monies than such as shall arise from the commutation aforesaid, or from the alienation of property purchased with such monies, shall be so invested under the authority of this Act: And provided also, that nothing in this Act shall be construed to exempt any such Religious Community, or other Seignior of any of the said Fiefs, from the operation of any general law which may be hereafter passed for effecting a general commutation of Seigniorial Tenure throughout Lower Canada.

Proviso,—no other monies to be so invested under this Act.

Proviso—such Communities not to be exempt from any general commutation Act.

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



ANNO OCTAVO
VICTORIÆ REGINÆ.

CAP. XLIV.

An Act to prevent persons riding or driving at a fast rate over Bridges of more than a certain length in Upper Canada.

[29th March, 1845.]

WHEREAS it is expedient that some Legislative enactment should be made to prevent persons driving at a fast rate over Bridges of a certain extent in that part of this Province formerly constituting the Province 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 from and after the passing of this Act, if any person or persons shall drive or ride at a faster rate than a walk over any public Bridge or Bridges, exceeding thirty feet in length, in that part of this Province formerly constituting the Province of Upper Canada, each and every person so offending, upon proof of such offence before any Justice of the Peace for the District in which such Bridge may be situate, either by confession of the party, or by the oath of one or more credible witness or witnesses, and on conviction thereof, shall be liable to a fine of not less than five shillings, nor more than twenty shillings, to be paid forthwith, and in default of payment, to be levied by distress and sale of the goods and chattels of the party so offending, by a Warrant under the hand and seal of the said Justice, and the overplus, after deducting the penalty and the charge of such sale, shall be returned, on demand, to the owner or owners of such goods and chattels; and in case sufficient distress cannot be found, or the offender be not resident in the District, it shall be lawful for such Justice, by Warrant under his hand and seal, to cause such offender or offenders to be committed to the Common Gaol

Preamble.

Penalty on persons riding or driving at a faster pace than a walk over certain Bridges.

Mode of levying the penalty.

Commitment of the offender.

Gaol

Gaol of the District for a period not exceeding two days, unless such penalties and forfeitures, and all reasonable charges and costs relating to the same, shall be sooner paid and satisfied.

Penalties how appropriated.

II. And be it enacted, That all penalties imposed, and monies collected, under and by virtue of this Act, shall be paid by the Justice of the Peace collecting the same, into the hands of the Treasurer of the District in which the same shall be collected, and shall become and form part of the general funds of the District.

Notice to be posted at the Bridges to which this Act applies.

III. And be it enacted, That it shall be incumbent upon those who have the superintendence and management of each respective Bridge to which this Act applies, to cause to be legibly printed, and put up at each end of such Bridge, a notice in the following form :

“ Any person or persons riding or driving on or over this Bridge at a faster rate than a walk, will be subject to a fine, on conviction thereof, as provided by law.”

Penalty on persons defacing such notice.

IV. And be it enacted, That any person or persons obstructing, defacing, destroying, or in any way interfering with such notice, shall, upon conviction thereof, be liable to a fine of not less than five shillings, nor more than forty shillings, to be recovered in the same manner as other penalties imposed by this Act.

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Law Printer to the Queen's Most Excellent Majesty.



ANNO OCTAVO
VICTORIÆ REGINÆ.

CAP. XLV.

An Act to prevent the Profanation of the Lord's Day, commonly called Sunday, in Upper Canada.

[29th March, 1845.]

WHEREAS it is expedient to enact a Law against the profanation of the Lord's Day, commonly called Sunday, which day ought to be duly observed and kept holy : 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, it shall not be lawful for any Merchant, Tradesman, Artificer, Mechanic, Workman, Labourer, or other person whatsoever, within that part of this Province which formerly constituted the Province of Upper Canada, to sell or to publicly shew forth, or expose, or offer for sale, or to purchase any wares, merchandizes, goods, chattels, or personal property, or any real estate whatsoever, on that day, nor to do or exercise any worldly labour, business, or work of their respective ordinary callings, upon the Lord's Day, (conveying Travellers or Her Majesty's Mail, by land or water, selling Drugs and Medicines, and such other works of necessity, and also works of charity, only excepted) nor shall it be lawful for any person or persons to tittle, or to allow or permit tittle in any Inn, Tavern, Grocery, or House of Public Entertainment, or to revel, or publicly exhibit himself or herself in a state of intoxication, or to brawl or use profane language in the public streets or open air, so as to create any riot or disturbance, or annoyance to Her Majesty's peaceable subjects on that day, or to hold, convene or attend any public political meeting on that day ; nor shall it be lawful for any person or persons to play at skittles, ball,

Preamble.

No sale to take place on Sunday.

No person to work at his calling.
Exception.
Tittle, &c., prohibited on Sunday.

Brawling.

Public meetings.

Games and
idle amuse-
ments prohib-
ed.

Hunting and
shooting.

Exception.

ball, foot-ball, racket, or any other noisy game, or to gamble with dice or otherwise, or to run races on foot, or on horseback, or in carriages, or in vehicles of any sort, on that day; nor shall it be lawful for any person or persons to go out fishing or hunting or shooting, or in quest of, or to take, kill or destroy, any deer, or other game, or any wild animal, or any wild fowl or bird, or fish, except as next hereinafter mentioned, or to use any dog, gun, rifle, or other engine, or any fishing rod, net or trap, for the above mentioned purpose, on the Lord's Day, except in defence of his, her or their property, from any wolf or other ravenous beast or bird of prey; nor shall it be lawful for any person or persons to bathe in any exposed situation in any water within the limits of any incorporated City or Town, nor within view of any place of Public Worship, or private residence, on the Lord's Day.

Sales and
agreements.
made on Sun-
day to be void.

II. And be it enacted, That all sales and purchases, and all contracts and agreements for sale or purchase of any real or personal property whatsoever, hereafter made by any person or persons on the Lord's Day, shall be, and the same are hereby declared to be utterly null and void; any law, custom or usage to the contrary notwithstanding.

Penalty on
persons contra-
vening this
Act.

III. And be it enacted, That if any such Merchant, Tradesman, Artificer, Mechanic, Workman, Labourer, or other person whatsoever, shall, from and after the passing of this Act, sell, or publicly shew forth, or expose, or offer for sale, or shall purchase any wares, merchandizes, goods, chattels, or personal property, or any real estate whatsoever, on the Lord's Day, commonly called Sunday, as aforesaid, or shall do, or exercise any worldly labour, business, or work of their respective ordinary callings, (except as hereinbefore excepted,)—or if any person or persons shall tittle, or allow or permit tippling in any Inn, Tavern, Grocery, or House of Public Entertainment, or shall revel, or publicly exhibit himself or herself in a state of intoxication, or shall brawl, or use profane language in the public streets, or open air, thereby creating any disturbance or annoyance to Her Majesty's peaceable subjects on that day,—or shall hold, convene, or attend any public political meeting on that day,—or shall play at skittles, ball, foot-ball, racket, or any other noisy game, or shall gamble with dice or otherwise, or shall run races on foot, or on horseback, or in carriages, or vehicles of any sort on that day,—or if any person or persons shall go out fishing, or hunting or shooting, or in quest of, or shall take, kill, or destroy any deer or other game, or any wild animal, bird, or wild fowl, or fish, except as next hereinafter mentioned, or shall use any dog, fishing rod, gun, rifle, or other machine, or shall set any net or trap for the above mentioned purposes on that day, except in defence of his, her or their property from any wolf, or other ravenous beast or bird of prey, or shall bathe in any exposed situation in any water within the limits of any incorporated City or Town, or
within

within view of any place of Public Worship, or private residence, on the Lord's Day; such person or persons being convicted of any or either of the offences herebefore mentioned, before a Justice of the Peace, upon the oath or affirmation of one or more credible witness or witnesses, (which oath or affirmation the Justice is hereby authorized to administer,) or upon view had of the offence by the said Justice himself, shall pay a fine or penalty not exceeding ten pounds, nor less than five shillings, current money of this Province, for each offence, together with the costs and charges attending the proceedings and conviction.

Mode of prosecution and conviction.

Amount of penalty.

IV. And be it enacted, That when any person shall be charged upon oath or otherwise, in writing, before any Justice of the Peace, with any offence against this Act, the said Justice shall summon the person so charged to appear before him, at a time and place to be named in such Summons, and if such person shall fail or neglect to appear accordingly, then (upon proof of due service of the Summons upon such person, by delivering or leaving a copy thereof at his house, or usual or last place of abode, or by reading the same over to him personally,) the said Justice may either proceed to hear and determine the case *ex parte*, or issue his Warrant for apprehending such person, and bringing him before himself, or some other Justice of the Peace within the same District; and the Justice before whom the person charged shall appear or be brought, shall proceed to hear and determine the case, or the said Justice may, (if he deems it expedient so to do,) on view of the offence, verbally order (but if on the complaint of a third party, then he shall in writing, order) the offender or offenders to be at once committed (although it be on the Lord's Day) to the common gaol of the place, or into other safe custody, there to remain until the morrow, or some other day, according to circumstances, until the case be heard and disposed of.

Mode of proceeding in prosecutions under this Act. Summons.

V. And be it enacted, That the Justice before whom any person shall be convicted of any offence against this Act, may cause the conviction to be drawn up in the following form, 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 in the year of our Lord Eighteen
 " at in the County of (*or District, Riding or Division,*
 " *as the case may be,*) A. B. of is convicted before me C. D. one of
 " Her Majesty's Justices of the Peace for the said County (*or District, or Riding*
 " *or Division, as the case may be,*) for that he the said A. B. did (*specify the offence,*
 " *and the time and place, when and where the same was committed, as the case may*
 " *be;*) and I, the said C. D. adjudge the said A. B. for his offence to pay (imme-
 " diately, *or on or before the* day of) the sum of , and also the
 " sum of for costs; and in default of payment of the said sums respectively,
 " to be imprisoned in the common gaol of the said County (*or District, or Riding*

Conviction may be in a certain form.

The form.

“ or Division, as the case may be,) for the space of months, unless the said
 “ sums shall sooner be paid ; and I direct that the said sum of
 “ (the penalty,) shall be paid as follows, that is to say : one moiety thereof to the
 “ party charging the offence, and the other moiety to the Treasurer of the District,
 “ to be by him, the said Treasurer, applied according to the provisions of the Act
 “ (insert the title of this Act.)”

“ Given under my hand and seal, the day and year first above mentioned.”

C. D., J. P. [L. S.]

Conviction and
 commitment
 not to be void
 for want of
 form.

VI. And be it enacted, That a conviction under this Act shall not be quashed for want of form ; nor shall any Warrant of Commitment be held void by reason of any defect therein : Provided that it be alleged that the party has been committed, and there be a good and valid conviction to sustain the same.

Penalties under
 this Act,
 if not duly paid,
 may be levied
 by distress.

VII. And be it enacted, That in default of payment of any fine imposed under the authority of this Act, together with the costs attending the same, within the period specified for the payment thereof at the time of conviction, by the Justice of the Peace before whom such conviction shall have taken place, it shall and may be lawful for such Justice of the Peace (if he deems it expedient so to do) to issue his Warrant directed to any Constable to levy the amount of such fine and costs within a certain time, to be in the said Warrant expressed ; and in case no distress sufficient to satisfy the amount shall be found, it shall and may be lawful for him to commit the offender to the Common Gaol of the District wherein the offence was committed, for any term not exceeding three calendar months, unless the fine and costs shall be sooner paid.

In default of
 distress, the of-
 fender may be
 imprisoned.

Limitation of
 time for prose-
 cutions.

Inhabitants
 of the County,
 &c, may be
 witnesses.

But not the
 prosecutor.

VIII. And be it enacted, That the prosecution for every offence punishable under this Act shall be commenced within one calendar month after the commission of the offence, and not otherwise ; and the evidence of any inhabitant of the County, District, Riding or Division, in which the offence shall have been committed, shall be admitted and receivable, notwithstanding the penalty incurred by the offence may be payable for the benefit of the Township or Division where the offence shall have been committed : Provided, that in no case shall the party who makes the charge in writing before the Justice, be admitted as a witness in the case.

Appeal to the
 Quarter Ses-
 sions.

IX. And be it enacted, That any person who shall think himself aggrieved by any conviction or decision under this Act, may appeal to the next Court of General Quarter Sessions, which shall be holden not less than twelve days after the day
 of

of such conviction or decision, and if holden in less than twelve days, then to the next ensuing Court of General Quarter Sessions for the District wherein the cause of complaint shall have arisen : Provided that such person shall give to the other party a notice, in writing, of such appeal, and of the cause and matter thereof, within six days after such conviction or decision, and ten days at least before the Sessions, and shall also either remain in custody until the Sessions, or enter into recognizance with two sufficient sureties before any Justice of the Peace, conditioned personally to appear at the 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 entered into, the Justice 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 and the affirmance of the conviction, shall order and adjudge the offender to be punished according to the conviction, and to pay such costs as shall be awarded, and shall, if necessary, issue Process for enforcing such judgment.

Proviso :
notice of appeal and security to be given unless the party remain in custody.

Court to decide on appeal.

Order, if the appeal be dismissed.

X. And be it enacted, That every Justice of the Peace before whom any person shall be convicted of any offence against this Act, shall transmit the conviction to the next Court of General Quarter Sessions which shall be holden for the District wherein the offence shall have been committed, there to be kept by the proper officer among the records of the Court.

Justices convicting under this Act, to transmit the conviction to the Quarter Sessions.

XI. And for the protection of persons acting in the execution of this Act, Be it enacted, That all actions and prosecutions to be commenced against any person for any thing done in pursuance of this Act, shall be laid and tried in the District where the fact was committed, and shall be commenced within three calendar months after the fact committed, and not otherwise ; and notice in writing, of such action, and of the cause thereof, shall be given to the Defendant one calendar month at least before the action ; and in any such action the Defendant may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon ; and no Plaintiff shall recover in 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 if a verdict shall pass for the Defendant, or the Plaintiff shall become non-suit, or discontinue any such action after issue joined, or if upon demurrer or otherwise judgment shall be given against the Plaintiff, the Defendant shall recover his full costs, as between Attorney and Client, and have the like remedy for the same as any Defendant hath by law in other cases.

Provisions for the protection of persons acting under this Act.

Notice of action.

General issue.

Tender of amends, &c.

Defendant if successful, to have full costs.

XII.

Distribution of penalties.

XII. And be it enacted, That all sums of money to be awarded or imposed as fines or penalties, by virtue of this Act, shall be paid as follows, that is to say : one moiety thereof shall be paid to the party charging the offence in writing before the Justice, and the other moiety shall be paid to the Treasurer of the District wherein the offence was committed, and shall be accounted for by such Treasurer, in the same manner as he is by law obliged to account for other monies deposited with or paid over to him.

This Act to be Public Act.

XIII. And be it enacted, That this Act shall be deemed a Public Act, and shall be taken notice of by all Courts of Law, Judges, Justices, and other persons, without specially pleading the same.

Act not to extend to Lower Canada or Indians.

XIV. And be it enacted, That this Act shall not extend or be construed to extend to that part of this Province which formerly constituted the Province of Lower Canada, nor shall it extend to people called Indians.

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



ANNO OCTAVO
VICTORIÆ REGINÆ.

CAP. XLVI.

An Act to prevent certain Wild Fowl and Snipes from being destroyed at improper seasons of the year, and to prevent the trapping of Grouse and Quail in this Province.

[29th March, 1845.]

WHEREAS divers Inhabitants of this Province have, by their Petition to the Legislature, set forth that the various kinds of Wild Fowl commonly called "Duck," and the different sorts of Wild Geese, which used formerly to abound in the lakes, rivers, bays and islands of the Province, and formed a great source of not only profit, and marketable commodities, but also of nutriment and luxury to a large class of Her Majesty's Subjects, have of late years so materially decreased in number, (owing as is alleged, to their having been destroyed at improper seasons of the year, and particularly during the summer months,) and that their entire disappearance from the country is threatened, unless protected by some Legislative enactment; And whereas it is expedient to comply with the prayers of the said Petitions; And whereas the Game called Grouse and Quail in the western parts of this Province have of late years become nearly extinct by reason of the same having been caught in snares, nets, and traps, by day and by night, in an unsportsmanlike manner, and it is expedient to enact a Law to prevent that description of Game (which contributes so much to the amusement and luxury of the Inhabitants of that part of the Province,) from being utterly destroyed by such clandestine means: 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 no person or persons shall, within this Province, from and after the passing

Preamble.

Prohibition to
kill Game be-
tween 10th
May and 15th
August.

passing of this Act, hunt, shoot, take, kill or destroy any Wild Swan, Wild Goose, Wild Duck, Teal, Widgeon or Snipe between the tenth day of May, and the fifteenth day of August in any year.

Grouse and
Quail.

II. And be it enacted, That no person shall hereafter trap or set traps, nets or snares for any Grouse or Quail, or kill or hunt or go in quest after the same at night, within this Province.

Penalty.

III. And be it enacted, That if any person shall hunt, shoot, take, kill or destroy any Wild Swan, Wild Goose, Wild Duck, Teal, Widgeon or Snipe between the tenth day of May, and the fifteenth day of August in any year, or shall sell, offer for sale, buy, receive, or have in his or her possession, any of the above mentioned birds between those periods, (such birds having been taken or killed after the said tenth day of May, the proof to the contrary whereof shall be upon the party charged,) or if any person shall trap or set traps, nets or snares, for any Grouse or Quail, or shall kill or hunt, or go in quest after the same at night, (that is to say, between Sunset and Sunrise,) or any such person being convicted of any or either of the said offences before a Justice of the Peace, upon the oath or affirmation of one or more credible witness or witnesses (which oath or affirmation the Justice is hereby authorized to administer,) or upon view had of the offence by the said Justice himself, shall pay a fine or penalty not exceeding five pounds, nor less than five shillings, current money of this Province, together with the costs and charges attending the conviction.

How recover-
able.

IV. And be it enacted, That any person or persons offending against this Act, shall be charged in writing, and the conviction shall be drawn up, and the fine or fines and costs levied in manner and according to the Form, or as near thereto as may be, as charges are directed to be made, and convictions drawn up, and penalties and costs directed to be levied, in and by a certain Act of this Province, made and passed in the seventh year of Her Majesty, intituled, *An Act to prohibit the hunting and killing of Deer and other Game within this Province at certain seasons of the year*, and all the several provisions of that Act as to the limitation of time for prosecution and as to evidence, and an appeal to the Quarter Sessions and otherwise, shall (so far as they lawfully can) be made applicable to this Act without here repeating the same.

Indians.

V. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to the people usually called Indians.

Saguenay ex-
empted.

VI. And be it enacted, That the County of Saguenay shall be exempt from the operation of this Act,



ANNO OCTAVO

VICTORIÆ REGINÆ.

CAP. XLVII.

An Act to repeal and reduce into one Act the several laws now in force for the Preservation of Salmon in that part of this Province formerly Upper Canada, and for other purposes therein mentioned.

[29th March, 1845.]

WHEREAS it is expedient to repeal and reduce into one the several Acts now in force in Upper Canada for the Preservation of Salmon within that part of the Province, and to make further regulations as to fishing in the rivers and creeks 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 Act of the Parliament of the Province of Upper Canada passed in the second year of the Reign of His late Majesty King George the Fourth, intituled, *An Act to repeal the laws now in force relative to the Preservation of Salmon, and to make further provisions respecting the Fisheries in certain parts of this Province, and also to prevent accidents by fire from persons fishing by torch or fire light*; and an Act of the said Parliament passed in the Fourth year of the same Reign, intituled, *An Act to repeal part of and to amend and extend the provisions of an Act passed in the second year of the reign of His present Majesty, intituled, "An Act to repeal the laws now in force relative to the Preservation of Salmon, and to make further provisions respecting the Fisheries in certain parts of this Province, and also to prevent accidents by fire from persons fishing by torch or fire light,"* shall be and the same are hereby repealed.

Preamble.

Act of U. C.
2 Geo. IV. cap.
10.

Act of U. C.
4 Geo. IV. cap.
20.

The said Acts
repealed.

II.

Salmon not to be killed between 10th September and 1st March of the next year.

II. And be it enacted, That from and after the passing of this Act, it shall not be lawful for any person or persons at any time between the tenth day of September in any year, and the first day of March in the succeeding year, to take, catch or kill any Salmon or Salmon fry, in any manner whatsoever.

Salmon not to be killed within a certain distance of the mouths of rivers in Lake Ontario or the Bay of Quinté.
Exception.

III. And be it enacted, That it shall not be lawful for any person or persons at any time to take, catch or kill in any manner, in any District in Upper Canada, any Salmon or Salmon fry nearer the mouth of any of the rivers or creeks emptying into Lake Ontario or the Bay of Quinté, than two hundred yards, or within two hundred yards up from the mouth of any such river or creek as aforesaid: Provided always, that nothing herein contained shall be construed to prevent the taking of Salmon with a seine or net at any place along the shores of Lake Ontario between the first day of February and the first day of August.

Fish not to be taken by torch light within a certain distance of any mill.

IV. And be it enacted, That it shall not be lawful for any person or persons to take, catch or kill, or to attempt to take, catch or kill any fish whatsoever, in any river or creek within Upper Canada, by torch or fire light within one hundred yards of any mill which may now or hereafter be erected on any such river or creek as aforesaid.

No person to have Salmon in his possession during the periods in which it is made unlawful to kill the same.

V. And be it enacted, That from and after the passing of this Act, it shall not be lawful for any person or persons to buy, receive or have in his or their possession, under any pretence whatever, any Salmon taken or caught during the period in which persons are hereby prohibited from taking or attempting to take or catch Salmon within Upper Canada; and the proof that any Salmon was not so taken or caught shall lie on the person or persons in whose possession any such Salmon shall be found.

Onus of proof to be on the possessor.
Penalty on persons offending against this Act, and mode of prosecution.

VI. And be it enacted, That if any person or persons shall be convicted of any offence against this Act, before any one or more of Her Majesty's Justices of the Peace within the District in which the offence shall have been committed, upon the oath of one or more credible witness or witnesses, such person or persons shall upon conviction as aforesaid, forfeit and pay a sum not exceeding ten pounds, nor less than five shillings for the first offence, in the discretion of the Justice or Justices before whom such conviction shall be had, with all reasonable costs both before and after conviction; and for every subsequent offence of a like nature, the sum of five pounds, with costs as aforesaid: and upon any such conviction as aforesaid, it shall be lawful for the said Justice or Justices before whom such conviction shall have been had, to issue his or their Warrant of Distress against the goods and chattels of the offender or offenders, directed to any Constable in the said District, and commanding him to levy the said fine and costs, of the goods and chattels

How such penalty may be levied.

chattels of the said offender or offenders, which Warrant shall be in the form to this Act attached, marked A ; and in default of payment of such fine and costs as aforesaid, by such offender or offenders, and if no goods and chattels of such offender or offenders can be found whereof such fine and costs can be levied as aforesaid, it shall be the duty of the Justice or Justices before whom such conviction shall have been had as aforesaid, to commit such offender or offenders to the common gaol of the District as aforesaid, for a term not exceeding thirty days, unless the fine and costs are sooner paid.

Offender may be committed in default of payment.

VII. And be it enacted, That it shall be the duty of any Constable to whom such Justice or Justices as aforesaid shall direct his or their Warrant against the goods and chattels of any offender or offenders under this Act, within forty-eight hours after the receipt by him of such Warrant, to seize of the goods and chattels of such offender or offenders named in any such Warrant, sufficient to make the amount of the fine and costs, and to give a list of such goods and chattels so seized, signed with his hand, to the owner thereof; upon which list the said Constable shall endorse a notice to the said owner or owners of the time and place at which the said goods and chattels will be sold if the said fine and costs are not sooner paid ; and at the expiration of the time mentioned in such notice, (which shall not be less than eight nor more than sixteen days) it shall be lawful for the said Constable to proceed to sell the said goods and chattels and make the amount of the fine and costs, returning the overplus, if any, to the owner or owners of the said goods and chattels; and the said Constable shall within forty-eight hours after any such sale pay over the said fine and costs to the Justice or Justices from whom the said Warrant was received.

Duty of the Constable to whom any Warrant shall be addressed under this Act.

VIII. And be it enacted, That every Constable acting under the authority of this Act, shall be entitled to the following fees, and no more ; which fees in case of a sale of the offender's goods and chattels, the said Constable is hereby authorized to add to the amount mentioned in any Warrant delivered to him to be executed, viz : for every levy, three shillings and six pence ; for bill of goods seized and notice, five shillings ; every sale, five shillings : Provided always, that in case of any offender or offenders under this Act being committed to the gaol of the District, in default of goods and chattels to satisfy the fine and costs, the Constable for conveying such offender or offenders to gaol shall be entitled to receive the sum of five shillings for every such offender committed, and four pence a mile for every mile he shall be necessarily obliged to travel to convey such offender or offenders to prison ; which fees shall be paid by the Treasurer of the District to such Constable upon the certificate of the Justice or Justices before whom such conviction was had.

Fees to a Constable employed under this Act.

Proviso.
Fee for conveying the offender to Gaol.

How paid.

IX.

Application of
penalties.

IX. And be it enacted, That of all fines levied or collected or to be levied or collected by virtue of this Act, one half shall belong to the informer, and the other half shall be paid into the hands of the Treasurer of the District in which the conviction shall have been had, to and for the public use thereof.

Twenty mile
Pond, Louth.

X. And whereas it is expedient and necessary more effectually to provide for the preservation of fish in the twenty mile pond in the Township of Louth, in the District of Niagara, and to make regulations concerning fishing in the said twenty mile pond: Be it enacted, That it shall not be lawful for any person whomsoever to take or catch or attempt to take or catch, by setting any net or nets, wear or wears, any fish in the aforesaid twenty mile pond, nor to take or catch or attempt to take or catch any fish therein otherwise than with spear, hook or line.

SCHEDULE A.

FORM OF A WARRANT OF DISTRESS.

DISTRICT OF

To A. B., a Constable for the _____ of _____,—GREETING :

Whereas C. D., of _____, in the District of _____, was, on the _____ day of _____ now last (*or instant*), convicted before me (*or us*) of having (*here state the offence concisely*) against the form of the Statute in such case made and provided, and hath therefore by me (*or us*) been condemned to forfeit and pay the sum of _____ currency, and costs, which said penalty hath not been paid, and the same remains to be levied in the manner by law provided; You are therefore commanded to levy of the goods and chattels of the said C. D., which shall be found within the said District of _____, the said sum of _____, and your lawful fees, and to have this Warrant and the said sum of _____ before me (*or us*) on _____ day of _____ next (*or instant, allowing the time mentioned in the Act*), or otherwise then and there to certify me (*or us*) of the reasons why the same shall not have been so levied.

Given under my (*or our*) hand (*or hands*) and seal (*or seals*), this day of _____ in the year one thousand eight hundred and _____

Signature,
or [L. S.]
Signatures.



ANNO OCTAVO

VICTORIÆ REGINÆ.

C A P. XLVIII.

An Act for the relief of Insolvent Debtors in Upper Canada, and for other purposes therein mentioned.

[29th March, 1845.]

WHEREAS it is expedient to repeal a certain Act passed in the Seventh year of the Reign of Her present Majesty, intituled, *An Act to abolish imprisonment in execution for Debt, and for other purposes therein mentioned*, and to protect from all process against the person, such persons as have become indebted without any fraud or gross or culpable negligence, so as nevertheless their estates may be duly distributed among their creditors: 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 above recited Act be, and the same is hereby repealed; and if any person not being a trader within the meaning of the Statute now in force relating to Bankrupts, or not having been such trader before the passing of the said Act, or if any person having been a trader before the passing of the said Act, but excluded from the operation thereof, or being such trader but owing debts amounting in the whole to less than one hundred pounds, shall give notice according to the Schedule to this Act annexed, to one-fourth in number and value of his creditors, and shall cause the same notice to be inserted twice in the Canada Gazette, and twice in some newspaper circulating within the District wherein he resides, he may present a petition for protection from Process to any Judge or Commissioner in Bankruptcy in the District wherein he may have resided twelve calendar months, which petition shall have annexed to it a full and true Schedule of his debts, with the

Preamble.

Persons not entitled to the benefit of the Bankrupt Act may apply for protection against process, which shall be granted them on certain conditions.

the names of his creditors and the date of contracting the debt, and the security (if any) given for the same, and also the nature and amount of his property, with the debts owing to him, with their dates and the names of his debtors, and the nature of the securities (if any) which he may have received for such debts, and which petition shall also set forth any proposal which he may have to make for the payment in whole or in part of his debts; and it shall thereupon be lawful for the said Judge or Commissioner in Bankruptcy to give, upon the filing of such petition, a protection to the petitioner from all Process whatever, either against his person or his property of any description, which protection shall continue in force, and all Process be stayed until the appearance of the petitioner as hereinafter provided; and upon the presentation of any such petition, all the estate and effects of the petitioner shall forthwith become vested in the Official Assignee who shall be nominated by the Judge or Commissioner acting in the matter of the said petition, and such Official Assignee shall and may forthwith take possession of so much thereof as can be reasonably obtained and possessed without suit; and the said Official Assignee shall hold and stand possessed of the same in the manner as Assignees hold and possess estates and effects under and by virtue of the Statute relating to Bankruptcy.

Property of the debtor to be vested in an Official Assignee.

Such petition for protection, shall be in the form of Schedule A, No. 2.

II. And be it enacted, That every such petition for protection from Process shall be in the form specified in the Schedule hereunto annexed (A No. 2) and such petition and the Schedule required to be annexed thereto shall be verified by an affidavit of the petitioner in the form specified in the Schedule hereunto annexed (A No. 3) and such affidavit shall be sworn in the manner as affidavits in matters of Bankruptcy may be sworn by any law now in force relating to Bankrupts, and shall be annexed to such petition at the time of filing the same; and if such petition and affidavit shall not be in the form herein prescribed, such petition shall be dismissed.

Proviso: the protection not to prevent the party from being held to bail.

III. Provided always and be it enacted, That nothing herein contained shall be held or construed to hinder or prevent the said Insolvent from being arrested or held to bail, under the authority of any Judge's order for that purpose, in like manner as may now by law be done, notwithstanding any protection which may be granted under the authority of this Act.

Proceedings to be adopted by the Judge or Commissioner to whom the application for protection shall be made.

IV. And be it enacted, That any Judge or Commissioner in Bankruptcy to whom any such petition shall be presented, shall make from time to time such order as he may think right, touching the notice of meetings and examination to be given to creditors, and the publication of such notice, and shall on the day notified by any such notice proceed to examine upon oath the petitioner, and any creditor who may attend such examination, or any witness whom the petitioner or any creditor may

may call, and the said Judge or Commissioner may adjourn the examination from time to time; and the choice of the creditors' assignee shall take place at such sitting, or any adjournment thereof, and shall be made by the majority in number and value of the creditors who may attend, by themselves or their attorneys duly authorized by letters of attorney in that behalf, before the Judge or Commissioner on such day, provided that the Judge or Commissioner shall have power to reject any person so chosen who shall appear to him unfit to be such Assignee as aforesaid, or to remove any Assignee; and upon such rejection or removal, a new choice of another Assignee shall be made in like manner, and the said Judge or Commissioner shall have power to summon to be examined before him any debtor or debtors of such petitioner or any creditor of such petitioner, or any other person whose evidence may appear necessary for the purposes of the enquiry; and if it shall appear to the said Judge or Commissioner that the allegations in the petition and the matters in the Schedules are true, and that the debts of the petitioner were not contracted by any manner of fraud or breach of trust, or that there is any prosecution against the petitioner whereby he had been convicted of any offence, or without having at the time of becoming indebted reasonable assurance of being able to pay his debts, and that such debts were not contracted by reason of any judgment in any proceeding for breach of the Revenue Laws, or in any action of breach of promise of marriage, seduction, criminal conversation, libel, slander, assault and battery, malicious arrest, malicious suing out of *fiat* in Bankruptcy, or malicious trespass, and that the petitioner has made a full discovery of his estate, effects, debts and credits, and has not parted with any of his property since the presenting of his petition, it shall then be lawful for the said Judge or Commissioner to cause notice to be given, that, on a certain day to be named therein, he will proceed to make an order, unless cause be shewn to the contrary, which order shall be called a final order, and shall be for the protection of the person of the petitioner from all Process, and for the vesting of his estate and effects in an Official Assignee to be named by such Judge or Commissioner, together with an Assignee to be chosen by the majority in number and value of the creditors who may attend before the Judge or Commissioner on such day, or for the carrying into effect such proposal as the petitioner shall have set forth in his petition: Provided that the consideration of such final order may be adjourned from time to time by the Judge or Commissioner without any further notice: Provided always, that it shall be lawful for the said Judge or Commissioner, if he shall think fit, to direct in such final order, some allowance to be made for the support of the petitioner out of his estate and effects.

The Judge or Commissioner on being satisfied that the debts of debtor were contracted without fraud may issue a final order of protection.

Proviso, for adjournment.

Proviso, allowance for support of debtor.

V. And be it enacted, That as to any person who was a trader within the meaning of the said Act relating to Bankrupts before the passing thereof, and who is excluded from the operation, having before the passing thereof failed in his said business,

Final order shall operate as a discharge of all debts.

business, under such circumstances, as in the event of such failure having taken place after the passing of the said Act relating to Bankrupts, he could have availed himself of the provisions thereof, such order to be called a final order as aforesaid, shall, in addition to its effect as stated in the next preceding clause, operate as a discharge of all debts due up to the day of his filing his petition under the provisions of this Act, as fully and completely and to the same extent as if such Trader had obtained a certificate under the fifty-ninth clause of the said Act relating to Bankrupts.

Judge or Commissioner may renew order.

VI. And be it enacted, That at the first examination of the petitioner it shall be lawful for the Judge or Commissioner to renew the order for protection, and to renew it from time to time until the final order for protection and distribution.

Judge or Commissioner may imprison, &c., debtor prevaricating.

VII. And be it enacted, That it shall be lawful for the Judge or Commissioner, by Warrant under his hand and seal, to commit to prison any petitioner who shall appear to have prevaricated or made any false statement before him, for such time as he shall think fit, not exceeding one calendar month; and touching all persons other than the petitioner who shall be examined before him, or being lawfully summoned shall refuse or neglect to attend, the said Judge or Commissioner shall have the same powers in respect of commitment as he has by any law now in force relating to Bankrupts.

Property and credits of the Debtor to vest in the Assignees.

VIII. And be it enacted, That from and after the issuing of the final order, the whole estate present and except in the case mentioned in the fifth section the future estate, as well real as personal, and all the effects, and all the credits of the petitioner shall become absolutely vested in the Official Assignee and Assignee chosen by the creditors, without any deed or conveyance, which Assignees shall hold the same as fully as if the petitioner had been made a Bankrupt and they had been Assignees under the commission issued against him, and shall sue and be sued as if they had been Assignees under such commission; and as often as any such Assignee shall die, or be lawfully removed and a new Assignee duly appointed, all estate, real and personal, and such effects and credits as were or remain vested in such deceased or removed Assignee shall vest in the new Assignee, either alone or jointly with the existing Assignees, as the case may require, without any deed or conveyance for that purpose, and every such Assignee shall be deemed to be an officer of the Court in which the petition shall be filed, and shall be liable as such to the control thereof: Provided always, that the property of the petitioner shall in every case be possessed and received by the Official Assignee alone, save where it shall be otherwise ordered by the Judge or Commissioner: Provided also, that it shall be lawful for the Vice Chancellor of Upper Canada, from time to time to make such orders, rules and regulations for the security of the property of the

Power of Assignees. Decease or removal of Assignee.

Proviso.

Proviso.

the petitioner as he may judge reasonable and proper: Provided always, that no other estate, real or personal, effects or credits of any such petitioner other than that of which he shall be possessed or entitled to at the date of the final order, shall be liable to or applicable in satisfaction of the debts mentioned in and discharged by the fourth Section of this Act: Provided always, and be it enacted, that where, according to any law now in force, any conveyance or assignment of any real or personal property of a petitioner would require to be registered, enrolled, or recorded in any Registry Office of this Province, then in any such case such certificate of the appointment of an Assignee or Assignees as is provided by the fiftieth Section of an Act passed in the seventh year of the Reign of Her present Majesty, intituled, *An Act to repeal an Ordinance of Lower Canada, intituled, "An Ordinance concerning Bankrupts and the administration or distribution of their estates and effects, and to make provision for the same object throughout the Province of Canada,"* shall be registered in the Registry Office or place wherein such conveyance or assignment as last aforesaid would require to be registered, enrolled, or recorded; and the Registry hereby directed shall have the like effect to all intents and purposes as the Registry, enrollments or recording of such conveyance or assignment as last aforesaid would have had; and the title of any purchaser of any such property as last aforesaid for valuable consideration, who shall have duly registered, enrolled, or recorded his purchase deed previous to the Registry hereby directed, shall not be invalidated by reason of such appointment of an Assignee or Assignees as aforesaid, in the vesting of such property in him or them consequent thereupon, unless the certificate of such appointment shall be registered as aforesaid within two months from the date of such appointment.

Proviso.

Proviso.

IX. And be it enacted, That the said Assignees shall be entitled, except in cases where a final discharge shall be authorized, to claim and demand from the said petitioner, at any time after the said final order, any estate and effects acquired by him at any time after such order shall have been made, and all such estate and effects, of what kind soever and wheresoever situate, shall be absolutely vested in such Assignees upon their filing a copy of their claim served upon the petitioner personally, or by leaving it at the place of residence mentioned in his notice of petition, and they shall hold the same in like manner as they held the estate and effects of the petitioner transferred by force of the final order, as hereinbefore provided: Provided always, that no Assignee of any Insolvent shall be authorized by virtue of this Act to take possession of any estate or effects which the Insolvent shall have acquired or become possessed of after making the final order herein mentioned, except under the authority of an order of the Judge or Commissioner, made for that purpose, and then only to the extent and at the time and in the manner directed by such order, and after giving such notices and doing such acts, matters and things, as by the rules, orders and regulations, made under the authority of this Act, shall be required and directed in that behalf.

Property acquired by the Debtor after final order to be also vested in the Assignees.

Proviso as to Insolvents.

X.

Upon petition being filed, Judge or Commissioner may compel attendance of petitione., &c.

X. And be it enacted, That upon such petition being filed the Judge or Commissioner shall possess the like power and authority touching the seizure of the property of such petitioner, (except as herein otherwise directed,) and also to compel the attendance of and to examine such petitioner and his wife, and every person known or suspected to have any of the property of such petitioner in his possession, or who is supposed to be indebted to such petitioner, and any person whom the said Judge or Commissioner believes capable of giving any information concerning the person, trade, business or calling, dealings or property of such petitioner, or any information material to the full disclosure of the dealings of such petitioner, and to enforce both obedience to such examination and the production of books, deeds, papers, writings, and other documents, as by any law now in force relating to Bankrupts, or possessed by any Court authorized to act in the prosecution of *fiats* in Bankruptcy, touching the seizure of property and the examination of any Bankrupt or other person under a *fiat* in Bankruptcy.

Any prisoner in execution, with certain exceptions may be a petitioner under this Act.

XI. And be it enacted, That any prisoner in execution upon any judgment obtained in any action for the recovery of any debt, either not being a trader within the meaning of the Statute relating to Bankrupts, or being a trader within the meaning of the said Statute owing debts amounting on the whole to less than one hundred pounds, may be a petitioner for protection from process under this Act, and every such petitioner, to whom an *interim* order for protection shall have been given, shall not only be protected from process as provided by this Act, but also from being detained in prison in execution upon any judgment obtained in any action for the recovery of any debt mentioned in his Schedule; and if any such petitioner, being a prisoner in execution, shall be detained in prison in execution upon any such judgment, it shall be lawful for the Judge or Commissioner to order any Officer who shall have such petitioner in custody by virtue of such execution, to discharge such petitioner out of custody as to such execution, without exacting any fee, and such Officer shall hereby be indemnified for so doing, and no Sheriff, Gaoler, or other person whatsoever, shall be liable to any action as for the escape of any such prisoner by reason of such his discharge; and such petitioner so discharged shall be protected by his *interim* order from all process for such time as the said Judge or Commissioner shall, by such *interim* order or any renewal thereof, think fit to appoint until the making of the final order for protection in the same manner as if such petitioner had not been a prisoner in execution: Provided always, that after the time allowed by any such *interim* order, or any renewal thereof, (as the case may be,) shall have elapsed, such petitioner shall not by such discharge be protected from being again taken in execution upon such judgment, but such judgment shall remain in full force and effect, notwithstanding such discharge.

Proviso.

XII And be it enacted, That whenever any such petitioner is a prisoner under any Process, Attachment, Execution, Commitment or Sentence, and is not entitled to his discharge in manner aforesaid, the Commissioner may, by Warrant under his hand, directed to the person in whose custody such petitioner is confined, cause such petitioner to be brought before him for examination, at any sitting of the Court, either public or private, and the expense of bringing such petitioner shall be paid out of his estate, and such person shall be indemnified by the Warrant of the Judge or Commissioner for bringing up such petitioner.

Whenever petitioner is a prisoner, Commissioner may summon such petitioner before him.

XIII. And be it enacted, That if any petitioner for protection from Process shall die after the fying of his petition, the Judge or Commissioner may proceed in the matter of such petition, for the discovery and distribution of his property, as he might have done if the petitioner were living.

In case of decease of petitioner, Judge may act as if he were living.

XIV And be it enacted, That the wearing apparel, bedding, and other necessaries of the petitioner and his family, and the working tools and implements of the petitioner, not exceeding in the whole the value of twenty pounds, may be excepted by the petitioner in his petition from the operation of this Act, and in such case shall be altogether excluded from the operation of this Act: Provided always, that such excepted articles, with the values thereof respectively to be ascertained and appraised, if the said Judge or Commissioner shall think fit, in such manner as he shall direct, be fully and truly described by the petitioner in his Schedule, but otherwise the exception thereof shall be of no force as to any part of the same.

Wearing apparel, &c., to a certain amount, to be excluded from operation of this Act.

XV. And be it enacted, That until an Assignee shall be chosen by the Creditors of any petitioner for protection from Process, the Official Assignee nominated by the Judge or Commissioner upon the fying of the petition of such petitioner shall be enabled to act, and shall be deemed to be to all intents and purposes a sole Assignee of the property of such petitioner, and, if the said Judge or Commissioner shall so order, may sell or otherwise dispose of such property or any part thereof, and make such allowance out of the property of such petitioner for the support of himself and his family, as the said Judge or Commissioner shall direct; and the property vested in any Official Assignee alone or jointly with any Assignee chosen by creditors under this Act, shall not remain in such Official Assignee alone or jointly with such Assignee chosen by creditors, if such Official Assignee shall resign or be removed from his office, nor in the heirs, executors, or administrators of such Official Assignee, nor in the surviving Assignee alone, in case of the death of such Official Assignee, but all such property shall in every such case go to and be vested in the successor in office of such Official Assignee alone, or jointly with the Assignee chosen by the creditors (if any), as the case may be; and whenever any such petitioner shall have been or shall be dismissed, all sales and dispositions

Until Assignee be chosen by Creditors of petitioner, Official Assignee shall be deemed sole Assignee of property of petitioner.

of

of property and payments duly made, and all other acts theretofore done by any Assignee or any person or persons acting under his authority, or by any messenger or other person under the authority of the Judge or Commissioner, according to the provisions of this Act, shall be good and valid, but the property of the petitioner shall otherwise in such case revert to such petitioner: Provided however, that no action or suit shall be prosecuted or commenced against such Assignee, messenger, or other person or persons acting as aforesaid, except to recover any property of such petitioner detained after an Order made by the said Judge or Commissioner for the delivery thereof and the demand made thereupon.

Proviso.

All powers vested in petitioner shall be vested in Assignee.

XVI. And be it enacted, That all powers vested in any petitioner for protection from Process whose estate shall under the provisions of this Act have been vested in an Assignee or Assignees, which such petitioner might legally execute for his own benefit, shall be hereby vested in such Assignee or Assignees, to be by such Assignee or Assignees executed for the benefit of the creditors of such petitioner, under this Act, in such manner as such petitioner might have executed the same.

When petitioner is entitled to a lease, &c, and the Assignee accepts the same, petitioner not liable after filing petition.

XVII. And be it enacted, That in all cases in which such petitioner shall be entitled to any lease or agreement for a lease. and his Assignee or Assignees shall accept the same, and the benefit thereof, as part of such petitioner's property, the said petitioner shall not be liable to pay any rent accruing after the filing of his petition, nor be in any manner sued after such acceptance in respect of any subsequent non-observance or non-performance of the conditions, covenants, or agreements therein contained: Provided, that in all such cases as aforesaid it shall be lawful for the lessor, or person agreeing to make such lease, his heirs, executors, administrators, or assigns, if the said Assignee or Assignees shall decline, upon his or their being required so to do, to determine whether he or they will or will not accept such lease or agreement for a lease to apply to the Judge or Commissioner, praying that he or they may either so accept the same or deliver up such lease or agreement for a lease and the possession of the premises demised or intended to be demised; and the Judge or Commissioner shall thereupon make such order as in all the circumstances of the case shall seem meet and just, and such order shall be binding on all parties.

Assignees empowered to sue, &c, in the name of petitioner and in trust for creditors.

XVIII. And be it enacted, That it shall be lawful for the Assignee or Assignees of any such petitioner, and such Assignee or Assignees shall be hereby empowered to sue from time to time, as there may be occasion, in his or their own name or names for the recovery, obtaining, and enforcing of any property or rights of such petitioner, but in trust for the benefit of the creditors of such petitioner, according to the provisions of this Act, and to give such discharge and discharges to any person or persons who shall be respectively indebted to such petitioner as
may

may be requisite; and to make compositions with any debtors or accountants to such petitioner where the same shall appear necessary, and to take such reasonable part of any such debts as can upon such composition be gotten in full discharge of such debts and accounts, and to submit to arbitration any difference or dispute between such Assignee or Assignees and any person or persons for or on account or by reason of any matter, cause or thing relating to the property of such petitioner: Provided nevertheless, that no such composition or submission or arbitration shall be made nor any suit in equity be commenced by any such Assignee or Assignees without the consent in writing of the major part in value of the creditors of such petitioner, who shall meet together pursuant to a notice of such meeting to be published at least fourteen days before such meeting in the Upper Canada Gazette, and also in some newspaper usually circulated in the neighbourhood of the place where such petitioner had his last usual residence before the fying of his petition, nor without the approbation of the said Judge or Commissioner.

Proviso.

XIX. And be it enacted, That in all matters wherein creditors shall vote, or wherein the assent or dissent of creditors shall be exercised in pursuance of, or in carrying into effect this Act, every creditor shall be accounted such in respect of such amount only as upon an account fairly stated between the parties, after allowing the value of mortgaged property, and other such available securities and liens shall appear to be the balance due; and that all disputes arising in such matters, concerning any such amount, shall, upon application duly made in that behalf, be examined into by the said Judge or Commissioner, who shall have power to determine the same: Provided always, that the amount, in respect of which, any such creditor shall vote in any such matter shall not be conclusive of the amount of his or her debt, for any ulterior purposes in pursuance of the provisions of this Act.

In matters wherein creditors vote, every creditor considered as such in respect of such amount only as upon an account fairly stated between the parties shall appear due.

XX. And be it enacted, That if any such petitioner shall, at the time of fying his petition, or at any time before such petitioner shall become entitled to his final Order according to this Act, have any Government stocks, funds, or annuities, or any of the stock or shares of, or in any public company in Upper Canada, standing in his own name, in his own right, it shall be lawful for the said Judge or Commissioner, whenever he shall deem fit so to do, to order all persons whose act or conduct is thereto necessary, to transfer the same into the name of such Assignee or Assignees as aforesaid; and all such persons whose act or consent is so necessary, as aforesaid, shall be hereby indemnified for all things done or permitted, pursuant to such Order.

If petitioner have any Government stocks, &c., Judge may order the same to be transferred to Assignee.

XXI. And be it enacted, That whenever any Assignee shall die, resign, or be removed, or a new Assignee shall be duly appointed, no action at law or suit in equity shall be thereby abated, but the Court in which any action or suit is depending may,

Death or resignation of Assignee not to interfere with any suit.

may, upon the suggestion of such death, resignation or removal and new appointment (if any) allow the name or names of the surviving or new Assignee to be substituted in the place of the former, and such action or suit shall be prosecuted in the name or names of the said surviving or new Assignee, in the same manner as if he had originally commenced the same.

If the petitioner have any property in his possession at the time of filing his petition, such property shall be deemed to be his, so as to become vested in Assignee.

XXII. And be it enacted, That if any petitioner for protection from process shall at the time of filing his petition, by the consent and permission of the true owner thereof, have in his possession, order or disposition, any goods or chattels whereof such petitioner was reputed owner, or whereof he had taken upon him the sale or disposition as owner, the same shall be deemed the property of such petitioner, so as to become vested in the Assignee or Assignees for the time being of the estate and effects of such petitioner.

No distress for rent after filing petition shall be available for more than one year's rent accrued before filing petition.

XXIII. And be it enacted, That no distress for rent made and levied, after the filing of any petition for protection from Process upon the goods or effects of the petitioner, shall be available for more than one year's rent accrued prior to the filing of such petition, but that the landlord, or party to whom the rent shall be due, shall and may be a creditor for the overplus of the rent due, and for which the distress shall not be available, and entitled to all the provisions made for creditors by this Act.

Proviso. Final Order may be pleaded in bar of suits against the debtor for debts contracted before his petition was filed.

XXIV. Provided always, and it is hereby further enacted, That if any suit or action be brought against any petitioner for or in respect of any debt contracted before the date of filing his petition, it shall be a sufficient plea in bar of the said suit or action, that such petition was duly presented and a final Order for protection and distribution made by a Judge or Commissioner duly authorized, whereof the production of the Order signed by the Judge or Commissioner, with proof of his handwriting, shall be sufficient evidence.

What shall be evidence of the Assignees' appointment.

XXV. And be it enacted, That the like evidence of the appointment of Assignees shall be received as sufficient to prove such appointments, in all courts and places whatsoever, as is received by the laws now in force relating to Bankrupts, to prove such appointments.

Creditors or Assignees may in certain cases apply for the removal of the protection.

XXVI. And be it enacted, That it shall be lawful for any creditor or Official Assignee or other Assignee, at any time after the final Order shall have been made, except in the cases mentioned in the fifth Section of this Act, to give one month's notice to the petitioner, either by personal service, or if he cannot be found, by service at the place of his residence mentioned in his notice of petition, that such creditor intends to apply by motion to the said Judge or Commissioner,
or

or in case of his death, resignation or removal, to the Judge or Commissioner appointed to succeed him, that the final Order be rescinded, as far as relates to the protection of the petitioner's person from Process, and as far as relates to the effect of such Order in bar of suits and actions; and the said Judge or Commissioner shall, upon hearing the matter of such motion and any evidence in support of it, and what the petitioner has to allege against it, and any evidence against it, and upon examining the petitioner, if he shall desire to be examined, or if the Judge or Commissioner shall think fit, proceed to make such rescinding Order as is hereinbefore mentioned, if he sees reason to believe that the petitioner had not, before the making of the Order sought to be rescinded, made a full disclosure of his estate, effects and debts, or had, since the making of such Order, not given notice to the Assignees of any property after acquired by him; provided that on any such motion by a creditor, the Official and other Assignee shall be duly served with a month's notice to attend the said Judge or Commissioner; and provided further, that the notice of the hearing and motion shall be given twice in the Canada Gazette, and twice in the same paper in which the notice of the petition had been given, or in some other paper circulating in the same district: And provided always, that the said Judge or Commissioner, in case he shall refuse to make the rescinding Order, shall, if he think fit, order the petitioner's costs of the motion to be paid by the creditor making the motion, or by the Assignee chosen by the creditors, in case he shall make the motion, but not out of the petitioner's estate and effects.

Power to the Judge or Commissioner to take evidence and to rescind the Order for protection if he see fit.

Notice to be given.

Publication of the notice.

Proviso, as to costs.

XXVII. And be it enacted, That if the petitioner shall, before or after the filing of his petition, in contemplation of his becoming insolvent, or being in insolvent circumstances, voluntarily convey, assign, transfer, charge, deliver or make over any estate, real or personal, security for money, bond, bill, note, money, goods or effects whatsoever, to any creditor or creditors or to any person or persons in trust for or to, or for the use, benefit or advantage of any creditor or creditors, or to any person who is or may be liable as surety for such petitioner, every such conveyance, assignment, transfer, charge, delivery and making over, shall be deemed fraudulent and void, as against any Assignee or Assignees of the estate and effect of such petitioner, appointed under the provisions of this Act: Provided always, that no such conveyance, assignment, transfer, charge, delivery or making over, shall be so deemed fraudulent and void, if made at any time prior to three Calendar months before the filing of the petition, and not with the view and intention by the party so conveying, assigning, transferring, charging, delivering or making over, of petitioning the Court for protection from Process.

Any Assignment or other Act made by petitioner before or after filing petition, shall be fraudulent and void.

Proviso.

XXVIII. And be it enacted, That in all cases where any petitioner, for protection from Process, whose estate shall have been vested in an Assignee or Assignees, under

When petitioner shall have confessed

judgment, no person to avail himself of any execution issued upon such confession and judgment.

But such person may be a creditor.

Final Order shall protect petitioner from being taken or detained.

Final Order to be in form specified in Schedule (A. No. 4.)

Judge or Commissioner may discharge petitioner who is a prisoner in execution at the time of filing petition.

If petitioner's debts appear to have been contracted by fraud &c., Judge shall not name day for final Order; but if petitioner was a prisoner

under the provisions of this Act, shall have issued any Warrant of Attorney to confess judgment, or shall have given any *Cognovit actionem*, or Bill of Sale, whether for a valuable consideration or otherwise, no person shall, after the filing of the petition of such petitioner, avail himself of any execution, issued upon any judgment obtained or to be obtained upon such Warrant of Attorney or *Cognovit actionem*, either by seizure or sale of the property of such petitioner, or any part thereof, or sale of such property theretofore seized, or any part thereof, or avail himself of such Bill of Sale; but that any person or persons to whom any sum or sums of money shall be due in respect of any such Warrant of Attorney or *Cognovit actionem*, or of such Bill of Sale, shall and may be a creditor or creditors for the same under this Act.

XXIX. And be it enacted, That the final Order to be made under the provisions of this Act, shall protect the person of the petitioner from being taken or detained under any Process whatever in the cases hereinafter mentioned, that is to say: from all Process in respect of the several debts and sums of money due or claimed to be due, at the time of filing the petition from such petitioner, to the several persons named in the Schedule as creditors, or as claiming to be creditors for the same respectively, or for which such persons shall have given credit to such petitioner before the time of filing such petition, and which were not then payable, or in respect of the claims of any other persons not known to such petitioner at the time of making the final Order, who may be endorsees or holders of any negotiable securities set forth in such Schedule: Provided always, that every such final Order may be made without specifying therein any such debt or debts or sum or sums of money, or claims as aforesaid, and such final Order shall be in the form specified in Schedule (A. No. 4.)

XXX. And be it enacted, That if any such petitioner, being a prisoner in execution at the time of filing his petition, shall be detained in prison for any debt or claim, in respect of which he is protected from process by his final order, it shall be lawful for the Judge or Commissioner to order any Officer who shall have such petitioner in custody by virtue of such execution, to discharge such petitioner without exacting any fee, and such Officer shall be hereby indemnified for so doing.

XXXI. Provided always, and be it enacted, That if on the day for the first examination of the petitioner, or at any adjournment thereof, it shall appear to the Judge or Commissioner that the debts of the petitioner, or any of them, were contracted by any manner of fraud or breach of trust, or by any prosecution whereby he had been convicted of any offence, or without having at the time a reasonable or probable expectation of being able to pay such debt or debts, or that such debts, or any of them, were contracted by reason of any judgment in any proceeding for
breach

breach of the revenue laws, or in any action for breach of promise of marriage, seduction, criminal conversation, libel, slander, assault, battery, malicious arrest, malicious suing out a *fiat* of Bankruptcy, or malicious trespass, or that the petitioner has parted with any of his property since the presenting of his petition, the Judge or Commissioner shall not be authorized in any such case to name any day for making such final Order, or to renew such *interim* Order; and in every such case wherein such petitioner shall have been a prisoner in execution, and discharged out of custody by order of the Judge or Commissioner under the provision herein in that behalf contained, such petitioner shall be remanded by an Order from the Judge or Commissioner to his former custody; but if none of the matters aforesaid shall so appear, and the Judge or Commissioner shall be satisfied that the petitioner has made a full discovery of his estate, effects, debts and credits, it shall then be lawful for the Judge or Commissioner to cause notice to be given that on a certain day to be therein named, he will proceed to make such final Order, unless cause be shewn to the contrary.

at the time of filing petition, he may be remanded to custody.

XXXII. And be it enacted, That every sum of money that shall be payable by way of annuity or otherwise, at any future time or times, by virtue of any bond, covenant, or other securities of any nature whatsoever, shall be deemed and taken to be debts within the meaning of this Act: Provided always, that every person who would be a creditor of any petitioner for protection from Process for such sum or sums of money, if the same were presently due, shall be admissible as a creditor of such petitioner for the value and no more of such sum or sums of money so payable as aforesaid, which value the Judge or Commissioner authorized to act in the matter of the petition shall, upon application at any time made in that behalf, ascertain, regard being had to the original price given for such sum or sums of money, deducting therefrom such diminution in the value thereof as shall have been caused by the lapse of time since the grant thereof to the time of filing such petition; and such creditor shall be entitled in respect of such value to the benefit of all the provisions made for creditors by this Act, without prejudice, nevertheless, to the respective securities of such creditor, excepting as respects the effect of the final Order which shall be obtained by such petitioner under the provisions of this Act.

Sums of money, payable by annuity, considered as debts within the meaning of this Act.

XXXIII. And be it enacted, That it shall be lawful for the Judge or Commissioner, at the time appointed for making the final Order for protection from Process, or at any adjournment thereof, to adjourn the consideration of such final Order, *sine die*.

Consideration of final Order may be adjourned *sine die*.

XXXIV. And be it enacted, That if, for any of the causes in that behalf aforesaid, no day be named for making the final Order, or if the consideration of such final Order be adjourned *sine die*, or such final Order be refused, the Judge or Commissioner

If no day be named for final Order, Judge or Commissioner

shall make an Order to protect petitioner from being detained or taken under any Process.

Commissioner shall have the power, after the expiration of such time subsequent to the filing of the petition, as, having regard to all the circumstances of the insolvency and the conduct of the petitioner as an insolvent debtor, before and after his insolvency, the Judge or Commissioner shall think just, and after hearing the petitioner or any of his creditors, or his or their Counsel or Attorneys, to make an Order to protect the petitioner from being taken or detained under any Process whatever for or in respect of the several debts and sums of money due, or claimed to be due, at the time of filing his petition, from the said petitioner to the several persons named in his Schedule as creditors, or as claiming to be creditors, for the same respectively, or for which such persons should have given credit to the said petitioner before the time of filing his petition, and which were not then payable, and as to the claims of all other persons not known to the said petitioner at the time of making such Order, who may be endorsers or holders of any negotiable security set forth in the said Schedule.

If petitioner be taken under any process, Judge or Commissioner may discharge him from custody.

XXXV. And be it enacted, That if such petitioner shall be taken or detained under any Process whatever for any debt or claim in respect of which he is protected from Process, by such Order as last aforesaid, it shall be lawful for the Judge or Commissioner to order any Officer who shall have such petitioner so in custody to discharge such petitioner therefrom, without exacting any fee, and such Officer shall be hereby indemnified for so doing.

In certain cases, Judge may allow Schedule to be amended.

XXXVI. And whereas it may sometimes happen that a debt of, or claim upon, or balance due from a petitioner for protection from Process, may be specified in his Schedule so sworn to as aforesaid, at an amount which is not exactly the actual amount thereof, without any culpable negligence or fraud or evil intention on the part of the said petitioner; Be it enacted, That in such case the Judge or Commissioner shall allow the Schedule to be amended in that behalf; and in every case in which an amendment of the Schedule shall be allowed, the said petitioner shall be entitled to every benefit and protection of this Act; and the creditor in that behalf shall be entitled to all the benefit of all the provisions made for creditors by this Act, in respect of the actual amount of such debt, claim or balance, and neither more nor less than the same, to all intents and purposes; such error in the said Schedule notwithstanding.

When there shall be any balance in the hands of Official Assignee, whereof a dividend may be made, proceedings shall be

XXXVII. And be it enacted, That whenever, after an Audit, there shall appear to the Judge or Commissioner to be in the hands of the Official Assignee any balance wherewith a dividend may be made, proceedings shall be had forthwith, under the direction of the Judge or Commissioner, for making such dividend, and also, when it shall appear necessary, for correcting and ascertaining the list of creditors entitled to receive the same; and notice of any sitting of the Court
ordered

ordered to be held for such ascertaining of debts, or for an Audit, or for declaring a dividend thereupon, or for all such purposes, shall be given for such time and in such manner as the Judge or Commissioner shall from time to time direct; and such dividend shall be made amongst the creditors of the petitioner, whose debts shall be admitted in his Schedule, sworn to by the petitioner, and amongst such other creditors (if any) who shall prove their debts in pursuance of any Order of the Judge or Commissioner, to be made in that behalf, in proportion to the amount of the debts so admitted, or so admitted and proved, as the case may be: Provided always, that if the petitioner, or any creditor or assignee, shall object in whole or in part to any debt tendered to be so proved as aforesaid, or to any debt mentioned in the Schedule of the petitioner, or if any person whose demand is stated in such Schedule, but is not admitted therein, to the extent of such demand, shall claim to be admitted as a creditor to the extent of such demand or for more thereof than is so admitted, the said objections and claims shall, upon application duly made, be examined into by the Judge or Commissioner, and the decision of the Judge or Commissioner thereupon shall be conclusive with respect to the title of such creditor or creditors, to his or their share of such dividend: Provided always, that if in any case it shall appear expedient, it shall be lawful at any time for the Judge or Commissioner, by notice as may be directed in that behalf, to cause all or any of the creditors to prove their debts, in such manner as the Judge or Commissioner shall require, and to decide upon such debts and the right to receive dividends thereupon, and to do all things requisite thereto, as aforesaid.

taken to make such dividend.

Proviso.

Judge or Commissioner may cause creditors to prove their debts, whenever it may be expedient.

XXXVIII. And be it enacted, That if at the expiration of twelve Calendar months from the filing of any petition for protection from Process, there shall remain any outstanding debts or other property, due or belonging to the estate of the petitioner, which cannot, in the opinion of the Judge or Commissioner, be collected and received without unreasonable or inconvenient delay, it shall be lawful for the Assignees, under the direction of the Judge or Commissioner, to sell and assign such debts and other property in such manner as shall be ordered by the Judge or Commissioner.

If after 12 months from filing of petition any debts or property remain due to estate of petitioner, Assignees may sell the same.

XXXIX. And be it enacted, That it shall be lawful for the Judge of the District Court in each and every District, together with any other Commissioner or Commissioners in Bankruptcy, in the District of which he is Judge, if there be any, from time to time to make such orders, rules and regulations as he or they shall think fit, for the better carrying this Act into execution, and particularly for regulating and appointing the duties of the Official Assignees and of the other Assignees, the auditing of their accounts, the collecting of the debts, and the realizing of the estate and effects of the petitioner, and the notification of the time of hearing petitions or motions in the Gazette or otherwise; which orders, rules and

District Judge may make rules and orders in Bankruptcy.

and regulations shall upon being approved by the Court of Review in matters of Bankruptcy, be binding upon all persons whomsoever.

Judge may
fine and im-
prison for non-
observance.

XL. And be it enacted, That it shall and may be lawful for the said Judge or Commissioner, to enforce the performance of any order, rule or regulation, made in conformity to the next preceding clause, and in his discretion, to fine and imprison, or either, for any wilful non-observance of the same, and to compel the payment of any costs which he is authorized to order, by Attachment, in the same manner, and as fully as a Judge of the District Court may do acting as such Judge.

Table of Costs.

XLI. And be it enacted, That it shall and may be lawful, for Her Majesty's Court of Queen's Bench, to regulate and establish a Table of Costs for any matter done under this Act.

Remuneration
of Official As-
signee.

XLII. And be it enacted, That from and after the passing of this Act, it shall be lawful for the Judge or Commissioner authorized to act in the matter of any petition for protection from Process to direct remuneration to the Official Assignee for his services in the matter of such petition, but nevertheless so as such remuneration shall in no case exceed the rate of ten pounds per centum on the sum received as the proceeds of the property of the petitioner.

Petition receiv-
able in evi-
dence.

XLIII. And be it enacted, That any petition for protection from Process and any proceeding in the matter of such petition purporting to be signed by any such Judge or Commissioner as aforesaid, or a copy of such petition or other proceeding purporting to be so signed, shall, in all cases, be receivable in evidence of such proceedings having respectively taken place.

Henceforth no
person ma: be
arrested for
debt under
£10 and then
only upon affi-
davit of inten-
tion to leave
the Province.

XLIV. And be it enacted, That from and after the passing of this Act, no person shall be arrested or held to bail to any civil suit where the cause of action shall not amount to ten pounds of lawful money of this Province; and where the cause of action shall amount to ten pounds and upwards, it shall not be lawful for the plaintiff to proceed to arrest the body of the defendant or defendants, unless an affidavit be first made by such plaintiff, his servant or agent of such cause of action, and the amount justly and truly due to the said plaintiff from the said defendant; and also, that such plaintiff, his servant, or agent, hath good reason to believe, and doth verily believe, that the defendant is immediately about to leave Upper Canada, with intent and design to defraud the plaintiff of the said debt: and in all cases in which the party has been held to special bail, it shall not be necessary to make or file any further or other affidavit, before suing out a *Capias ad Satisfaciendum*, upon the judgment obtained on the same
action

action, but when the party has not been held to special bail a Writ of *Capias ad Satisfaciendum* may issue after judgment upon an affidavit of the same form as is hereby required to be made, for the purpose of suing out a *Capias* on Mesne Process, or upon affidavit by the plaintiff, his servant or agent, that he hath reason to believe that the defendant hath parted with his property or made some secret or fraudulent conveyance thereof, in order to prevent its being taken in execution.

XLV. Provided always, and be it enacted, That the provisions of this Act and all the matters and things herein contained, shall be construed to apply, and be in force only in that part of this Province which was formerly Upper Canada.

Act limited to
Upper Canada.

XLVI. Provided always, and be it enacted, That this Act may be altered or repealed by any Act to be passed during the present session of Parliament.

May be altered.

XLVII. And be it enacted, That this Act shall be and continue in force for two years from the passing thereof, and from thence to the end of the then next ensuing session of Parliament, and no longer.

Duration of
Act.

SCHEDULE.

(A. No. 1.)

I, A. B., at present, and for _____ months past, residing at _____ in the Township of _____ and being (*here set forth the description of the Debtor and his profession or calling, if any*) do hereby give notice that I intend to present a Petition to _____ Commissioner in Bankruptcy for the District of _____ praying to be examined touching my debts, estate and effects, and to be protected from all Process, upon making a full disclosure and surrender of such estate and effects for payment of my just and lawful debts; and I hereby further give notice, that the time when the matter of the said Petition shall be heard is to be advertised in the Canada Gazette, and in the _____ newspaper, one month at the least after the date hereof. As witness, my hand, this _____ day of _____ in the year _____

(A.

(A. No. 2.)

FORM OF PETITION FOR PROTECTION FROM PROCESS.

To the Judge of the District Court of the District of
or to A. B., Commissioner in Bankruptcy for the District of

The humble Petition of (*insert at full length the name address, and quality of the Petitioner, and also the trade or business, or (if more than one) the trades or businesses which he carries, or has carried on, during his twelve months' residence within the District of the Court*)

SH EWETH :

That your Petitioner is not a trader within the meaning of the Statute now in force relating to Bankrupts (*or was a trader and failed before the passing of the said Statute*) or (*if a trader and having failed since the passing of the said Statutes, strike out the word "not" and add after word "Bankrupts" the words "but owing debts amounting in the whole to less than one hundred pounds."*)

That your Petitioner has resided twelve calendar months within the District of this Honorable Court, that is to say, (*insert the places and periods of residence.*)

That your Petitioner has become indebted to divers creditors, whose names are inserted in the Schedule A, (*or as the case may be*) to this his Petition annexed, and that he is unable to pay his debts in full.

That your Petitioner has examined the said Schedule, and that such Schedule contains a full and true account of your Petitioner's debts and the claims against him, with the names of his creditors and claimants, and the dates of contracting the debts and claims severally, as nearly as such dates can be stated, the nature of the debts, claims, and securities (*if any*) given for the same, and that there is reasonable ground in his belief for disputing so much of the debts as are thereby mentioned as disputed; and also a true account of the nature and amount of his property, and an inventory of the same, and of the debts owing to him, with their dates as nearly as such dates can be stated, and the names of his debtors, and the nature of the security (*if any*) which he has for such debts; and that the said Schedule also contains a balance sheet of so much of his receipts and expenditure as is required by this Honorable Court in that behalf, and doth fully and truly describe the wearing apparel, bedding, and other such necessaries of your Petitioner and his family, and his working tools and implements.

That your Petitioner has not parted with or changed any of his property (except for the necessary support of himself and his family, and the necessary expenses
(not

(not exceeding _____ pounds) of this his Petition, or in the ordinary course of trade) at any time within three months of the date of fying this his Petition, or at any time with a view to this Petition.

That your Petitioner is desirous that his estate should be administered under the protection and direction of this Honorable Court, and that he verily believes such estate is of the value of _____ pounds at the least, unencumbered, and beyond the value of his wearing apparel and other matter, which your Petitioner is authorized to except by law, and that the same is available for the benefit of his creditors.

That your Petitioner submits to this Honorable Court the proposal for the payment of his debts contained in the said Schedule. (*Omit this paragraph if no special proposal.*)

That your Petitioner is ready and willing to be examined from time to time touching his estate and effects, and to make a full and true disclosure and discovery of the same.

Your Petitioner, therefore, prays such relief in the premises as, by the Statute now in force for the relief of Insolvent Debtors, may be adjudged by this Honorable Court.

And your Petitioner shall ever pray, &c. &c.

Signed by the said Petitioner, on the
day of _____, 18____, in the presence of

Attorney or Agent in the matter of the said Petition.

(A. No. 3.)

AFFIDAVIT VERIFYING PETITION AND SCHEDULE.

A. B., of _____ the Petitioner named in the Petition hereunto annexed (*if the Petitioner affirm, alter accordingly,*) maketh oath and saith—That the several allegations in the said Petition, and the several matters contained in the Schedule hereunto annexed, are true.

Sworn, &c.

(A.

(A. No. 4.)

FINAL ORDER FOR PROTECTION FROM PROCESS.

In the Insolvent Court for the District of

In the matter of the Petition of _____ of _____ in the _____ of _____ an Insolvent Debtor, and not being a trader within the meaning of the Statute now in force relating to Bankrupts (or being a trader, and having failed before the passing of the said Statute, or, *and being a trader within the meaning of the Statute now in force relating to Bankrupts, and having failed since the passing of the said Statute, but owing debts amounting in the whole to less than one hundred pounds*); Be it remembered that the said _____ having presented his Petition for protection from Process to this Honorable Court, and such Petition having been duly fyled in Court, and the said Petitioner having duly appeared and been examined touching his debts, estate and effects; and it appearing that the said _____ by virtue of the Statutes in that case made and provided, is entitled to the protection of his person from being taken or detained under any Process whatever, in respect of the several debts and claims hereinafter mentioned, a final Order is hereby made to protect the person of the said _____ from being taken or detained under any Process whatever, in respect of the several debts or sums of money due or claimed to be due after the time of fying his Petition, from the said Petitioner to the several persons named in his Schedule as creditors or as claiming to be creditors, for the same respectively, or for which such persons shall have given credit to the said Petitioner before the time of fying his Petition, and which were not then payable and as to the claims of all other persons not known to the said Petitioner at the time of making this Order, who may be endorsees or holders of any negotiable security set forth in his said Schedule; and it is hereby directed, that the proposal of the said Petitioner, set forth in his Petition, for the payment of his debts, be carried into effect in the following manner, that is to say: (*here state particularly the manner in which the same is to be carried into effect.*)

Given under my hand, this _____ of _____
18 _____

(Signed,)

Commissioner.



ANNO OCTAVO
VICTORIÆ REGINÆ.

CAP. XLIX.

An Act to regulate the Culling and Measurement of Timber, Masts, Spars, Deals, Staves, and other articles of a like nature, and to repeal a certain Act therein mentioned.

[29th March, 1845.]

WHEREAS it is expedient and necessary that Legislative provision should be made for regulating the Measurement and Culling of Timber, Masts, Spars, Deals, Staves, and other articles of a like nature, intended for shipment and exportation from this Province, and other matters relative to the same; and whereas it is expedient and necessary to amend and repeal the Act passed in the seventh year of Her Majesty's Reign, and intituled, *An Act to regulate the Inspection and Measurement of Timber, Masts, Spars, Deals, Staves and other articles of a like nature*: 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 above recited Act shall be and is hereby repealed: Provided always, that the Act repealed by the said Act shall nevertheless remain repealed.

Preamble.

Act 7 Vict.
cap. 25, repeal-
ed.

Proviso.

II. And be it enacted, That 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, well skilled and practically acquainted with the Timber Trade of this Province, to be the Supervisor of Cullers, whose duty it shall be to manage, supervise, and control the culling, measuring and examination of every description of lumber in the manner hereafter prescribed;

Supervisor of
Cullers to be
appointed.

He shall give security.

prescribed, and who shall himself, with two responsible sureties, enter into bonds to Her Majesty, Her Heirs and Successors, in the penal sum of one thousand 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 Supervisor of Cullers, and all parties damnified shall be entitled to recover from the said Supervisor and his sureties, before any Court of competent jurisdiction, upon such bond, by suit or action, to the amount to which he may have been so damnified,) and the said Supervisor shall, before entering upon the duties of his office, take and subscribe the following oath before any of Her Majesty's Justices of the Queen's Bench for the District of Quebec, that is to say :

And take an oath of office.

The oath.

“ I, A. B., do solemnly swear, that I will faithfully, truly, and impartially, to the best of my skill and understanding, execute, do and perform the office and duty of Supervisor of Cullers, according to the true intent and meaning of the Act, intituled, *An Act to regulate the culling and measurement of Timber, Masts, Spars, Deals, Staves, and other articles of a like nature ; and to repeal a certain Act therein mentioned*, that I will not, either directly or indirectly, personally, or by means of any other person or persons on my behalf, receive any fee, reward, or gratuity whatever, by reason of any function of my office as Supervisor, except such as are allowed to me by the said Act ; and that I will not, directly or indirectly, be a dealer in or interested in the buying or selling of any article of lumber, either on my own account or on account of any other person or persons whomsoever ; and that I will act without partiality, favor, or affection, and to the best of my knowledge : So help me God ;”

Oath to be filed of record.

Any deputy appointed by him shall take the same oath.

Which oath and bond shall be filed and kept among the records of the office of the Registrar of this Province ; and any Deputy appointed by the Supervisor shall take and subscribe the above oath, so far as applicable to him, before any of Her Majesty's Justices of the Peace, and the same shall be filed in the office of the Supervisor, 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 duty, 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 he may have been so damnified.

The Supervisor with four merchants.

III. And be it enacted, That it shall be the duty of the Council of the Quebec Board of Trade, when required by the Supervisor so to do, to elect four Merchants, practically

practically acquainted with the Lumber Trade, and the said Supervisor shall, by an instrument under his hand and seal, appoint four licensed Cullers, and the said four Merchants and four Cullers shall constitute a Board of Examiners, of which Board the said Supervisor shall ex-officio be a member and Chairman, and that as often as vacancies shall occur in the said Board, by death, change of residence, or otherwise, such vacancies shall be filled up and supplied by election in the case of the Merchants, and by new appointment in the case of the Cullers forming the said Board, and the Board for the time being shall meet at the office of the Supervisor, or elsewhere, on the first Monday of May and August in each year, or upon any other day when notified by the Supervisor so to do, and four of the number of the Board for the time being shall constitute a *quorum* for the transaction of business, and the decision of any majority of the members present at any such meeting shall be held to be the decision of the Board ; and each member of such Board, before acting as such, shall take the following oath, (to be administered by the Supervisor,) that is to say :

and any four licensed Cullers selected by him, shall be a Board of Examiners of Cullers.

Members to be sworn.

“ I, A. B., do solemnly swear, that I will, to the best of my judgment and understanding, faithfully test the skill, capacity and qualification of any applicant who may come before me to be examined as to his fitness to be licensed as a Culler, and that I will act according to the true intent and meaning of the law, and without partiality, favour or affection : So help me God.”

The oath.

IV. And be it enacted, That no person shall be recommended by such Board of Examiners to be licensed as a Culler, unless he is in every way capable as to skill, experience, age, character, and knowledge of this Act, and practically acquainted with the department or departments of culling and measuring, for which he applies to be licensed.

Who may be appointed Cullers.

V. And be it enacted, That the duties of culling and measurement shall be divided into four different departments, that is to say : one department for the culling and measurement of square timber,—one department for the culling and measurement of staves,—one department for the culling and measurement of masts, spars, bowsprits, oars, and handspikes,—and one department for the culling and measurement of deals, boards, planks, and lathwood.

Cullers to be divided into four different departments.

VI. And be it enacted, That it shall and may be lawful for the Governor, or person administering the Government, to grant Licenses (to be issued by the Supervisor) to all duly qualified applicants as Cullers, for one or more of the departments as aforesaid : Provided always, that each such applicant shall produce a certificate of his fitness and qualification from the Board of Examiners, which shall be filed in the Supervisor's office : And provided also, that such applicant shall himself, with

Cullers may be licensed by the Governor.

Provido, as to their qualification.

two

Proviso: they shall give security.

two sufficient sureties, enter into a bond to Her Majesty, Her Heirs and Successors, in the penal sum of one hundred pounds, currency, each, for the faithful discharge of his duties, and such bond shall enure to the benefit of all parties who may be damnified by the misfeasance, malfeasance, or nonfeasance of the said Culler, and all parties damnified shall be entitled to recover from the said Culler 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, which bond shall be taken before the Supervisor; and the Culler shall also, before one of the Justices of any Court of Queen's Bench, or other Superior Court of Civil Jurisdiction, take and subscribe the following oath, that is to say:

The oath.

“I, A. B., do solemnly swear, that I will faithfully, truly, and impartially, to the best of my knowledge and understanding, execute, do and perform the duty of a Culler of (*here insert the description of the lumber of which he is to be a Culler,*) according to the true intent and meaning of an Act, intituled, *An Act to regulate the culling and measurement of Timber, Masts, Spars, Deals, Staves, and other articles of a like nature, and to repeal a certain Act therein mentioned,* and that I will give a true and faithful account and certificate of the number, quality, and dimensions or measurement of the lumber of which I am to be licensed a Culler, which may be submitted to my judgment and inspection, according to the best of my knowledge; and that I will not, directly or indirectly, be a dealer in or interested in the buying or selling of any article of lumber, either on my own account or on account of any other person or persons whatsoever; and that I will not at any time purloin, or wilfully change or omit, any article of lumber submitted to me for the purpose of being measured, counted, or celled: So help me God.”

Oath to be filed in the office of the Supervisor.

Which oath every such person shall file, or cause to be filed, in the office of the Supervisor; and it shall be the duty of the Supervisor, when any applicant to be a Culler shall have complied with the requirements of this Act, to report and certify the same to the Governor or the Provincial Secretary, and to procure for such applicant his license, without any fee to the Supervisor, and subject only to the payment of such fees of office as are usual and reasonable for such documents.

Supervisor's office how to be kept.

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

them in rotation; and the Supervisor shall have authority to dictate the number of men required to be employed under the direction of the Cullers for the expeditious culling of timber, masts, spars, deals, staves, or other description of lumber, so as to avoid unnecessary delay, and if such assistance be refused, the Supervisor or Culler may employ the number required at the expense of the parties concerned.

Authority of the Supervisor.

VIII. And be it enacted, That the holders of measuring tapes and scribes of timber shall in all cases, when practicable, be apprentices or candidates for becoming Cullers, for whose acts, in the performance of their duties, the Cullers shall be responsible.

Holders of measuring tapes, &c., shall be apprentices.

IX. And be it enacted, That square timber shall be measured only in accordance with some one of the three following modes, that is to say :

Square timber to be measured according to three modes.

First. Measured off in the raft or otherwise, giving the full cubic contents without any allowance or deduction.

Secondly. Measured in shipping order, which shall mean sound, fairly made timber; gum seams closed at the but and sound knots, not to be considered unsoundness, lengths under the merchantable standard hereinafter mentioned and not less than twelve feet long to be received, if in the opinion of the Culler the same be fit for shipment.

Thirdly. Culled and measured in a merchantable state in accordance with the rules, standards and limitations hereinafter described.

X. And be it enacted, That it shall be the duty of every Culler to check and examine the entry of his measurements and counting on the books of the Supervisor and to sign such entry and calculations on the said books, a copied specification thereof having been checked and examined in the office of the Supervisor, and being signed by him or his deputy, shall be furnished to the owner of the property, or person entitled to the same, as soon as practicable after the measuring, culling, or counting of any lumber is completed, if called for; it shall also be the duty of all Cullers employed by the Supervisor to obey his lawful commands, and they shall respectively hold themselves in readiness on all lawful days, to execute the duties of their office from day-light until dark; and for every neglect, refusal or delay, when not otherwise employed about the duties of his office, the Culler so refusing, neglecting or delaying, shall forfeit and pay the sum of twenty pounds, currency, to the use of the person or persons injured by such neglect, refusal or delay; and any Culler so employed, guilty of impropriety of conduct or disobedience of orders, or incapacity, may be suspended from office by the Supervisor, subject to an appeal to the Board of Examiners.

How specifications of lumber culled and measured shall be made.

XI.

Cullers to be employed in rotation.

XI. And be it enacted, That it shall be the duty of the Supervisor to record the several requisitions for measuring or culling each description of lumber ; and that the culling or measuring of the same shall be performed in the order of such requisitions, and the Supervisor shall, when required, within twelve business hours after such requisition, send a Culler to do the measuring, culling or counting so required, in any place within the Harbour of Quebec, provided the Supervisor has at the time Cullers unemployed or obtainable, and the Supervisor shall be empowered to recall every such Culler at any time if he may conceive it necessary.

How lumber shall be marked.

XII. And be it enacted, That it shall be the duty of every Culler to provide himself with a measuring rod and tape, which shall in all cases be English measure, and tested and compared by a standard kept in the office of the Supervisor, (such rod having a hook at the end five-eighths of an inch long,) and also with a scribing knife to mark in legible characters the length, breadth, and thickness of all square timber measured or culled by him, together with the mark, initials or number of the party if required; and it shall also be the duty of every Culler to provide himself with a proper stamp with the initials of his name in legible characters, and with the additional capital letters, that is to say :

The marks.

M shall indicate and denote what is merchantable ;

U shall indicate and denote what is sound and of merchantable quality, but under merchantable size ;

S shall indicate and denote what is second quality ;

T shall indicate and denote what is third quality ;

R shall indicate and denote what is rejected and unmerchantable.

Which marks shall be indented or stamped on the end of each article of lumber which shall have been culled in terms of the merchantable standard hereinafter prescribed, except West India and Barrel Staves, Boards, Lathwood and Hand-spikes.

Copy of agreement as to mode of measurement, shall be lodged in the Supervisor's office.

XIII. And be it enacted, That a copy of every agreement as to any of the modes of measurement or culling mentioned in this Act, signed by the seller and buyer, shall be lodged in the office of the Supervisor, at the same time that a requisition is made to the Supervisor for a Culler to measure or cull any lumber for the guidance of the Supervisor and Culler, in the performance of their duty, and such requisition shall state the river and section of the Province wherefrom such lumber is produced : Provided always, that it shall be competent for the owner or agent of any lumber to cause it to be measured, culled or counted before any sale, in

Proviso.

in which case the specification of such lumber shall set forth the mode in which the measurement, culling or counting, shall have been performed.

XIV. And be it enacted, That in all cases the Supervisor and Cullers respectively, shall be governed by the following descriptions, rules, standards and limitations, in ascertaining and certifying the merchantable size and quality of lumber submitted to their culling :

Square White Oak Timber, first quality, shall be free from rot, rotten knots, (affecting the surrounding wood,) open rings and grub or large worm holes, but small worm holes and shakes shall be allowed according to the judgment of the Culler ; second quality, shall be oak not coming within the definition of first quality, and which in the judgment of the Culler is not culls. Square oak.

Square Hard Grey or Rock Elm shall be free from rots, open rings and rotten knots, (affecting the surrounding wood,) but shakes and slivers shall be allowed according to the judgment of the Culler. Rock Elm.

Square White or Yellow Pine Timber shall be free from rot, rotten knots, (affecting the surrounding wood,) worm holes, open shakes, and open rings, but sound knots shall be allowed according to the judgment of the Culler. Square Pine,
White or Yellow.

Square Red Pine Timber shall be free from rots, rotten knots, (affecting the surrounding wood,) worm holes, shakes and splits, but sound knots to be allowed according to the judgment of the Culler. Square Red
Pine.

Square Ash, Basswood and Butternut shall be of the same quality as white or yellow pine square timber. Ash, Bass-
wood, &c.

Square Birch shall be free from rot, rotten knots, splits and shakes, and shall be allowed two inches wane. Birch.

Masts, Bowsprits, and Red Pine Spurs, shall be sound, free from bad knots, rents and shakes, and the heart shall be visible in spots at or near the partners. Masts, Bow-
sprits, &c.

Hickory Handspikes shall be six feet long, and three and a half inches square at the smaller end. Handspikes.

Ash Oars shall be three inches square on the loin, and five inches broad on the blade, the blade shall be one-third of the length of the oar, and such oars shall be cleft straight on all sides, and free from large knots, splits and shakes. Ash Oars.

Lathwood

Lathwood.

Lathwood shall be cut in lengths of from three to six feet, and measured by the cord of eight feet in length by four feet in height; the same, to be merchantable, shall be free from rot, split freely, and each billet may contain to the extent of three or four open case knots, provided they run in line or nearly so, and not to have more than one twist.

Pine or Fir Boards.

Pine or Fir Boards shall not be less than ten feet in length, not less than one inch in thickness, nor less than seven inches in breadth, equally broad from end to end, edged with a saw, or neatly trimmed by a straight line, and shall be free from rot, bad knots, rents and shakes, and of equal thickness on both edges from end to end, but the colour alone of any board shall not be a sufficient cause for its rejection, if it be in other respects sound and merchantable, and of the dimensions required by this Act.

Pine Deals,
White or Yellow.

White or Yellow Pine Deals to be merchantable shall be free from rot, rotten knots, grub-worm holes, open case knots, shakes and splits, (a slight sun crack excepted,) and sound knots and hard black knots to be allowed as follows: if not exceeding three in number, and not exceeding upon the average one inch and a quarter diameter, if exceeding three and not exceeding six in number, and upon the average not exceeding three quarters of an inch in diameter; this proportion of knots to be allowed for a deal eleven inches in width and twelve feet in length, and deals of greater or less dimensions shall be allowed for in proportion, according to the judgment of the Culler; wane equal to half an inch on one edge if running the whole length of the deal to be allowed, and if not exceeding half the length of such deal, three quarters of an inch to be allowed; to be free from black or dead sap, (with a slight exception, at the discretion of the Culler.)

Red Pine Deals.

Red Pine Deals, to be merchantable, shall be free from rot, rotten knots, grub-worm-holes, open case knots and splits, several small sound knots to be allowed, according to the judgment of the Culler; heart shake to be allowed, if it does not run far into the deal or form a split through at the ends, to be free (or nearly so) from black or dead sap, but sound sap on the corners or on a portion of one face of the deal to be allowed, according to the judgment of the Culler.

Spruce Deals.

Spruce Deals, to be merchantable, shall be free from rot, rotten knots, grub-worm-holes, open case knots, splits and shakes, (a heart shake not exceeding one-fourth of an inch to half an inch in depth excepted,) several small sound knots and hard black knots to be allowed, according to the judgment of the Culler, and in the exercise of such judgment he shall keep in view the peculiar nature of the wood, and govern his judgment accordingly; wane equal to half an inch on one edge, if running the whole length of the deal, to be allowed, and if not exceeding one quarter the length of such deal, three quarters of an inch to be allowed.

White

White or Yellow Pine second quality Deals shall be free from rot, rotten knots and splits, with slight exceptions, at the discretion of the Culler, and sound knots and hard black knots to be allowed as follows, to wit: if not exceeding six in number and not exceeding upon the average one inch and a half diameter; if exceeding six and not exceeding twelve in number, and not exceeding upon the average one inch and a quarter in diameter, (small knots under half an inch diameter not to be counted or considered,) this proportion of knots to be allowed for a deal eleven inches in width and twelve feet in length, and deals of greater or lesser dimensions to be allowed for in proportion, according to the judgment of the Culler; heart shakes and sun cracks not exceeding three-fourths of an inch to one inch in depth to be allowed, as also worm-holes, at the judgment of the Culler; wane of half an inch to one inch to be allowed according to the quality of the deal in other respects, at the judgment of the Culler; deals rejected as not coming within the standard of merchantable or second quality to be classed as culls, but it shall be lawful for the Culler, if requested by buyer and seller, to select and classify as third quality the best of the deals so rejected.

White or Yellow Pine Deals, second quality

Spruce and Red Pine second quality Deals shall be deals not coming within the definition of merchantable, and which, in the opinion and judgment of the Culler, are not culls, shall be classed as second quality; and it shall be lawful for the Culler, if required by seller and buyer, to select and classify as third quality the best of the deals unfit to be seconds; the Quebec standard hundred of deals shall be one hundred pieces twelve feet long, eleven inches broad, and two and a half inches thick; and deals of all other dimensions shall be computed according to the said standard; deals of all qualities shall not be less than eight feet long, seven inches broad, and two and a half inches thick; deal ends shall not be less than six feet long, and shall be computed according to the Quebec standard; all merchantable deals to be well sawn and squared at the end with a saw, and the colour alone to be no objection to their being merchantable; all deals when culled shall in all cases be stamped with the initials of the Culler, and the capital letter denoting the quality of such: Provided always, that spruce deals, if not sawn at the ends prior to or at the time of culling, shall be marked with the capital letter denoting their respective qualities with red chalk, in large bold letters; and to prevent mistakes in piling, all other deals shall be marked with bold strokes in red chalk as follows:

Spruce and Red Pine Deals, second quality.

Proviso.

Merchantable shall be marked I

Second quality shall be marked II

Third quality (if made) shall be marked III

Rejected or Culls shall be marked X

Standard

Standard
Staves.

Standard or Measurement Staves shall be of the dimensions set forth in the words and figures following, that is to say :

5½	feet long,	5	inches broad,	and from	1	to	3	inches thick.
4½	do	4½	do					
3½	do	4	do					
2½	do	5	do					

Head-Staves, five and a half feet long, and four and a half inches broad, to be received as if of merchantable dimensions.

Standard
Mille.

And the standard *mille* shall be twelve hundred pieces of five and a half feet long, five inches broad, and one and a half inches thick, and standard or measurement staves of other dimensions shall be reduced to the said standard by the tables of calculations now used.

Puncheon
Staves.

West India or Puncheon Staves shall be three and a half feet long, four inches broad, and three-fourths of an inch thick ; all staves shall be straight-grained timber, properly split, with straight edges, free from the grub or large worm-holes, knots, veins, shakes and splinters, and small worm-holes not exceeding three in number, to be allowed according to the judgment of the Culler, (provided there are no veins running from or connected therewith,) and the Culler shall measure the length, breadth, and thickness of standard staves at the shortest, narrowest and thinnest parts ; and the thickness of West India and barrel staves exceeding the standard breadth to be measured at such standard breadth, to wit : four and three and a half inches respectively, provided the thinnest edge is not less than half an inch.

Barrel Staves.

Dimensions of
merchantable
Timber.

Dimensions of Merchantable Timber shall be as set forth in the following words and figures :

Oak shall not be less than twenty feet in length, nor less than ten inches square in the middle.

Elm shall not be less than twenty feet in length, nor less than ten inches square in the middle.

White Pine shall not be less than twenty feet in length, and twelve inches square in the middle, and fifteen feet and upwards in length, if sixteen inches and upwards in the middle.

Red

Red Pine shall not be less than twenty-five feet in length, and ten inches square in the middle, and twenty feet and upwards in the length, if twelve inches square and upwards in the middle.

Ash, Basswood, and Butternut, shall not be less than fifteen feet in length, and twelve inches square in the middle, nor less than twelve feet in length, if fifteen inches and upwards in the middle.

Birch shall not be less than six feet in length, nor less than twelve inches square in the middle.

Taper of Merchantable Timber.

Oak, 3 inches under 30 feet, and in proportion for any greater length.

Elm, 2 do for 30 do. do. do. do. do.

White Pine, $1\frac{1}{2}$ do for 20 do. do. do. do. do.

Red Pine, 2 do for 25 do. do. do. do. do.

Ash, Basswood, and Butternut, $1\frac{1}{2}$ do. under 20 feet do. do.

Bends or twists not to exceed one in number.

Hollow allowed on Merchantable Timber.

Oak, 3 inches for every 20 feet in length, and in proportion for any greater length.

Elm, 3 do. do. 20 do. do. do.

White Pine, $2\frac{1}{2}$ do. 20 do. do. do.

Red Pine, 3 do. 20 do. do. do.

Ash, Basswood, and Butternut, $2\frac{1}{2}$ do 20 feet do. do.

Dimensions of White Pine Masts, Bowsprits, and Red Pine Spars.

White Pine Masts of 23 inches and upwards at the partners, shall be 3 feet to the inch in diameter.

22 inches do. 3 feet do. do. and 2 feet extreme length.

21 do. do. 3 feet do. do. and 3 feet do.

20 do. and under 3 feet do. do. and 4 feet do.

Hollow or bend not to exceed six inches for seventy feet, and in proportion for any greater length.

Bowsprits

Bowsprits shall be two feet in length for every inch in diameter at the partners, adding two feet for extreme length.

Red Pine Spars shall be three feet to the inch in diameter at the partners, and nine feet extreme length; hollow not to exceed seven inches for sixty feet, and in proportion for any greater length.

Lumber im-
properly squar-
ed, &c., to be
redressed.

XV. And be it enacted, That in all cases where it shall appear that timber, masts, spars, boards, planks, deals, staves, oars, and any other description of lumber, are not properly hewn, squared, butted or edged, but are merchantable in other respects and sold as such, it shall be the duty of the Supervisor and Culler, respectively, and they are hereby severally authorized and required to order or cause the same to be properly dressed and chopped, at the expense of the seller or the buyer, as the case may be, previously to their being respectively received and certified to be merchantable, and such dressing and chopping to be done under the direction of Culler in charge of the measuring or culling.

Fees for cul-
ling, measur-
ing and count-
ing.

XVI. And be it enacted, That the rates hereinafter set forth in words and figures, shall be charged and collected by the Supervisor as the fees and charges for culling, measuring or counting off each description of lumber, and such fees and charges shall include all charges and expenses against such lumber, except in cases where extra labour for canting, dressing, butting, chopping and piling, is necessary and required, that is to say :

For Measuring off or Counting Lumber.

Fees for mea-
suring and
counting.

White Pine, Bass, or Butternut, per ton, two pence half-penny.

Red Pine, three pence half-penny.

Hardwood, three pence half-penny.

Oars and Handspikes, counted off, per 100 pieces, one shilling.

Deals, counted off, one shilling per hundred standard.

For Culling and Measuring in a Merchantable State, or Measuring in Shipping Order, or Counting off, where not herein otherwise provided for, viz :

White Pine Timber per ton, five pence.

Red

Red Pine Timber per ton, five pence half-penny.

Hardwood Timber per ton, six pence half-penny.

Deals per standard hundred, two shillings and six pence.

Planks, two inches and under, per hundred pieces, one shilling and nine pence.

Standard Staves per mille, twelve shillings and six pence.

West India Staves per mille, five shillings and six pence.

Barrel Staves per mille, four shillings.

Oars per hundred pieces, four shillings.

Handspikes per hundred pieces, three shillings.

Spars, from 12 to 19 inches each, two shillings.

Masts and Bowsprits, 19 to 24 inches each, three shillings.

Masts and Bowsprits, 24 inches and upwards each, three shillings and six pence.

Lathwood per cord, one shilling and six pence.

And one-half of such rates for culling, measuring or counting, shall be paid by the buyer, and the other half by the seller; but all such fees and rates shall in all cases be paid to the Supervisor or his Deputy, on the delivery of the specification, or on the presentation of an account thereof, by the person or persons jointly or severally who shall have filed a requisition or order for such measuring, counting or culling, whether such person or persons be buyer, seller, owner, or possessor of such lumber.

XVII. And be it enacted, That Cullers employed by the Supervisor shall, in consideration of their labour and services, receive from the Supervisor the following proportion of the fees charged and collected by him, that is to say :

Fees for Cullers.

Lumber Measured off or Counted off.

White Pine, Bass, or Butternut, one penny half-penny per ton.

Red Pine, two pence per ton.

Hardwood, two pence per ton.

Oars and *Handspikes*, counted off, nine pence per hundred pieces.

Deals counted off, nine pence per hundred standard.

For Culling and Measuring in a Merchantable State, or Measuring in Shipping Order, or Counting off, where not herein otherwise provided for, viz :

White Pine, Bass, or Butternut, three pence half-penny per ton.

Red Pine, four pence per ton.

Hardwood, four pence half-penny per ton.

Deals, per standard hundred, two shillings.

Planks and *Boards*, per hundred pieces, one shilling and five pence.

Standard Staves, per mille, ten shillings.

West India Staves, per mille, four shillings and six pence.

Barrel Staves, per mille, three shillings and three pence.

Oars, per hundred pieces, three shillings and three pence.

Handspikes, per hundred pieces, two shillings and three pence.

Spars, from 12 to 19 inches each, one shilling and four pence.

Masts and *Bowsprits*, 19 to 24 inches each, two shillings.

Masts and *Bowsprits*, 24 inches and upwards each, two shillings and six pence.

Lathwood, per cord, one shilling and two pence.

Provided always, that the Cullers shall pay their Attendants or Assistants out of the proportion of fees hereby assigned to them.

XVIII. And be it enacted, That it shall and may be lawful for the Governor in Council, from time to time, to raise or lower the tariff of fees and charges for culling and measuring and counting off, established by this Act, in such manner as to meet and defray, as nearly as possible, the expenses of the Supervisor's office, and to provide for the sufficient payment of the Cullers, and also to apportion and divide such fees between the Cullers in the different departments respectively, and the expense of the Supervisor's establishment, in such manner as to the Governor in Council shall seem equitable and just ; any thing in this Act to the contrary notwithstanding.

Governor in
Council may
alter fees.

XIX. And be it enacted, That it shall and may be lawful for the Supervisor to procure an office, the necessary office furniture, books, stationery, and other indispensable requisites, all of which, and every Record and Voucher appertaining to his office, shall be the property of Her Majesty, for the public uses of the Province ; and also to employ such number of Clerks as may be required to perform the duties of his office ; and all such charges and expenses, together with Cullers' fees, shall be paid out of the amount of fees collected by him, at the rates aforesaid : Provided always, that such charges, expenses, and services, shall be made, done, performed, and procured by him at their lowest current value ; and it shall also be the duty of the Supervisor, on or before the first day of January in each and every year, under oath, (to be administered by any of Her Majesty's Justices of the Peace,) to render in duplicate to the Governor, and for the use of the Legislature, a correct and detailed statement of his receipts and disbursements during the year then last past, all of which accounts shall be audited by the Inspector General, or by any other person authorized by him, together with an inventory of such articles of public property as he shall then have in his possession, and an abstract of the number of pieces, and number of cubic feet of each description of lumber measured under his superintendence, and the sections of the Province wherefrom such lumber respectively came ; and all the transactions of his office shall be traced, set forth, and kept in detail, in a regular and proper set of Books adapted thereto, which Books shall belong to Her Majesty for the public uses of the Province.

Supervisor's
duties.

XX. And be it enacted, That the Measurement Books, and all other Public Documents in the office of the Supervisor, shall be open to the perusal of the seller and buyer of lumber, with reference to any transactions between them, and to the perusal of any other party interested therein.

Supervisor's
Books to be
open to inspec-
tion.

XXI. And be it enacted, That it shall be lawful for the Supervisor to receive and take out of the funds coming into his hands, the sum of four hundred pounds, currency, as an annual salary for his services, exclusive of all the expenses of his office,

Supervisor's
salary.

office, and it shall be his duty to report in his return to the Government, and for the use of the Legislature, the surplus or deficiency of funds which shall be after the payment and discharge of his said salary, and the expenses of his office, and such surplus (if any) shall be disposed and applied as may hereafter be found expedient, exclusively for the purposes of this Act, under the control of and as directed by the Governor in Council.

Licensed Cullers may hire themselves to Merchants.

XXII. And be it enacted, That any Culler licensed under this Act, and not employed by the Supervisor, may engage or hire to Merchants or others, as a Shipping Culler; but such Culler shall in no case measure, cull, count, stamp or mark any description of lumber, before the same shall have been first measured by some licensed Culler other than himself, under the direction of the Supervisor, except by the written permission of the Supervisor, and in accordance with the same rules and on the same terms by which Cullers acting under the Supervisor are bound, according to this Act; and also, on condition of keeping a record of all his operations, returns of which shall be made monthly to the Supervisor; and any Culler, so hired and engaged, offending against the provisions of this Act, shall, on being duly convicted thereof before any Court having competent jurisdiction, forfeit and pay a sum not exceeding one hundred pounds, currency, or be imprisoned for a term not exceeding six calendar months, in the discretion of the Court, for each such offence; and any person not licensed as a Culler, who shall measure, cull, mark, or stamp any article of lumber, the same being shipped or intended to be shipped by such measurement, or measured, culled, marked or stamped, with intent to evade or elude the provisions of this Act, shall, on being duly convicted thereof before any Court having competent jurisdiction, forfeit and pay a sum not exceeding one hundred pounds, currency, or be imprisoned for a term not exceeding six calendar months, in the discretion of the Court, for each such offence; and any Culler employed by the Supervisor, who shall privily, and without the knowledge and consent of the Supervisor, or for any hire or gain, and without the same being duly entered on the Books of the Supervisor, measure, cull, mark, or stamp any article of lumber, shall, on being duly convicted thereof before any Court of competent jurisdiction, forfeit and pay a sum not exceeding one hundred pounds, currency, or be imprisoned for a term not exceeding six calendar months, in the discretion of the Court, for each such offence.

Penally.

In case of disputes.

XXIII. And be it enacted, That if any dispute shall arise between the first buyer, seller, or the person or persons making the requisition, and the Culler employed to cull or measure any article of lumber with regard to the dimensions or quality thereof, it shall be the duty of the Supervisor, or his Deputy, (upon a written complaint thereof being made, demanding a survey,) as soon as possible to cause a Board of Survey to be held for examining the quality and dimensions of the same,

same, and it shall be the duty of such Board to take into consideration the position of such lumber when measured or culled, and all other circumstances and considerations connected therewith, in reporting thereon ; and such Board of Survey shall consist of three persons, one to be appointed by the Culler whose decision is disputed, one by the party complaining, and one by the Supervisor, and their determination shall be final and conclusive ; and if the opinion and act of the Culler be confirmed, the reasonable costs and charges of re-examination shall be paid by the party complaining, but if otherwise, by the Culler : Provided such survey be demanded when the culling or measuring is completed, or within two lawful days after the party demanding the survey shall have been furnished with the specification thereof, and such right of survey shall cease on and after the fifteenth day of November in each year ; and for the more ready settlement of disputes with the consent and at the request of buyer, seller and culler concerned, the Supervisor or his Deputy shall be empowered to name one Culler to act as Surveyor ; and if the Culler so named be not objected to by any of the parties interested, he shall be empowered to act in the capacity of a Board of Survey, and his determination shall be final and conclusive.

XXIV. And be it enacted, That nothing contained in this Act shall be held or construed to make it compulsory for any article of lumber to be measured, culled, or assorted, under the provisions of this Act, provided such lumber be shipped for exportation by sea for account (in good faith) of the actual and *bonâ fide* producer or manufacturer thereof ; but all other lumber shipped for exportation by sea, shall be either measured, culled, or counted (at the option of parties) by a licensed Culler, under the control and superintendence of the Supervisor, under a penalty equal to the market value of any article of lumber so illegally shipped, and such penalty shall be recoverable before any Court of competent jurisdiction, from the owner or shipper, or from the proprietor or proprietors, lessee or lessees of the premises from which such lumber shall have been so illegally shipped, and proof of the fact of lumber being or having been placed alongside, or taken on board any sea-going ship or vessel, shall be deemed sufficient evidence of such illegal shipping for exportation by sea ; and proof of the measuring, culling or counting of such lumber, in pursuance of the provisions of this Act, shall fall upon the party charged with such illegal shipping, and the market value of any article of lumber so illegally shipped, shall be ascertained by the certificate of the Council of the Quebec Board of Trade, or by a certificate under the hand of the Supervisor : Provided always, that the provisions of this Act shall not extend, or be construed to extend, to any place below the eastern end of the Island of Orleans.

Culling of
lumber not
compulsory
when shipped
by the pro-
ducer.

Act not to ex-
tend below
Island of
Orleans.

XXV. And be it enacted, That it shall not be lawful for the Supervisor, or for any Culler, to buy or sell directly or indirectly, or be a dealer in or interested in buying

Supervisor and
Cullers not to
deal in lumber.

Penalty.

buying or selling any article of lumber, either on his own or on account of any other person whomsoever, under a penalty for each and every offence not exceeding one hundred pounds, nor less than fifty pounds, currency, and the forfeiture of his office.

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

XXVI. And be it enacted, That if the Supervisor, or his Deputy, or any licensed Culler, or any Clerk or Assistant Measurer, employed by the Supervisor, or by any Culler, shall at any time be found guilty of wilful neglect of his duty, or of partiality in the execution of the duties of his office, or of wilfully giving a false account or certificate of the article or articles of lumber submitted to his inspection, measurement or calculation, or of any other wilful neglect or prevarication with regard to the duty they are respectively intended to discharge, he shall, for every such offence, on being duly convicted before a competent jurisdiction, forfeit and pay a sum not exceeding one hundred pounds, currency, and be dismissed from his office, and be for ever after incapable of holding or enjoying any such situation or employment.

Persons assaulting any Culler ;

Shall incur a penalty.

XXVII. And be it enacted, That any person who shall assault any Culler in the execution of his duty under this Act, or shall by threats, menaces, or by violence, impede or prevent any Culler from the performance of his duty, such person, upon being duly convicted thereof before any one or more of Her Majesty's Justices of the Peace of the District in which the offence is committed, upon the oath of one credible witness, shall incur a penalty not exceeding ten pounds, and not less than five pounds, currency, and in default of payment shall forthwith be committed to the common Gaol, there to be detained for a space not exceeding two months, unless he shall sooner pay such penalty so imposed.

New sureties required in cases of removal, &c.

XXVIII. And be it enacted, That in the event of the removal from this Province, or the declared or known insufficiency, or the death of any of the sureties of the Supervisor, or of any Culler, respectively, it shall be the duty of each respectively, immediately to procure other sufficient sureties, and to enter into a bond as provided for in this Act, and in default of his so doing, his appointment or license shall become null and void.

Penalty on persons counterfeiting or fraudulently using stamps, &c.

XXIX. And be it enacted, That if any person or persons shall unlawfully use, or shall counterfeit or forge, or procure to be counterfeited or forged, any stamp directed to be provided for use, in pursuance of this Act, or shall counterfeit or imitate the impression of the same on any article of lumber, or shall knowingly, wilfully and fraudulently deface, obliterate or remove, any of the marks or letters, which may have been marked, indented, or imprinted in or upon any article of lumber, after the same shall have been as aforesaid culled or measured, every such person or persons so offending shall, on being thereof lawfully convicted before any

Court

Court of competent jurisdiction, incur and forfeit a penalty not exceeding fifty pounds, currency, or be imprisoned for a term of not more than three calendar months, in the discretion of the Court.

XXX. And be it enacted, That if any person or persons shall wilfully and unlawfully (with the intention to set adrift) unmoor, by cutting or otherwise, any timber, masts, spars, staves, oars, handspikes, planks, boards, sawlogs, or other description of lumber, or any boat, bateau or scow, or shall wilfully and unlawfully conceal any lumber, masts, spars, staves, oars, handspikes, planks, boards, sawlogs, or other description of lumber, or any boat, bateau or scow, which, having been adrift in any river or lake in this Province, shall be so found adrift or cast on shore in any part of such river or lake, or any of them, and be saved, or shall wilfully and unlawfully deface or add any mark or number on such timber, masts, spars, staves, oars, handspikes, planks, boards, sawlogs, or other description of lumber, or on such boat, bateau or scow, so saved, or make any false or counterfeit mark thereon, or shall unlawfully aid or assist in doing any such act as aforesaid, or shall refuse to deliver up to the proper owners thereof, or person in charge of the same on behalf of such owner, any such article aforesaid, such person or persons, being duly convicted thereof, on the complaint and oath of one or more credible person or persons, before any two Justices of the Peace for any part of this Province, shall forfeit and pay a sum not exceeding one hundred pounds, currency, nor less than five pounds, currency, for each offence; and one moiety of such penalty shall go to Her Majesty, and the other moiety to the informer or prosecutor, and the offender shall and may be imprisoned until such forfeiture be paid, but no imprisonment shall, for any first offence, exceed three calendar months; and if any person be a second time convicted of any such offence, such person may be committed to the Common Gaol of the District wherein such conviction shall be had, there to remain not exceeding twelve calendar months.

Penalties on persons setting adrift timber, &c;

Or concealing timber found adrift;

Or defacing marks.

Distribution of penalty.

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

Rafts to have bright fires at night.

XXXII. And be it enacted, That all the penalties, fines and forfeitures, by this Act imposed, shall be sued for (except where otherwise provided for) within twelve calendar months after the fact committed, and not afterwards, either in term time, before any of Her Majesty's Superior Courts of Record, or before any other Court having civil jurisdiction, to the amount of the penalty, fine or forfeiture, within the District wherein the offence shall have been committed, or in vacation before any

Penalties how recoverable;

Justice

Justice or Judge of such Court, in a summary manner, and shall be also recoverable, with costs, in the same manner as other debts of the same value are recoverable in this Province, by bill, suit, plaint, or information; and one moiety of all such penalties, fines and forfeitures, (except such as are hereinbefore otherwise applied) shall be forthwith paid over to the Receiver General, and shall form part of the Consolidated Revenue Fund of this Province, and shall be accounted for to Her Majesty, Her Heirs and Successors, through the Lords Commissioners of Her Majesty's Treasury for the time being, in such manner as Her Majesty, Her Heirs and Successors shall direct, and the other moiety shall belong to the party aggrieved, or to the informer or person who shall prosecute or sue for the same.

And how disposed of.

Time within which actions for things done in pursuance of this Act must be brought.

Defendant, if successful, to have costs.

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

All commissions, &c., under the Act 7 Viet. cap. 25, shall be lawful and valid. Proviso.

XXXIV. And be it enacted, That all commissions and licenses, bonds, right of action, and any other act or thing performed in virtue of and under the authority of the Provincial Act herein first above cited and hereby repealed, shall be lawful and valid: Provided always, that the Supervisor and Cullers respectively shall take and subscribe the several oaths, and register and file the same as provided for in this Act.

Limitation of Act.

XXXV. And be it enacted, That this Act shall not apply to any lumber already culled or measured within the Ports of Montreal and Quebec.

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Law Printer to the Queen's Most Excellent Majesty.



ANNO OCTAVO
VICTORIÆ REGINÆ.

CAP. L.

An Act for better enforcing the provisions of the Act of the Legislature of Upper Canada, for the Regulation of Ferries, and for protecting the rights of the Lessees of Ferries.

[29th March, 1845.]

WHEREAS it is necessary and expedient to afford greater protection than now by law exists to the Lessees of the Crown of Ferries, in that portion of this Province which formerly constituted the Province of Upper Canada, and to provide a more summary mode to punish persons unlawfully interfering with the rights of such Lessees of the Crown : 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 if any person, after the passing of this Act, shall unlawfully interfere with the rights of any licensed Ferryman, by taking, carrying, and conveying, at any such Ferry, across the river or stream on which the same may be situate, any person, cattle, carriage, or wares, in any boat, vessel, or other craft, for hire, gain, reward, profit, or hope thereof, or shall do any other act or thing to lessen the tolls and profits of any such Lessee of the Crown at any such Ferry, every offender being convicted thereof before a Justice of the Peace, shall forfeit and pay such sum of money not exceeding five pounds, as to the Justice shall seem meet, which sum of money shall be paid to the party aggrieved, except where such party shall have been examined in proof of the offence, and in such case the money shall be applied and accounted for in the same manner as any penalty imposed for a breach of the peace : Pro-
vided always, that nothing herein contained shall extend to prevent any person or

Preamble.

Penalty on persons interfering with the rights of the Lessee of any Ferry.

Proviso: Nothing to prevent parties keeping

persons

boats for their own use.

persons from keeping any boat, vessel, or other craft, at any such Ferry for his or her or their own private use and benefit, but that the same shall in no wise be used, directly or indirectly, by him or her, or any other person or persons, to evade the payment of tolls at any such Ferry.

Offender to be committed if the penalty be not paid.

II. And be it enacted, That in every case of conviction under this Act, when the sum forfeited shall not be paid immediately after the conviction, it shall be lawful for the convicting Justice to commit the offender to the Common Gaol of the District, there to be imprisoned for any term not exceeding two calendar months, unless the forfeiture, together with the costs, shall be sooner paid.

Licenses for Ferries to be under the Great Seal.

III. And be it enacted, That every license for any such Ferry shall be issued by the Governor, Lieutenant-Governor, or person administering the Government of this Province, under the Great Seal thereof, and that any such license shall, on the trial of any offender against the provisions of this Act, be *prima facie* evidence of title to the Ferry : Provided always, that nothing herein contained shall extend or be construed to make void any license heretofore granted, but that the same shall be received in evidence on any such trial, in the same manner as if issued after the passing hereof.

Not to affect Licenses heretofore granted.

Appeal given to persons aggrieved by any thing done under this Act.

IV. And be it enacted, That any person who shall think himself aggrieved by any conviction or decision under this Act, may appeal to the next Court of Quarter Sessions, which shall be holden not less than twelve days after the day of such conviction or decision, for the District wherein the cause of complaint shall have arisen ; and that in the prosecution, hearing, and determination of the matter of the appeal the same proceedings and forms shall be had, taken, and observed, as are required by a certain Act of the Parliament of this Province, passed in the fourth and fifth years of Her Majesty's Reign, intituled, *An Act for consolidating and amending the Statutes of this Province relative to offences against the person.*

Proceedings on appeal to be as under 4 & 5 Vict. c. 27.

Limits of Ferries.

V. And be it enacted, That in any case where the limits to which the exclusive privilege of any Ferry extends, are not already established, such exclusive privilege shall not hereafter be granted for any greater distance than one mile and a half on each side of the point at which the Ferry is usually kept.

Act to apply only to Upper Canada.

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



ANNO OCTAVO
VICTORIÆ REGINÆ.

CAP. LI.

An Act to revive and continue, for a limited time, a certain Ordinance therein mentioned, for regulating the Militia in Lower Canada, and to suspend for a like time a certain provision of the Militia Law of Upper Canada.

[29th March, 1845.]

WHEREAS it is expedient to revive and continue, for a limited time, the Ordinance of His Excellency the Administrator of the Government of the late Province of Lower Canada, and of the Special Council for the affairs of the said Province, passed in the first year of Her Majesty's Reign, and intituled, *An Ordinance to provide for the defence of this Province, and to regulate the Militia thereof*, which expired on the first day of May, one thousand eight hundred and forty-three: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Ordinance cited in the Preamble to this Act, with the exception of the clause whereby the duration thereof was limited, shall be and is hereby revived, and shall be in force within that part of this Province which formerly constituted the Province of Lower Canada, from the passing of this Act and for the time during which this Act shall remain in force, and no longer.

Preamble.

Ordinance
L. C. 1 Vict.
cap. 22, cited.

The said Ordinance revived and continued for the time this Act shall be in force.

II. Provided always, That it shall be lawful for the Governor, or person administering the Government of this Province, by any Militia General Order to be by him

The Governor may by a General Order dispense with the

annual muster of Militia.

him made, published in the Canada Gazette, and directed to the Commanding Officers of each and every of the Battalions of Militia in Lower Canada, to direct that the annual muster of the companies of Militia shall not take place on the twenty-ninth day of June of the year in which such order shall be made ; and sufficient notice of such General Order shall be given before the twenty-ninth day of June to which it shall relate, by the Commanding Officer of each Battalion, to the Captains or Officers commanding Companies therein, and shall be also notified by such Captains to each Militiaman, in the manner prescribed by the fifth section of the Ordinance hereby revived and continued ; and such order being so given and notified, shall be obeyed by all Officers of Militia and Militiamen to whom it shall relate, under the penalty imposed by the fifteenth section or by any other section of the said Ordinance, for each and every act of disobedience to the provisions therein contained ; any thing in the said Ordinance to the contrary notwithstanding.

Penalty for disobedience to any such order.

The 8th and 43d sections of the Act of U. C. 2 Vict. cap. 9. suspended during the time this Act shall be in force.

III. And be it enacted, That the eighth and forty-third sections of the Act of the Legislature of Upper Canada, passed in the second year of Her Majesty's Reign, and intituled, *An Act to repeal and amend the Militia Laws of this Province*, and so much of any other part of the said Act or of any other Act or Law as authorizes the Colonel or Commanding Officer of any Regiment or Battalion of Militia in Upper Canada, to call out or assemble the Officers, non-commissioned Officers or Privates serving therein, for drill or training at any time when such Regiment or Battalion is not called out for actual service, shall be, and is and are hereby suspended during the time this Act shall remain in force.

Duration of this Act.

IV. And be it enacted, That this Act shall remain in force until the first day of May, one thousand eight hundred and forty-six, and thence until the end of the then next Session of the Provincial Legislature, and no longer.

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Law Printer to the Queen's Most Excellent Majesty.



ANNO OCTAVO

VICTORIÆ REGINÆ.

CAP. LII.

An Act to suspend for a limited time two certain Ordinances therein mentioned, relating to Winter Roads in that part of the Province 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 is or was in the Municipal District of Portneuf.

[29th March, 1845.]

WHEREAS it is expedient to amend the Ordinances of the Legislature of the late Province of Lower Canada relating to Winter Roads, in order to exempt the District of Quebec, the Inferior District of Gaspé, and that part of the District of Three-Rivers which is or was in the Municipal District of Portneuf: 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, intituled, *An Ordinance to provide for the improvement, during the winter season, of the Queen's Highways in this Province, and for other purposes*; or of the Ordinance of the said Legislature, passed in the fourth year of Her Majesty's Reign, 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

Preamble.

Ordinance
L. C. 3 & 4
Vict. c. —, and

Ordinance
L. C. 4 Vict.
c. —, suspend-
ed as to the
Districts of
Quebec and
Gaspé, and
part of Three-
Rivers.

and so much of the said Ordinances is hereby suspended for and during the space of one year, in so far as regards the District of Quebec, the District of Gaspé, and that part of the District of Three-Rivers which is or was in the Municipal District of Portneuf; 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 OCTAVO
VICTORIÆ REGINÆ.

CAP. LIII.

An Act to repeal certain Acts therein mentioned, and better to encourage Agriculture in Lower Canada, by the establishment of Agricultural Societies therein.

[29th March, 1845.]

MOST GRACIOUS SOVEREIGN,

WHEREAS there is no subject in which all the inhabitants of this Province are more deeply interested, than the improvement of Agriculture, and the prosperity of those engaged in that pursuit; and it is expedient to provide more effectually for the encouragement of such improvement, by giving more ample aid, and making better provision for the establishment and efficient working of County and District Agricultural Societies in Lower Canada, and for that purpose to repeal the Acts there in force touching such Societies, and to consolidate those provisions thereof which have been found effective with such amendments as experience hath shewn to be necessary: 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 the Act of the Legislature of Lower Canada, passed in the fifty-eighth year of the Reign of His Majesty King George the Third, and intituled, *An Act for the encouragement of Agriculture in this Province*,—and the Act of the said Legislature, passed in the first year of the Reign of His late Majesty King George the Fourth, and intituled, *An Act further to encourage Agriculture in this Province*,—and the Act of the said Legislature, passed in the ninth year of the

Preamble.

Acts of L. C.
58 Geo. 3.
cap. 6.

1 Geo. 4.
cap. 5.

9 Geo. 4.
cap. 43.

4 Will. 4.
cap. 7.

Proviso.

the Reign last aforesaid, and intituled, *An Act to appropriate a certain sum of money therein mentioned for the encouragement of Agriculture*,—and the Act of the said Legislature, passed in the fourth year of the Reign of His late Majesty King William the Fourth, and intituled, *An Act to make more ample provision for the encouragement of Agriculture*, shall be and the said Acts are hereby repealed: Provided always, that notwithstanding the repeal of the Act last mentioned, any County Agricultural Society, regularly organized under the authority thereof, shall continue to be the Agricultural Society of such County for all the purposes of this Act, until the day hereinafter appointed for the first election of the members of an Agricultural Society for such County.

County Agri-
cultural So-
cieties may be
organized, and
how.

II. And be it enacted, That an Agricultural Society may be organized in and for each of the Counties of Lower Canada, such Society being composed of a President, Vice-President, a Secretary, a Treasurer, and twelve other Members, taken from the persons subscribing the sum of five shillings, currency, *per annum*, or upwards, towards the funds of the said Society, and elected at a public meeting of the said subscribers to the funds of the Society; and any five Members of such Society shall be a *quorum*, and any majority of any such *quorum*, at any meeting of the Society, may exercise all the powers hereby vested in such Society.

Quorum.

Elections
when to be
held.
First Election.

III. And be it enacted, That the said elections shall be held every two years, in the course of the month of February, except that such election shall take place for the first time during the month of June next, on any day in the said month, (Sundays and Holidays excepted,) and at such first election, the senior Justice of the Peace in the County, present at the meeting, shall preside, or in default of a Justice of the Peace, such person as the majority of the persons present at the meeting shall appoint; and such election shall be announced on the two Sundays immediately preceding the same, at the door of each Church in such County, or at the most public place in those parts thereof in which there shall be no Church, by a public notice, to be given by an order or orders to be issued for that purpose by some Justice of the Peace in the County, mentioning the place, day and hour, of such election; of which meeting, and the election of President, Vice-President, Secretary, Treasurer, and Members then made, an authentic *Acte* shall be drawn up, and transmitted to the Secretary of the Province, by the person who shall have presided at the meeting, for the information of the Governor, Lieutenant-Governor, or person then administering the Government of the Province.

How they
shall be noti-
fied.

Acte of the
result of the
Election to be
transmitted to
the Secretary
of the Pro-
vince.

President to
transmit an-
nually to the
Governor a
list of subscri-
bers and sub-
scriptions.

IV. And be it enacted, That the President of each such Agricultural Society so organized, shall annually transmit to the Governor of this Province, a list, sworn to before any Justice of the Peace, (who is hereby authorized to administer the necessary oath,) of the names of the subscribers, mentioning the amount of their
respective

respective subscriptions actually paid in current money to the Treasurer, opposite to the names of each of them ; and at any time after the receipt of such list, it shall be lawful for the Governor of this Province to issue his Warrant in favor of such President, for a sum to be taken out of the unappropriated monies which now are or hereafter may be in the hands of the Receiver General of this Province, and which sum shall be only equal to three times the sum which shall appear by the said list to have been subscribed and paid by the subscribers, in such County : Provided that such sum so advanced shall not, for any County, exceed the sum of one hundred and fifty pounds, currency ; and if the Treasurer, or any Officer of such Society, shall report any subscription as paid in money when it is not so paid, or shall pay back to the subscriber any money so paid, he shall forfeit to Her Majesty the sum of twenty pounds, currency, and be guilty of a misdemeanor.

Governor may pay three times the amount subscribed.

Proviso: total sum limited, &c.

V. And be it enacted, That the President of each such Society shall annually transmit to the three branches of the Legislature, within fifteen days after the opening of each Session of the Provincial Parliament, a report of its proceedings, shewing the amount of the subscriptions received in the course of the year, and the amount received out of the Public Chest, the expenses of the Society, the names of the persons to whom it shall have granted premiums, the objects for which such premiums were obtained, and all such other observations and information as he shall deem likely to tend to the improvement of Agriculture ; and if such report be made for any period during which such Society shall have been also the District Society as hereinafter mentioned, such report shall extend to all things done by such Society, as a District Society, but shall distinguish the same from its doings as a County Society.

Annual Report to be made to the Legislature by the President of each Society,

Provision as to District Societies.

VI. And be it enacted, That it shall be lawful for the President, or in case of his death or absence, the Vice-President of each such Society, to call a meeting of the Members thereof, from time to time, for the purpose of deliberating upon the objects with reference to which it was instituted, and of determining and regulating the expenses and the management of the business of the Society ; and all the proceedings which shall take place at any such meeting, shall be entered in the Journal of the Society, and signed by the President and Secretary, and the provisions of this section shall extend to any such Society, acting as a District Society in the same manner as when acting as a County Society.

Meetings of any Society how to be called.

Provision as to District Societies.

VII. And be it enacted, That all Clergymen or Ministers, of any religious denomination, resident in the County, and duly authorized to keep Registers of Baptisms, Marriages and Burials, the Legislative or Executive Councillors resident in the County, and the Member representing the County, City or Town within which such County is situated, shall be Honorary Members of such Society, and may vote at the meetings thereof.

Certain persons to be Honorary Members of the said Societies, and may vote.

Appointment
of the judges
at exhibitions.

VIII. And be it enacted, That the President of each such Society shall be and is hereby authorized to name the person or persons to be the judge or judges at each exhibition held in the County : Provided always, that no person or persons, resident in the County, or being a competitor or competitors for any premium at such exhibitions, shall act as a judge or judges.

Elections after
the first how
notified.

IX. And be it enacted, That the President, (or in case of his death or absence, the Vice-President,) elected at the time of the election of the Members of the Society, shall be bound to announce the then next ensuing election, in the manner prescribed by the second section of this Act: Provided always, that it shall be lawful to re-elect the President, and all or any of the Members elected at any preceding election.

Proviso.

District So-
cieties estab-
lished.

X. And be it enacted, That there shall also be in each of the following Districts, that is to say, in the District of Montreal, in the District of Three-Rivers, (which, for the purposes of this Act, shall include the District of St. Francis,) and the District of Quebec, a District Agricultural Society, to be constituted in the manner hereinafter mentioned.

Each County
Society to be
a District So-
ciety in its
turn.

XI. And be it enacted, That each County Agricultural Society in any District, shall be in its turn, and for one year at a time, the District Agricultural Society for the District in which such County is situate, and its Office Bearers shall be the Office Bearers of such District Society.

Order in
which the
County So-
cieties shall be-
come District
Societies.

XII. Provided always, and be it enacted, That the County Agricultural Society of longest standing in each District, shall be the District Agricultural Society thereof, from the passing of this Act until the month of February, one thousand eight hundred and forty-six, from which time until the month of February, one thousand eight hundred and forty-seven, the County Agricultural Society of next longest standing shall be the District Agricultural Society; and so on, each of the said County Societies becoming in its order of seniority, and for one year, the District Society, and commencing and proceeding again as often as the whole number shall be gone through : Provided also, that if at any time any doubt shall arise as to which County Society is to be the District Society for the then present or the then next year, according to the true intent and meaning of this Act, the Governor of this Province shall decide the question, and his decision shall be conclusive.

Proviso: How
any doubt as
to such order
shall be decid-
ed.

Proviso :
Amount of
subscription
which shall
entitle a Coun-
ty Society to
become a Dis-
trict Society.

XIII. Provided also, and be it enacted, That no County Society shall, after the first day of February, one thousand eight hundred and forty-seven, be entitled to become a District Society as aforesaid, unless the subscriptions for the purposes thereof shall, during each of the two years then last past, have amounted to at least twenty-five pounds, currency.

XIV.

XIV. And be it enacted, That it shall be lawful for the Governor of this Province, by Warrant under his hand, to be issued in the month of July in each year, to authorize the payment of the sum of five hundred pounds, currency, to the President of each District Society, for the time then being, out of any unappropriated monies in the hands of the Receiver General, which said sum shall be employed by such District Society for the purposes and according to the provisions of this Act : Provided always, that any balance in the hands of the Treasurer of any such Society at the time it shall cease to be the District Society, shall be forthwith paid over to the Treasurer of the then next District Society, for the purposes of such Society, who, if the same be not paid over, may recover the same at law, from the Treasurer or other person in whose possession it may be ; and any money, property, books or accounts, in the hands of any Treasurer, or other Officer of any County or District Society going out of office, may be recovered from him in like manner by his successor in office.

An annual sum to be allowed to each District Society.

Proviso : Balances in the hands of Treasurers to be paid over to their successors in office.

XV. And be it enacted, That the monies hereby appropriated, as well as those raised by any Agricultural Society by subscription, shall be expended by such Society in premiums and rewards for excellence in the raising or introduction of grain, vegetable and other agricultural produce, or in the rearing or introduction of animals for agricultural purposes, or in the performance of any agricultural operations or labour, or in the invention, introduction or extended use of any improved agricultural implement or machine, or for any essay or treatise upon any assigned subject connected with agriculture, or for any other purpose connected with the encouragement of agricultural improvement, in such manner as to such Society may seem most expedient and best calculated for the attainment of the purposes of this Act : Provided always, that of the monies received under this Act by any District Agricultural Society, the sum of one hundred pounds, currency, and by any County Agricultural Society, the sum of fifty pounds, currency, may be annually appropriated for the importation of animals, grain or seeds of improved kinds ; and such animals shall be in the charge and custody of the County or District Society, as the case may be, for the time being, and shall be by them delivered over to the Society succeeding them : And provided also, that no single premium or prize shall exceed the sum of twelve pounds ten shillings, currency.

For what purposes monies appropriated by this Act may be expended.

Proviso for the importation of animals, &c., of superior kinds.

Limitation of premiums.

XVI. And be it enacted, That for the distribution of the prizes or premiums aforesaid, each Society shall appoint two Public Shows or Competitions in each year, neither of which shall last longer than two days, and one of which shall be in the month of September or October, and the other in the months of January or February, within which months they shall be held at such time and at such places as the President of the Society shall appoint : Provided always, that nothing herein contained shall be construed to prevent the Society from giving a premium

Two Public Exhibitions to be held in each year.

Proviso.

for

for any growing crop, or any work or thing to be done by any person on his own farm, or from inspecting and judging thereof on such farm.

What notice shall be given of such Public Exhibitions.

XVII. Provided always, and be it enacted, That of each such Shows or Competitions, at least six weeks public notice shall be given by notice published in some one or more public newspapers in the District, and affixed on the door of each Church or place of Public Worship in the County, whereof the Minister is a Member of the Society, such notice containing a detailed statement of the premiums to be given, and the conditions of competition, and all other information requisite for the competitors.

Judges to be guided by the Rules of the Society.
Not to compete.

XVIII. And be it enacted, That the judge or judges at each such Competition or Show, to be appointed by the President aforesaid, shall be guided by such By-laws and Rules as the Society shall have made for that purpose; but such judges shall not be directly or indirectly competitors for any premium.

Pens to be erected.

How paid for.

XIX. Provided always, and be it enacted, That such Society shall cause separate Pens to be erected at the place of competition for the competing animals, and free of charge upon the owners thereof; but the expense of providing such Pens shall not be paid out of any monies appropriated by this Act, or out of the subscriptions raised to obtain such monies.

Imported animals.

XX. And be it enacted, That in every case where the animal obtaining a first premium shall have been imported from the United Kingdom, such premium shall be doubled.

Certain monies to be expended for purposes expressly authorized.

XXI. And be it enacted, That no part of the monies appropriated by this Act, or received for subscription by any Agricultural Society, shall be paid for or on account of any salary or allowance to any Secretary, Officer or Writer, beyond an allowance to the Secretary from the premiums not exceeding five per cent, and the actual disbursements for Stationery, Printing, Postages, and all other Contingencies, shall not, in the whole, annually exceed the sum of twenty-five pounds, currency.

Tolls to be refunded in certain cases on competing animals.

XXII. And be it enacted, That all Tolls paid at any Bridge or on any Road within the County, not belonging to any private party or Company, for any animal going to or returning from any such Show or Competition as aforesaid, shall be abated or refunded on the certificate of the President of the Agricultural Society for the County, that such animal was really one of the competing animals at such Show or Competition.

Societies to be bodies corporate.

XXIII. And be it enacted, That each District or County Agricultural Society shall be and is hereby constituted a body politic and corporate by the name of
"The

“ *The District (or County) Agricultural Society, for the District (or County) of* ,” (as the case may be,) and by that name shall have perpetual succession, and a Common Seal, and may sue and be sued, and may acquire and hold personal and real property to the value of six hundred pounds, currency, and may from time to time dispose of such property, and acquire other property instead thereof, not exceeding the value aforesaid, and shall have such other corporate powers as may be necessary for carrying this Act into effect, but no other ; and service of Process at the residence of the President, or Secretary of such Society for the time being, shall be valid service thereof upon such Society.

Name.
Corporate
powers.

Service of
Process.

XXIV. 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, in such manner and form as Her Majesty, Her Heirs and Successors, shall be pleased to direct.

Accounting
clause.

XXV. And be it enacted, That immediately after the passing of this Act, all sums of money appropriated by any previous Act of the Provincial Legislature, for the encouragement of Agriculture, by means of premiums, and which at the time shall be still in the hands of the Receiver General, shall cease to be applicable to the said object, and shall remain in the hands of the Receiver General of the Province, for the public uses thereof, except such sums only as shall at the time of the passing of this Act be lawfully due by any such Agricultural Society.

Monies here-
tofore appro-
priated for like
purposes and
unexpended,
how to be dealt
with.

XXVI. And be it enacted, That the words “ Governor of this Province,” where-soever they occur in this Act, shall include the Lieutenant-Governor, or person administering the Government; and that the words “ Lower Canada” shall mean all that part of the Province which formerly constituted the Province of Lower Canada.

Interpretation
clause.

XXVII. And be it enacted, That this Act shall continue and be in force for four years from and after the passing of the same, and from thence until the end of the then next ensuing Session of the Legislature of this Province, and no longer.

Duration of
this Act.



ANNO OCTAVO

VICTORIÆ REGINÆ.

CAP. LIV.

An Act for the encouragement of Agricultural Societies and Agriculture in Upper Canada.

[29th March, 1845.]

MOST GRACIOUS SOVEREIGN,

WHEREAS the science of Agriculture demands encouragement from the Revenues and People of Upper Canada : 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 when any Agricultural Society for the purpose of importing valuable live stock, or whatever else might conduce to the improvement of Agriculture, shall be constituted in any District in Upper Canada, and shall make it appear, by certificate under the hand of the Treasurer of such District Society, that the sum of not less than twenty-five pounds has been actually subscribed and paid to the said Treasurer by the several Agricultural Societies of such District, and paid into the hands of the said Treasurer, and the President of the said Society shall make application, enclosing the said Certificate to the Governor, Lieutenant-Governor, or person administering the Government of this Province, for and in support of the said Society, it shall and may be lawful for the Governor, Lieutenant-Governor, or person administering the Government in this Province, to issue his Warrant to the Receiver General in favour of the Treasurer of the said Society for treble the amount that shall have

Preamble.

When an Agricultural Society shall be constituted in any District, Governor may issue his Warrant for treble the amount subscribed in such District.

Proviso.

have been paid or subscribed in such District as aforesaid : Provided always, That the annual sum to be granted to each District shall not exceed the sum of two hundred and fifty pounds, currency.

No more than one Agricultural Society shall be established in each County, Riding or Township, and each Society shall have a proportion of the District Bounty.

II. And be it enacted, That in the event of there being County, Riding, or Township Agricultural Societies established, there shall not be more than one County or District Society in each County or Riding of any District within this Province, and a proportion of the District Bounty shall and may be granted to each County, Riding or Township Agricultural Society, and paid to them by the District Society in proportion to the money that each County, Riding or Township Agricultural Society shall have subscribed : Provided nevertheless, that the whole sum granted to the District and County Societies together shall not exceed the sum of two hundred and fifty pounds in each year.

If more than fifty pounds be subscribed, the grant shall be divided in proportion of the respective subscriptions.

III. And be it enacted, That in the event of more than fifty pounds being subscribed by the several Societies in any District, the said grant of two hundred and fifty pounds shall be divided to each Society in due proportion according to the amount of their subscriptions, respectively.

Each Society may elect Officers and make By-laws.

IV. And be it enacted, That each Agricultural Society shall and may elect such Officers and make such By-laws for their guidance as to them shall seem best for promoting the interests of Agriculture according to the true intent and meaning of this Act.

Treasurer's account shall accompany application for grants.

V. And be it enacted, That the Treasurer's account of the receipts and expenditure of the preceding year shall, after the first year, always accompany the application for grants in aid of the said Agricultural Societies.

Treasurers of Societies shall pay over money subscribed by Societies to Treasurer of District Agricultural Society.

VI. And be it enacted, That when County, Riding, or Township Societies shall have been established in any District, the Treasurer of such County, Riding or Township Societies shall, on or before the first day of September in each year, pay over in current money of this Province, the amount subscribed by the said Societies into the hands of the Treasurer of the District Agricultural Society, who shall then make an abstract of the sums subscribed in the said District in the following form.

ABSTRACT OF SUMS OF MONEY SUBSCRIBED BY THE SEVERAL AGRICULTURAL SOCIETIES
IN THE DISTRICT, FOR THE YEAR EIGHTEEN HUNDRED

Form of Abstract.

AGRICULTURAL SOCIETIES.	Amount subscribed by each.		
	£	s.	d.
Total			

These are to certify that the sum of _____ has been paid into my hands, in current money of this Province, by the several Agricultural Societies in the _____ District, as above stated.

Certificate.

Given under my hand, at _____, the _____ day of _____, Eighteen hundred _____

Certified,

_____, Treasurer.
_____, President.

VII. And be it enacted, That the monies hereby granted and paid under this Act shall be accounted for to Her Majesty through the Lords Commissioners of Her Majesty's Treasury, in such manner and form as Her Majesty, Her Heirs and Successors shall be graciously pleased to direct.

Accounting clause.

VIII. And be it enacted, That if the Treasurer of any Township Society shall on or before the first day of July in each and every year, pay any sum of money into the hands of the Treasurer of the District or County Societies, he shall be entitled to receive the same again so soon as the Legislative grant shall have been received with a proportion of the Legislative grant equal to the amount so paid, or in proportion to what shall fall to their share upon an equal division being made in proportion to the sums paid in by the several Societies in the District or County.

If Treasurer of a Township Society pay any money to Treasurer of District or County Societies, he may receive the same again as soon as the Legislative grant shall have been received.

IX.

Reports how
to be made,
transmitted,
and when.

IX. And be it enacted, That the Secretary of each such Society shall annually transmit to the three branches of the Legislature, within fifteen days after the opening of each Session of the Provincial Parliament, a report of its proceedings showing the amount of the subscriptions received in the course of the year, and the amount received out of the public chest, the expenses of the Society, the names of the persons to whom it shall have granted premiums, the objects for which such premiums were obtained, and all such other observations and information as he shall deem likely to tend to the improvement of Agriculture.

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



ANNO OCTAVO
VICTORIÆ REGINÆ.

CAP. LV.

An Act to amend a certain Ordinance therein mentioned, relative to the Turnpike Roads near Quebec.

[29th March, 1845.]

WHEREAS it is expedient to amend the Ordinance of the Governor and Special Council for the late Province of Lower Canada, passed in the fourth year of Her Majesty's Reign, 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*, by authorizing the Trustees appointed under the same to raise a further sum by way of loan, for the purpose of completing the said Roads, by lowering the rates of Toll, and by fixing the rates of commutation for the said Tolls in certain cases, and by making other provision relative to the said Roads: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall be lawful for the Trustees of the Quebec Turnpike Roads, to raise by way of loan for the purposes of the Ordinance cited in the Preamble to this Act, a further sum not exceeding eight thousand eight hundred and eighty-two pounds, currency, to which loan, and to the Debentures to be issued in consequence thereof, and to the advance of monies out of the Provincial Funds to pay the interest thereon if need shall be, and to all other matters incident to the said loan, all the provisions of the said Ordinance touching the loan thereby authorized, are hereby extended and shall apply; excepting always, that the rate of interest on the loan to be raised under the

Preamble.

4. Vic: b. 17.
Vic Rev: H. H. H.

Loan of
£8,882 autho-
rized.

6 per cent.

the authority of this Act, shall not in any case exceed the rate of six per centum per annum.

New rates of Toll.

II. And be it enacted, That so much of the tenth section of the said Ordinance as establishes the rates of Toll to be taken on the said Roads, and so much of the said section as empowers the said Trustees to lower the Tolls with the consent of the Governor of this Province, and again to raise the same, shall be and is hereby repealed upon, from and after the first day of May next, and thenceforth the Tolls mentioned in the Schedule annexed to this Act shall be the Tolls to be levied at each Turnpike Gate, on the several Vehicles, Animals and things therein mentioned, and one half of such Tolls shall in each case be payable for each time of passing, except in cases of exemption from the payment of more than one full Toll in a day, in which case such half Toll shall be payable only for the first time of passing and the first time of repassing on the same day: Provided always, that except where it is herein otherwise provided, all the provisions of the said Ordinance with regard to the Tolls thereby authorized, and all matters and things thereunto relating, shall apply to those levied under the authority of this Act, and to all matters and things thereunto relating.

Proviso.

Trustees may commute for Tolls with individuals.

Scale of commutation.

Proviso.

III. And be it enacted, That the said Trustees shall commute with any resident Proprietor or Lessee of any lands or tenements lying beyond any Toll Gate or Gates (reckoning from Quebec) for the Tolls payable at such Gate or Gates during any one year, for a sum equal to the Tolls which would under this Act be payable for passing and repassing the same on one hundred several days, with the carriage, horse, animal, or thing on which such commutation is effected, if the same be kept for pleasure only, or equal to the Tolls which would be payable for so passing and repassing on sixty several days, if the same be not kept for pleasure only: Provided always, that this section shall not extend to any Vehicle liable to pay more than one full Toll in a day, and that such commutation shall be payable in advance: Provided always, and be it enacted, That the said Trustees shall not erect any Toll Gates other than those already established on the said Roads.

Dorchester Bridge, over River St. Charles and Beauport Toll Gate.

IV. And be it enacted, That if the Bridge commonly called "Dorchester Bridge," over the River St. Charles, should at any time hereafter be acquired by the Provincial Government and placed under the control of the said Trustees, the Toll Gate now placed near the entrance of the Road leading to Beauport shall be removed to the end of the said Bridge, and the Tolls payable at such Gate for the use of the Road and Bridge shall not be greater by more than one half than the Tolls which will be then payable at any other Toll Gate, and shall be subject to commutation as aforesaid, and that then the "Charlesbourg Road," up to the Church of the Parish of Charlesbourg, shall come under the operation of the said Ordinance

Ordinance

This section amended by the 12th Victoria 1848.

Ordinance as hereby amended, and under the care, control and management of the said Trustees of the Quebec Turnpike Roads.

V. And be it enacted, That the provisions of the said Ordinance as hereby amended, shall also, from and after the passing of this Act, extend to the Road leading from *Champigny Hill* (the said Hill included) to the Bridge commonly called the "Red Bridge" or "Commissioners' Bridge."

Champigny Hill Road and "Red Bridge."

SCHEDULE OF TOLLS.

	£	s.	d.
For every Coach or other four wheel close covered private Carriage, or half covered, and open, drawn by two Horses or other Beasts....	0	0	8
Every additional Horse or Beast.....	0	0	2
For every four wheel private Carriage, not covered, drawn by two Horses or other Beasts.....	0	0	6
Every additional Horse or Beast.....	0	0	2
For every Gig, Calash, Dennet, Spring Cart, or other private two wheel Carriage, drawn by one Horse or Beast.....	0	0	5
Every additional Horse or Beast.....	0	0	2
For every Waggon, Wain, Cart, or other Carriage, for loads, and not for hire, with four wheels, and drawn by two Horses or other Beasts.	0	0	4
Every additional Horse or Beast.....	0	0	1
For every such Cart or other two wheel Carriage, for loads, and not for hire, drawn by one Horse or Beast, comprising all two wheel Vehicles belonging to <i>Habitans</i> or common Farmers.....	0	0	3
For every Sleigh, <i>Trainc</i> , Drag, Berlin, or other Winter Vehicle, drawn by one Horse or other Beast.....	0	0	2
Every additional Horse or Beast.....	0	0	1
For every Horse, Mare, Gelding, Ass, Mule, Ox, Cow, and head of other neat Cattle, not drawing.....	0	0	1
For every Horse, Mare, Gelding, Ass or Mule, with a Rider.....	0	0	2
For every Score of Sheep, Lambs, Hogs, or Swine.....	0	0	5
For every Stage-Coach, Diligence, Van, Caravan, Stage-Waggon, or other Stage-Carriage for the conveyance of Passengers, with four wheels, and drawn by one Horse or Beast of draught.....	0	0	6
Every additional Horse or Beast.....	0	0	2
For every Gig, Calash, Dennet, Spring Cart, or other Carriage, for Passengers, with two wheels, and drawn by one Horse or other Beast of draught.....	0	0	5

Every

This Schedule of Tolls is referred to by the Act of 9. Geo. IV. c. 12.

Every additional Horse or Beast.....	0	0	1
For every Waggon, Wain, Cart, or other Carriage, for Passengers or Goods, and carrying for hire, or conveying Stones, with four wheels, and drawn by two Horses or other Beasts of draught.....	0	0	5
For every Cart or other Carriage, for Passengers or Goods, or conveying Stones, with two wheels, and drawn by one Horse or other Beast of draught.....	0	0	4
Every additional Horse or other Beast.....	0	0	1

The said Tolls to be paid one half on passing, and the other half on repassing, as provided in the foregoing Act.

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



ANNO OCTAVO
VICTORIÆ REGINÆ.

CAP. LVI.

An Act to amend and extend the Ordinance relative to the Turnpike Road from Montreal to Chambly.

[29th March, 1845.]

WHEREAS it is expedient to amend a certain Ordinance passed in the fourth year of Her Majesty's Reign, intituled, *An Ordinance for establishing and maintaining better means of communication between the City of Montreal and Chambly*: 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 road to and over which the provisions of the said Ordinance and the powers of the Trustees therein mentioned are extended by the third section thereof, the said provisions and powers shall be and are hereby extended to the road hereinafter mentioned, as fully as if the said road was expressly mentioned and included in the said third section, or as if the said powers and provisions were embodied in this Act, and hereby re-enacted with reference to the said road, that is to say: a road along the Basin of Chambly from the Horse-boat Ferry on the said Basin of Chambly, to the plank road leading to the Fort of the Canton of Chambly.

Preamble.
Recital of Ordinance.

Powers of Trustees extended.

II. And be it enacted, That the said road shall, with regard to the Tolls to be levied and collected thereon, be held and considered as forming one continuous road with the three several roads mentioned in the second section of the said Ordinance, and Tolls shall be levied thereon, bearing the same proportion to the Tolls levied

Rates of Toll and Gates on said Road.

at

at the Toll Gates on the Roads mentioned in the said Ordinance, as the length of the Road to be made under this Act shall bear to the total length of the Roads made under the said Ordinance, and such Tolls shall be levied, and may be altered and modified under the same provisions and regulations as the Tolls levied under and mentioned in the said Ordinance.

Trustees may borrow £4000, and issue debentures.

III. And be it enacted, That it shall be lawful for the Trustees appointed under the said Ordinance to raise by way of loan, at any rate of interest not exceeding six per cent, but on the most advantageous terms in their power, a further sum of four thousand pounds, currency, to which loan and the debentures and other matters incident thereto, all the provisions of the said Ordinance in like matters shall be and are hereby extended, except in so far as other provision is herein made; and the sum so borrowed shall be applied by the said Trustees to the payment of any debt by them contracted in making the Road mentioned in the said Ordinance, and of the expenses of planking and otherwise improving the Road to which their powers are extended by this Act; and that it shall be in the power of the said Trustees to reduce the number of Turnpike Gates and Toll Bars to the number of two on the said Road.

Accounting clause.

IV. And be it enacted, That the due application of all public monies advanced under the authority of this Act shall be accounted for to Her Majesty, Her Heirs and Successors, through the Lords Commissioners of Her Majesty's Treasury, in such manner as Her Majesty, Her Heirs and Successors shall direct.

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Law Printer to the Queen's Most Excellent Majesty.



ANNO OCTAVO
VICTORIÆ REGINÆ.

CAP. LVII.

An Act to empower the District Councils of Municipal Districts, and Boards of Police of Incorporated Towns in Upper Canada, to impose a Tax on Dogs, within their respective Districts and Towns.

[29th March, 1845.]

WHEREAS it is expedient to empower the District Councils and Boards of Police in Upper Canada, to impose a Tax on Dogs, and to make By-Laws respecting the keeping of Dogs, and for preventing their running at large : 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 purposes for which, by the thirty-ninth section of the Act passed in the fourth and fifth years of Her Majesty's Reign, and intituled, *An Act to provide for the better internal government of that part of this Province which formerly constituted the Province of Upper Canada, by the establishment of Local or Municipal authorities therein*, the District Councils of the several Districts in Upper Canada are empowered to make By-Laws, it shall be lawful for each of the said District Councils, respectively, to make By-Laws for the following purpose, that is to say,—For regulating the time at which Dogs shall be permitted to run at large within the District, and for imposing a Tax upon the owners of Dogs, and for obliging the owners to keep collars on their Dogs, with the name of such owner thereon, and for the destruction of Dogs not claimed by any person as the owner, and running at large contrary to any such By-Laws : Provided always, that no Tax to be imposed by any District Council on the owners of Dogs shall, in any case, exceed the sum of five shillings in any one year, for each Dog over six months old : Provided also, nevertheless, that such By-Laws shall

Preamble.

4 & 5 Vict.
cap. 10.

District Councils in U. C. empowered to make By-Laws respecting dogs running at large,—to tax the owners, &c.

Exceptions.

shall not extend or be construed to extend to any incorporated City or Town in Upper Canada : And provided also, that every Farmer in any District shall be entitled to keep one Dog for farm use, without paying any Tax for such Dog under this Act.

Such By-laws subject to provisions of 4 & 5 Vict. cap. 10.

II. And be it enacted, That, except so far as it is otherwise provided by this Act, such By-Laws shall be in all respects subject to the provisions of the Act first above cited, with regard to the By-Laws which any District Council is thereby empowered to make.

Monies accruing therefrom to become District funds.

III. And be it enacted, That the monies coming into the hands of any District Treasurer, and arising from any Tax or Penalty imposed by any such By-Law as aforesaid, shall form part of the District Funds, and shall be subject to the same provisions as any other monies forming part of the said funds.

Boards of Police may make ordinances for like purposes; and destroy dogs after Proclamation.

IV. And be it enacted, That it shall and may be lawful for any Board of Police within any Town by law entitled to the same, to make such By-Laws, Ordinances and Regulations, for the like purposes, within the said Towns, as they shall see fit : Provided always, that it shall not be lawful for any such District Council or Board of Police to order the destruction of any Dogs running at large within the limits of the said Town, unless a Proclamation, signed by the Warden and Chairman of such District Council, or by the President of such Board of Police, shall have been published at least two days before such order.

Monies levied in towns under this Act to be applied to general purposes of town.

V. And be it enacted, That all sum or sums of money levied within any such incorporated Town, under the provisions of this Act, shall be applied for the general purposes of the said Town, in such manner as shall be directed, from time to time, by the Board of Police within the same.

What shall be deemed proof of ownership of a dog.

VI. And be it enacted, That for all the purposes of this Act, it shall be deemed and held sufficient proof of the ownership in any Dog upon which a Tax may be levied, if the said Dog is known to the Assessor of any Township or Incorporated Town aforesaid, to frequent any dwelling or lodging house as a home, and the owner or occupier of such dwelling or lodging house shall be held liable for the payment of the Tax on any such Dog, and in any action or suit for alleged injury or damage committed by such Dog, the return of the Assessor designating such ownership, shall be deemed and held to be *prima facie* evidence of such ownership, and further, that any person being generally or frequently attended or followed by any Dog, shall be deemed and considered, for all the purposes of this Act, as *prima facie* owner thereof, and liable as such owner for the payment of such Tax, or for all injuries or damages committed by such Dog.

Act may be altered.

VII. And be it enacted, That this Act may be repealed, altered or amended, by any Act of the Parliament of this Province to be passed during the present Session.



ANNO OCTAVO
VICTORIÆ REGINÆ.

CAP. LVIII.

An Act to declare certain Lands in Upper Canada liable to Assessment, and oblige the Owners of such Lands to make returns thereof to the District Treasurer.

[29th March, 1845.]

WHEREAS it is just and equitable, and according to the intention of the Legislature of Upper Canada, that all Lands held in Fee Simple, or promise of a Fee Simple by Land Board Certificate, Order of Council, or Certificate of any Governor of Upper Canada, or by Lease by any private party, should be liable to be assessed for local Rates and Taxes; And whereas all such Lands have heretofore been held liable for such local Rates and Taxes, excepting such Townships, Blocks or Parcels of Land as have been granted to private parties, without having been surveyed by or under the authority of the Surveyor General of Upper Canada; And whereas by an Act passed in the sixth year of the Reign of His late Majesty King George the Fourth, intituled, *An Act to amend and make permanent a certain Act of the Parliament of this Province, passed in the fifty-ninth year of the Reign of His late Majesty King George the Third, intituled, "An Act to repeal the several Laws now in force relative to levying and collecting Rates and Assessments in this Province, and further to provide for the more equal and general Assessment of Lands, and other rateable Property throughout this Province, and to render more effectual the several Laws of this Province imposing Rates and Assessments, by providing under certain restrictions for the levying such Rates and Assessments, by the sale of a portion of the Lands on which the same are charged,"* only so much of such Townships, Blocks or Parcels of Land as shall have been actually surveyed, is made liable to such Rates and Taxes; And whereas the provisions of the said Act are in many respects insufficient and inoperative, and it is desirable to alter and amend the same, and also to compel the owners or occupiers of all Lands held as aforesaid, to survey and make

Preamble.

6 Geo. 4. cap.
7.

Owners of un-surveyed lands to cause same to be surveyed, and to return to District Treasurer a plan thereof before 1st December 1845.

make returns of 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, 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 Grantee or Owner of any Block or Township of Land, which shall not have been surveyed by or under the authority of the Surveyor General of Upper Canada, shall, on or before the first day of December next, cause the whole of such Lands included in the Grant thereof from the Crown, to be surveyed and divided into such Lots or Parcels and Concessions, as he or she shall think proper, and shall, on or before the said first day of December, cause to be returned to the Treasurer of the District in which such Lands lie, a Schedule of such Lands, designating the same by Numbers and Concessions, according to such survey, and specifying the number of Acres in such Lots or Parcels, together with a correct Map or Plan thereof, and that the correctness of the said return shall be verified by the affidavits (sworn before any Justice of the Peace) of the Owner, and of the Surveyor or Surveyors who have actually surveyed the same.

Liability of such lands to assessment after 1st December, 1845.

II. And be it enacted, That all Lots or Parcels of Land not surveyed before the passing of this Act, shall be and become liable to Assessment, and to be taxed from and after the said first day of December next, as if the same had been returned to such Treasurer by the Surveyor General.

Plans to specify any portions heretofore surveyed.

III. And be it enacted, That on or before the said first day of December next, the Owner or Occupier of any such Township, Block or Parcel of Land, shall cause to be returned to the said Treasurer a Schedule verified by the affidavit of such Owner or Occupier, sworn as aforesaid, of so much thereof as shall have been heretofore actually surveyed, designating the same by Numbers and Concessions; or otherwise, according to such actual survey, or according to any Map or Plan thereof, and specifying the time or times when such Lands, or any portions thereof, have been so surveyed.

Such portions liable to assessment from date of survey.

IV. And be it enacted and declared, That all portions of the said Lands, which shall be so returned as having been heretofore actually surveyed, shall be held, and they are hereby declared severally to be liable to Assessment, from the time or times when they were so surveyed; and all and every the provisions of the several Acts of the Legislature of Upper Canada relative to the levying and collection of Rates and Assessments, and of any arrears of such Rates and Assessments, and to the penalties for non-payment of the same, shall apply in like manner to such Lands so returned.

V.

V. And be it enacted, That if the Owner or Owners, Occupier or Occupiers, of any such Lands, shall refuse or neglect to make, or cause to be made, any return or returns required by this Act, on or before the said first day of December next, he, she or they shall forfeit and pay for such refusal or neglect, the sum of two hundred pounds, and for every year thereafter, until such return or returns shall be made, the Owner or Owners, Occupier or Occupiers of such Land, shall in like manner forfeit and pay, for such neglect or refusal, the sum of one hundred pounds, and the payment of any such Penalty or Penalties, shall not be held to free or discharge such Lands from the Assessments due, payable, or in arrears thereon.

Penalty of £200 for neglect of owner to comply with provisions of this Act, and of £100 annually for continued neglect.

VI. And be it enacted, That the several Penalties or Forfeitures mentioned in the last preceding Section of this Act, may be recovered upon information and complaint before any three of Her Majesty's Justices of the Peace of the District in which the Lands lie, and shall be levied by Warrant signed by any two of the Justices, who shall have heard such complaint, directed to the Sheriff of the said District, commanding him, the said Sheriff, to make of the Goods and Chattels of the person or persons convicted on such information and complaint in his District, the amount of such Penalties or Forfeitures, and the costs of such conviction, and to return the said Warrant, and the moneys thereon made to the Treasurer of the District, on a day to be therein named, and not less than one Calendar month from the date of such Warrant, and the said moneys shall be appropriated in like manner as the Assessment levied for the general use of such District.

Penalties, &c., how recoverable; and their appropriation.

VII. And be it enacted, That in case the Sheriff shall return on the said Warrant, that the said person or persons so convicted has or have no goods in his District, then, and in that case, it shall be lawful for any two Justices of the said District to issue a like Warrant to the Sheriff, against the Lands and Tenements of the said person or persons in the said District, returnable in one year from the date thereof, and the Sheriff shall thereupon advertise the said Lands for sale, and sell the same, in the same manner as he is now authorized and required by law to advertise and sell Lands, under Writ of *Fieri Facias*.

Where the owner has no goods, his lands may be sold by Sheriff.



ANNO OCTAVO
VICTORIÆ REGINÆ.

CAP. LIX.

An Act to amend and consolidate the Provisions of the Ordinance to Incorporate the City and Town of Montreal, and of a certain Ordinance amending that Ordinance, and to vest certain other powers in the Corporation created by the said first mentioned Ordinance.

[29th March, 1845.]

WHEREAS it is expedient to amend and consolidate the provisions contained in a certain Ordinance of the Legislature of the heretofore Province of Lower Canada, made and passed in the fourth year of Her Majesty's Reign, intituled, *An Ordinance to Incorporate the City and Town of Montreal*, and in a certain other Ordinance of the Legislature of the heretofore Province of Lower Canada, made and passed in the same year of Her Majesty's Reign, intituled, *An Ordinance to amend the Ordinance to Incorporate the City and Town of Montreal*, and to vest certain further powers in the Corporation constituted by the said Ordinance herein first mentioned: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*; and it is hereby enacted by the authority of the same, That the Inhabitants of the said City and Town of Montreal, and their successors, Inhabitants of the same, Incorporated under the said Ordinance herein first mentioned, shall continue to be, and shall be, as provided in and by the said Ordinance herein first mentioned, a Body Corporate in fact and in name, by and under the name, style and title of

Preamble.

Ordinance of
3 & 4 Vict. c.
36, cited.

Ordinance of
4 Vict. c. 32,
cited.

Corporation
continued.

" The

General corporate powers granted.

“ *The Mayor, Aldermen and Citizens of the City of Montreal,*” and as such 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 Estate, and of granting, selling, alienating, assigning, demising and conveying the same, and of entering into and becoming a party to contracts, and for granting and accepting any bills, bonds, judgments, or other instruments or securities, for the payment or securing of the payment of any money borrowed or lent, or the performance or securing the performance of any other duty, matter or thing whatsoever.

Limits of the City of Montreal defined.

II. And be it enacted, That the Tract of Land which, in and by a certain Proclamation of His Excellency Alured Clarke, Esquire, Lieutenant-Governor of the heretofore Province of Lower Canada, issued under the Great Seal of the said last mentioned Province, and bearing date the seventh day of May, in the year of our Lord, one thousand seven hundred and ninety-two, was and is described as being comprehended within the City and Town of Montreal, and which it was therein declared should be thenceforward called by that name, shall, as provided by the said Ordinance herein first mentioned, constitute and be, and be called, the City of Montreal.

City divided into nine Wards.

III. And be it enacted, That for the purposes of this Act, the said City of Montreal shall, from and after the passing of this Act, be divided, for the purposes of the same, into nine Wards, called respectively, East Ward, Centre Ward, West Ward, Saint Anne's Ward, Saint Antoine's Ward, Saint Lawrence Ward, Saint Louis Ward, Saint James Ward, and Saint Mary's Ward.

Boundaries of the several Wards.

IV. And be it enacted, That the said Wards of the City of Montreal shall be divided, bounded and limited as follows, that is to say :

East Ward.

The *East Ward* of the said City, on the south-east by that part of the River Saint Lawrence opposite to and extending from Lacroix Street to the extremity of Walker Lane ; on the south-west by the middle of Walker Lane and Saint Gabriel Street to Craig Street ; on the north-west by the middle of Craig Street, from Saint Gabriel Street aforesaid, to Sanguinet Street, and continuing down Sanguinet Street until it meets Saint Louis Street, from thence along the middle of the said Saint Louis Street to where the said Saint Louis Street meets Lacroix Street aforesaid ; lastly, on the north-east by the centre of Lacroix Street aforesaid to the River or point of departure.

The

The *Centre Ward* of the said City, shall continue to be, and shall be divided, bounded and limited as follows, that is to say : on the south-east by that part of the River Saint Lawrence opposite to, and extending from the middle of Walker Lane to the middle of the extremity of Callières Street ; on the south-west by the middle of said Callières Street, and crossing the interval between the said Callières Street and Saint François Xavier Street, by the middle of Saint François Xavier Street to Craig Street ; on the north-west by the middle of Craig Street to Saint Gabriel Street ; and lastly, on the north-east by the middle of the said Saint Gabriel Street and Walker Lane to the River or point of departure. Centre Ward.

The *West Ward* of the said City, shall continue to be, and shall be divided, bounded and limited as follows, that is to say : on the south-east by that part of the River Saint Lawrence opposite to, and extending from the middle of the extremity of Callières Street to the middle of the extremity of Grey Nuns' Street ; on the south-west by the middle of the said Grey Nuns' Street to the middle of William Street, to the bottom of McGill Street, continuing on the south-west by the middle of McGill Street, and by the middle of Commissioners' Square to Fortification or Glacis Lane, thence westerly to where Fortification or Glacis Lane joins the middle of Saint Radegonde Street, and thence by the middle of Saint Radegonde Street to Craig Street ; on the north-west by the middle of Craig Street as far as Saint François Xavier Street ; and lastly, on the north-east by the middle of Saint François Xavier Street and Callières Street to the River or point of departure. West Ward.

The *Saint Anne's Ward* : on the north-east by the centre of Grey Nuns' Street, commencing at the River Saint Lawrence, and continuing to William Street, thence east-wardly along the centre of William Street till it intersects the centre of McGill Street, thence north along the centre of McGill Street to its junction with the centre of Saint Joseph Street, thence along the centre of Saint Joseph Street to the City boundary, thence along the said boundary line in a south-easterly direction to the River Saint Lawrence, and thence to the place of beginning. St. Anne's Ward.

The *Saint Antoine Ward* : on the north-east by the centre of McGill Street, and continuing to Commissioners' Square, and by the middle of Commissioners' Square to Fortification Lane, thence westerly to where Fortification Lane joins the middle of Saint Radegonde Street, thence by the middle of Saint Radegonde Street to Lagachetière Street, thence the north-west side of the centre of Lagachetière Street until intersecting the centre of Alexander Street, thence the south-west side of the centre of Alexander Street to the centre of Saint Catherine Street, thence the north-west side of the centre of Saint Catherine Street to City Councillors Street, thence the south-west side of City Councillors Street to Sherbrooke Street, thence the north-west side of the centre of Sherbrooke Street to Durocher Street, thence the St. Antoine Ward.

the south-west side of the centre of Durocher Street, and the extension of the same to the City boundary line, thence along the same line so far as it may extend towards the south-west, thence along the said line in a south-east direction to the centre of Saint Joseph Street, thence to the north-west of the centre of Saint Joseph Street, till intersecting the centre of McGill Street, the point of commencement.

St. Lawrence.
Ward.

The *Saint Lawrence Ward*: on the north-west side of the centre of Craig Street, commencing at Saint Lawrence Main Street, and continuing to Saint Radegonde Street, thence the north-east side of the centre of Saint Radegonde Street to Lagauchetière Street, thence the south-east side of the centre of Lagauchetière Street to Alexander Street, thence the north-east side of the centre of Alexander Street to Saint Catherine Street, thence the north-west side of the centre of Saint Catherine Street to City Councillors Street, thence the north-east side of the centre of City Councillors Street to Sherbrooke Street, thence the south-east side of the centre of Sherbrooke Street to Durocher Street, thence the north-east side of the centre of Durocher Street to the City Boundary Line, thence along the said line towards the north-east, until the same joins the centre of Saint Lawrence Main Street, thence the south-west side of the centre of Saint Lawrence Main Street to Craig Street, or the place of beginning.

St. Louis
Ward.

The *Saint Louis Ward*, commencing at the centre of Saint Louis and Saint Denis Streets, continuing south-west along the centre of Saint Louis Street to Sanguinet Street, thence along the centre of Sanguinet Street until intersecting the centre of Craig Street, thence the north-west of the centre line of Craig Street until it arrives at the middle of Saint Lawrence Main Street, thence the north-east side of the centre of Saint Lawrence Main Street to the City boundary line, thence along the said line towards the north-east until intersecting the centre of Saint Denis Street, thence the south-west of the centre of Saint Denis Street to the middle of Saint Louis Street, the point of commencement.

St. James
Ward.

The *Saint James Ward*: the north-east side of the centre of Lacroix Street, commencing at the River Saint Lawrence and continuing to Saint Louis Street, from thence the north-west side of the centre of Saint Louis Street to Saint Denis Street, from thence the north-east side of the centre of Saint Denis Street, with the extension thereof to the City boundary, thence along the City boundary line towards the north-east until it intersects the continuation of the centre of Panet Street, thence continuing the said line of the centre of Panet Street in a south-east direction until the same shall reach the River Saint Lawrence, and thence along the said River to the place of beginning.

The

The *Saint Mary's Ward*: the north-east side of the centre of Panet Street, commencing at the River Saint Lawrence, and continuing to the City boundary line, thence along the said line, towards the north-east so far as the same may be found to extend, thence continuing the said line in a south-easterly direction until the same shall reach the River Saint Lawrence, and thence along the said River to the place of commencement.

St. Mary's
Ward.

V. And be it enacted, That there shall be elected, in the manner hereinafter mentioned, one fit person, who shall be and be called the Mayor of the said City of Montreal, and a certain number of fit persons, who shall be, and be called, Aldermen of the said City, and a certain number of other fit persons, who shall be, and be called, Councillors of the said City; and such Mayor, Aldermen and Councillors, for the time being, shall be, and be called, the Council of the said City.

Mayor, Aldermen, and Councillors to be elected and to be called the Council of the City.

VI. And be it enacted, That no person shall be capable of being elected an Alderman of the said City of Montreal, unless he shall have been a resident householder within the said City for one year next before such election, and unless he shall be seized and possessed, to his own use, of real or personal estate, or both, within the said City, after payment or deduction of his just debts, of the value of one thousand pounds, currency.

Qualification for Alderman.

VII. And be it enacted, That no person shall be capable of being elected a Councillor of the said City of Montreal, unless he shall have been a resident householder within the said City for one year next before such election, and unless he shall be seized or possessed, to his own use, of real or personal estate, or both, within the said City, after payment or deduction of his just debts, of the value of five hundred pounds, currency.

Qualification for Councillor.

VIII. And be it enacted, That no person shall be capable of being elected Mayor, Alderman or Councillor of the said City of Montreal, or of voting at any election of City Officers, who shall not be a natural born or naturalized subject of Her Majesty, and of the full age of twenty-one years; nor shall any person be capable of voting or of being elected at any such election, who shall have been attainted for treason or felony, in any Court of Law within any of Her Majesty's dominions.

Persons incapable of filling the office of Mayor, Alderman or Councillor, &c, or of voting at any election of City Officers.

IX. And be it enacted, That no person being in Holy Orders, or being a Minister or Teacher of any Dissenting or Religious Sect, nor any Judge or Judges, Clerk or Clerks of any Court, or any Member of the Executive Council, nor any person accountable for the City Revenue or receiving any pecuniary allowance from the City for his services, nor any Officer or person presiding at an election of a Councillor

Persons incapable of being elected Councillors.

Councillor or Councillors, while so presiding, nor any Clerk or Assistant employed by him at any such election, while so employed, shall be capable of being elected a Councillor for the said City.

Qualification of Voters at the Election of Councillors.

Dwelling-house in the Ward, on 1st January before the Election, of the value of £3 rental.

Residence of one year in the City previous to 1st Jany. before such Election and of three months within the Ward.

And to have been assessed.

Part of dwelling-house, if of £3 rental, and having a separate communication with the street to be deemed a dwelling-house, according to this Act.

Co-partners, —not householders, but occupying premises that are rated for assessment which is paid up,—to be entitled to vote.

Voters must have paid all assessments due, before they can vote.

X. And be it enacted, That the Councillors of the said City of Montreal, at the periods hereinafter appointed, shall be chosen by the majority of votes of such persons, being inhabitants within the Ward for which such election shall be had, as shall severally be possessed, on the first day of January next preceding such election, of a dwelling-house within the said Ward, held by them respectively in freehold, or for a term of years, or for a term not less than one year, the annual value whereof, if held in freehold, or the rent paid therefor, if otherwise held, shall not be less than eight pounds, current money of the said Province, and who shall have been resident within the said City during one year or more previous to the first day of January next before any such election, and who shall have resided within the particular Ward for which such election shall be had not less than three months next before the first day of January preceding any such election, and who shall have been rated and assessed, to and in respect of the rates or assessments laid under the Laws and By-Laws in force on the first day of January next preceding any such election; and part of a dwelling-house in which an inhabitant shall reside as a householder, and not as a boarder or lodger, and having an outer door, by which a separate communication with the street may be afforded, shall be considered a dwelling-house, within the meaning of this enactment, provided the annual value thereof, or the rent paid therefor as aforesaid, be not less than eight pounds, current money aforesaid, per annum, and every male person, though not a householder, who shall have been resident in the said City during one year next before the first day of January preceding any such election of Councillors, and who, either individually or jointly as a co-partner with any other person or persons shall have occupied any Warehouse, Counting-House or Shop, within any of the said Wards of the said City, during three months next before the first day of January preceding such election, and shall have been rated for not less than one year in respect of such premises for such rate or assessment as aforesaid, shall, whether the year for which he may so have been rated be or be not expired, provided the rate or assessment for that year be paid, be entitled to vote at the election of Councillors to be had in the Ward in which such premises shall be situated: And provided also, that no such inhabitant, householder or occupier of a Warehouse, Counting-House or Shop, within the said City, shall be entitled to vote at any such election of Councillors, unless he shall, on or before the first day of January next before the holding of any such election, have paid the amount of all rates and assessments within the said City of Montreal, that may have been due and payable by him, up to the first day of January next before the holding of any such election.

XI. And be it enacted, That it shall be lawful for the said Council of the said City, by a By-Law or By-Laws to be enacted in this behalf, to make provision for the making of lists or a registration of all persons qualified to vote at elections of Councillors and other City Officers in the said City, whereby the right to vote at such elections may be determined; and until such provision shall have been made by such By-Law or By-Laws, every person desirous of voting at any election of Councillors as aforesaid, shall, before he be permitted to vote, if required by the officer or person holding any such election, or by any person qualified to vote at the same, make oath to the particulars of his qualification, and that he has not before voted at such election; which oath the officer or person holding such election is hereby authorized and required to administer.

Lists to be made of persons qualified to vote.

XII. And be it enacted, That after provision shall have been made by a By-Law or By-Laws as aforesaid, for the making of lists or a registration of persons qualified to vote, whereby the right in individuals to vote may be determined as aforesaid, every person desirous of voting at any election of a Councillor or Councillors as aforesaid 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:

After lists are made out, voters to produce certificates.

“ I do swear that I am the person described in the certificate that I now produce, and that I have not before voted at this election: So help me God.”

Oath required after such certificate is obtained.

XIII. And be it enacted, That if any person shall knowingly swear falsely, as to any of the particulars of his alleged qualification, in pursuance of the preceding eleventh section of this Act, or if he shall knowingly swear falsely in taking the oath prescribed by the preceding twelfth section of this Act, he shall be deemed guilty of wilful and corrupt perjury, and suffer the pains and penalties provided by Law, in cases of wilful and corrupt perjury.

Any person swearing falsely as to qualification, &c., to be deemed guilty of perjury.

XIV. And be it enacted, That persons entitled to vote at the election of Councillors as aforesaid, shall vote within the particular Ward in which the property constituting their qualification to vote, shall be situated, and not otherwise; 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.

In what Ward an Elector may vote.

XV. And be it enacted, That the said several Wards shall be represented in the Council of the said City as follows, to wit: the said East Ward, Centre Ward and

Number of Councillors to be elected for

the several
Wards estab-
lished.

and West Ward, by three Councillors each; and the said Saint Ann's Ward, the said Saint Antoine Ward, the said Saint Lawrence Ward, the said Saint Lewis Ward, the said Saint James Ward, and the said Saint Mary's Ward, respectively, by two Councillors each.

The term of
office of the
present Coun-
cillors of
Queen's, St.
Lawrence and
St. Mary's
Wards deter-
mined.

XVI. And be it enacted, That the term of office of the several Councillors now representing the Queen's Ward, the Saint Lawrence Ward, and the Saint Mary's Ward, in the said Council, shall expire and be determined on the first day of March, which will be in the year of our Lord, one thousand eight hundred and forty-six, and the said Councillors so as aforesaid representing the said several Wards, to wit, the said Queen's Ward, the said Saint Lawrence Ward, and the said Saint Mary's Ward, in the said Council of the said City, shall all then severally go out of office.

Regulations as
to the elections
of Councillors
and Assessors
for the several
Wards, in
March, 1846.

XVII. And be it enacted, That on the first day of March, which will be in the year of our Lord, one thousand eight hundred and forty-six, the inhabitant householders, and persons qualified to vote as aforesaid, shall openly assemble in the several Wards aforesaid, and elect from the persons qualified to be Councillors, two fit and proper persons to be Councillors for each of the said Wards, hereinbefore designated as the Saint Ann's Ward, the Saint Antoine Ward, the Saint Lawrence Ward, the Saint Lewis Ward, the Saint James Ward, and the Saint Mary's Ward, respectively, and also from the persons qualified to be Councillors for each of the other three Wards, namely, the East Ward, the Centre Ward, and the West Ward, respectively, such number of persons as shall be required to supply the place of those who shall then go out of office, and also from the persons qualified to be Councillors as aforesaid, two fit and proper persons to be Assessors for each of all the said Wards, respectively, and that on the first Monday of the month of March in every succeeding year, the inhabitants and persons qualified to vote as aforesaid, shall openly assemble in the several Wards aforesaid, and elect from the persons qualified to be Councillors, for each of such Wards, such number of fit and proper persons as shall be required to supply the places of those who shall then go out of office, and also from the persons qualified to be Councillors, as aforesaid, two fit and proper persons to be Assessors for each of the said Wards, respectively: Provided always, that if the day so appointed for such election shall in any year happen to be a holiday, such election shall take place on the day following.

And as to fu-
ture elections.

Proviso, as to
Holidays.

Councillors for
certain Wards
to be elected
every two
years.

XVIII. And be it enacted, That no Councillor to be hereafter elected for any of the said Wards hereinbefore designated as the Saint Ann's Ward, the Saint Antoine Ward, the Saint Lawrence Ward, the Saint Lewis Ward, the Saint James Ward and the Saint Mary's Ward, shall continue in office without being re-elected

re-elected for any longer period than two years, and that on the first day of March in each and every year, a Councillor for each and every of the said Wards shall go out of office, and that on the first day of March, which will be in the year of our Lord, one thousand eight hundred and forty-seven, that Councillor for each of the said Saint Anne's, Saint Antoine, Saint Lawrence, Saint Louis, Saint James and Saint Mary's Wards, shall go out of office, who shall have been elected by the smallest number of votes, in each of the said Wards, in the year of our Lord, one thousand eight hundred and forty-six ; and thenceforward those Members of the Council for each of the said Wards respectively, shall go out of office, who shall have been Members thereof for the longest time without re-election : Provided always, that if any two Members of the Council for any of the said Wards shall have been elected by an equal number of votes in the said year, one thousand eight hundred and forty-six, or if no poll shall have been taken in any of the said Wards in the said year, then it shall be determined by a majority of the Council, which of the Members thereof for such said Ward shall go out of office in the year one thousand eight hundred and forty-seven : Provided also, that if, on the first day of March, in the year one thousand eight hundred and forty-seven, or any subsequent year, there shall be a vacancy in the office of any Member of the Council for any of the said six Wards, hereinbefore enumerated, who would not, under the provisions of this section, have gone out of office on that day, then a Member of the Council shall be elected for the said Ward or Wards to fill such vacancy, as well as in the place of the Member who shall then go out of office, under the provisions of this section : And provided further, that any Member going out of office may be re-elected, if then qualified, according to the provisions this Act.

XIX. And be it enacted, That at any Quarterly or Special Meeting of the said Council, after the election of Members thereof, in the year of our Lord, one thousand eight hundred and forty-six, and in each succeeding year, the said Council shall elect out of the inhabitants in each Ward, qualified to be Councillors as aforesaid, a fit and proper person to be a third Assessor for each of the said Wards ; which said three Assessors, to wit, the two Assessors to be so as aforesaid elected by the inhabitants, and persons qualified to vote as aforesaid, in each Ward, and the said third Assessor to be so as aforesaid elected by the said Council, shall not, in the performance of the duties vested in and imposed upon them by law, base their proceedings, estimate or assessment of property, on a fancied value or rental thereof, as has heretofore often been done, but that they, the said Assessors 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 and *bonâ fide* rent thereof ; and when property to be assessed is in the occupation of the proprietor or proprietors thereof, the said Assessors shall be, and they are hereby required to determine the assessment to be paid thereon, upon and according to the rent

How the Councillors going out of office shall be determined.

Proviso, as to an equal return, or no poll.

Proviso, as to vacancies occurring in six Wards beyond the cases of retiring members.

Councillors going out of office may be re-elected, if qualified.

A third Assessor to be elected by the Council.

The course of proceeding in making such assessment, to be adopted by the Assessors, described.

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; and all vacant and unoccupied lots of land within the limits of the said City, facing or bordering on streets, shall be assessed as follows, to wit: the said Assessors shall value the same to the extent of one hundred feet in depth from the line of the streets on which the same shall face or border, and no further, and the assessment shall be made on the interest of the said valuation by the said Assessors, and not upon any presumed or imaginary revenue derived from the said vacant lots.

No person can serve as Councillor for more than one Ward.

XX. And be it enacted, That if at any election of a Councillor or Councillors as aforesaid, any person shall be elected a Councillor for more than one Ward of the said City, he shall, within three days after notice thereof from the City Clerk, make his option, or on his default, the Mayor of the said City shall declare for which one of the said Wards such person shall serve as Councillor, and thereupon such person shall be held to have been elected in that Ward only, and in no other.

By whom Elections are to be held.

Refusal to accept appointment to subject the party refusing to a penalty.

How and when acceptance of appointment is to be notified.

New appointments, in case of refusal to be made.

Proviso, as to proceedings had by a party neglecting to accept, but acting in his capacity, and still subject to the penalty for neglect of acceptance in legal form.

XXI. And be it enacted, That all elections of Councillors, to be had under the provisions of this Act, shall be held at convenient places in the said several Wards of the said City, and shall respectively be held by and before such of the Aldermen or Councillors of the said City as may, by the Mayor of the said City for the time being, be appointed, or, in the case of vacancy in the office of Mayor, by the Council of the said City; and any and every Alderman or Councillor, so appointed under the provisions of this Act, who shall refuse or neglect to accept such appointment, or who shall refuse or neglect to perform the duties resulting from such appointment, or any one or more of those duties, shall pay to the Treasurer of the said City a fine of fifty pounds, currency; and every Alderman or Councillor so appointed under the provisions of this section, shall accept such appointment, by serving a notice in writing to that effect upon the City Clerk, within forty-eight hours after notice given to him of his appointment by the Clerk of the said City, and in default of such acceptance in writing, shall pay the fine aforesaid of fifty pounds, currency, as for his non-acceptance; and thenceforward, if such appointment be not accepted as aforesaid, or if the duties thereof be not fulfilled within the proper time, a new appointment may be made by the Mayor, or, in case of a vacancy in the office of Mayor, by the Council of the said City; and after such new appointment shall have been made, either by the Mayor or Council, but not before, the appointment previously made of the Alderman or Councillor in default, shall be void and of no effect: Provided always, that the neglect of any Alderman or Councillor to accept such appointment, in writing, as aforesaid, if he in other respects discharge the duties resulting from such appointment, shall not invalidate any act or thing done by him under such appointment, although such neglect shall subject the party so in default to the penalty aforesaid.

XXII.

XXII. And be it enacted, That any Alderman or Councillor, so appointed to hold any such election, shall have power to nominate and appoint, in writing under his hand, a fit person or persons to act and assist him as Clerk or Clerks at the Poll; and the person so appointed, before acting, shall take the following oath, which such Alderman or Councillor is hereby empowered and required to administer, that is to say :

Clerk or clerks to be named to assist at poll.

“ I, A. B. having been named by C. D. (Alderman or Councillor, as the case may be,) to act as Clerk, at the ensuing election of a Councillor or Councillors for the Ward, (as the case may be,) do solemnly swear, (or, being a Quaker, do solemnly affirm,) that I will faithfully, and to the best of my ability, fulfil all the duties imposed on me by law, under and by virtue of my said appointment, without partiality, fear, favour or affection : So help me God.”

Oath to be taken by Poll Clerk.

XXIII. And be it enacted, That at elections of Councillors as aforesaid, the Poll shall be opened at nine o'clock in the forenoon, and shall continue open till five o'clock in the afternoon of the same day; and the name of each elector voting at such election shall be written in Poll Lists, to be kept at such election, by the officer or person holding the same; and after finally closing the Poll at any such election, the officer or person by whom the same shall be held shall forthwith proceed publicly to declare the number of votes given for each candidate or person for whom votes shall have been taken, and shall declare the person or persons having the majority of votes in his or their favor, to be duly elected Councillor or Councillors as aforesaid; and if there should be, at the final closing of the Poll as aforesaid, an equal number of votes polled for two or more persons to be Councillors as aforesaid, it shall be lawful for the officer or 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, in order to give a majority for one of them, and determine the election; and the Poll Lists kept at such elections shall, by the officers or persons holding the same, be delivered, within three days after the conclusion of every such election, to the Clerk of the City, to remain in his office, where they shall be open to inspection by any elector, on the payment of a fee of one shilling.

Manner of proceeding at elections.

Presiding officer to have a casting vote in case of an equality of votes.

Poll lists to be delivered to the City Clerk within three days, and to be open to inspection on payment of a fee

XXIV. And be it enacted, That each and every person who shall at any election of a Councillor or Councillors, to be had as aforesaid, wear or carry any flag, ribbon, or cockade, or other badge or mark whatsoever, to distinguish him or them as supporting any particular candidate or candidates at such election, or who shall, by violence, menace, or malicious practice, or in any manner or way whatsoever, impede or disturb, or thereby endeavour to impede or disturb any election, or thereby prevent or endeavour to prevent any elector or electors from giving his or their votes at the same, according to his or their wish or desire, shall, on conviction

No person to carry flags, ribbons or badges at elections; nor to act violently; nor disturb the election; nor to prevent electors voting;

under a penalty.

thereof, forfeit and pay the sum of twenty-five pounds, current money of this Province, for every such offence.

Persons holding elections to have power to maintain peace.

Officers of militia, constables and peace officers to aid in the maintenance of the peace.

Violence, riots, being armed or carrying flags or badges;

disturbance of the peace; preventing electors voting;

or interrupting the poll;

may be punished by commitment to prison—

with limitation of imprisonment;

but such imprisonment not to exempt parties from pecuniary penalties.

In case of death or illness of a person holding election, the Clerk to take his place, and fulfil the duties thereof.

XXV. And be it enacted, That every Alderman, Councillor, or other person, holding any such election, shall have power and authority to maintain and enforce order and keep the peace at the election held by him, and all officers and non-commissioned officers of militia, constables, and other peace-officers, and also all others Her Majesty's subjects, within the limits of the Ward of the City, for which such election is held, or who shall be present thereat, are hereby required to be aiding and assisting him therein; and if any person or persons shall commit violence, or be engaged in any affray or riot, or be armed with clubs, staves, or other offensive weapons, or wear or carry any flag, ribbon, or cockade, or other badge or mark whatsoever, to distinguish him or them as supporting any particular candidate or candidates, or in any wise disturb or threaten to disturb the peace or order at such election, or wilfully prevent or endeavour to prevent any elector or person from coming to vote thereat, or in any wise interrupt the Poll, or the business thereof, the said Alderman, Councillor, or other person holding any such election, shall have power and authority, on view, or on the oath of one credible witness, (which oath the said Alderman, Councillor, or other person holding such election, is hereby authorized and empowered to administer,) to arrest, or confine, or commit to prison, any such person or persons so offending, by an order in writing, directed to any officer of militia, or any peace officer within the limits of the place for which such election is held, or to the Gaoler of the District of Montreal, which order such officer of militia, peace officer or gaoler, is hereby required and commanded to obey, under a penalty of not exceeding twenty-five pounds, current money of this Province, for disobedience thereto: Provided the time of such arrest, confinement or imprisonment, shall not exceed twenty-four hours: And provided also, that no such arrest, confinement or imprisonment shall in any manner exempt the person or persons so arrested, confined, imprisoned or detained, from any of the pains and penalties to which he or they may be liable, for any thing done contrary to the true intent and meaning of this Act.

XXVI. And be it enacted, That if, at any election of a Councillor or Councillors to be had as aforesaid, the Poll shall be interrupted by the death or severe illness of the Alderman or Councillor, or other person holding such election, the person or persons authorized by him to aid and assist him as Clerk or Clerks, and sworn as hereinbefore directed, shall, under the penalty of ten pounds, current money of this Province, forthwith assume the functions of the Alderman, Councillor, or other person holding such election, and shall proceed to take the Poll, and act in every respect in the same manner as if he or they had been the Alderman or Councillor appointed to hold such election, and with all and every the powers and authority appertaining

appertaining to the appointment of such Alderman or Councillor appointed to hold such election, of all which the said Clerk or Clerks shall make a particular entry in the Poll Book, as well as make a special return, unless his or their authority shall have been previously superseded by the recovery of the Alderman or Councillor appointed to hold such election, from such illness as aforesaid.

XXVII. And be it enacted, That there shall be in each year four quarterly meetings of the said Council, which shall be held on the following days, that is to say, on the second Monday of the months of March, June, September, and December, in each and every year; and the said meetings shall not at any one time be held for a longer period than three days successively, in which holidays shall not be included.

Four quarterly meetings in each year, of three days each.

XXVIII. And be it enacted, That the Mayor, Aldermen and Councillors of the City of Montreal, who shall be in office under the provisions of the said Ordinance to incorporate the City and Town of Montreal, and of the said Ordinance to amend the same, hercinbefore mentioned, when this Act shall come into force, shall continue in office until required to go out of office under the provisions of this Act; and the person who shall so be the Mayor of the City of Montreal at the time this Act shall come into force, shall continue in office until his successor in the said office of Mayor shall have been appointed, and sworn in, according to the provisions of this Act; and on the first Monday in March, in the year eighteen hundred and forty-six, and on the first Monday in March in each succeeding year, one of the Members of the Council for each Ward shall go out of office; and on the first Monday in March, in the year eighteen hundred and forty-six, and on the first Monday in March in each succeeding year, those Members of the Council for each Ward respectively shall go out of office who shall have been Members thereof for the longest time without re-election: Provided always, that if on the first Monday in March, eighteen hundred and forty-six, there shall be a vacancy or vacancies in the office of any member or members of the Council for any Ward, who would not, under the provisions of this section, have gone out of office on that day, then a member or members of the Council shall be elected for the Ward to fill such vacancy, as well as in the place of the member who shall then go out of office under the provisions of this section: And provided further, that any member going out of office, may be re-elected, if then qualified according to the provisions of this Act; and if in any year, the first Monday in March be a holiday, all that by this section is ordered to be done on that day, shall be done on the following day.

Mayor, &c. now in office to continue in office till March, 1846.

One member for each Ward to go out of office in March, 1846,—being the member thereof for the longest time without re-election.

If at such election a further vacancy should occur, another member to be elected.

Members going out of office may be re-elected.

Elections to be postponed to next day, if the day appointed be a holiday.

XXIX. And be it enacted, That at the first quarterly or special meeting of the said Council, after the election of members thereof, in the year of our Lord one thousand eight hundred and forty-six, and in each succeeding year, the said Council shall

When the election of Mayor shall take place.

In case of vacancy, how a new Mayor is to be elected.

shall elect out of the members thereof a fit person to be Mayor of the said City, who shall continue in office as Mayor until his successor in the said office of Mayor shall have been appointed and sworn in; and in case a vacancy shall occur in the office of Mayor, by reason of any person who shall have been elected to that office not accepting the same, or by reason of his dying, or ceasing to hold the said office, the said Council shall, at the first general or special meeting of the said Council after such vacancy, elect, out of the members of the Council, another fit person to be Mayor for the remainder of the period for which the Mayor, whose place is to be supplied, was to serve.

Elections of Aldermen.

XXX. And be it enacted, That at the first quarterly or special meeting of the Council of the said City, after the election in the said year one thousand eight hundred and forty-six, and each subsequent year, the said Council shall elect from among the members of the said Council, so many as may then be requisite, with those Aldermen remaining in office, to make the number of six, (if so many members there be, duly qualified, and if there be not, then such less number as may be so qualified,) to be Aldermen of the said City, until the time when they shall respectively cease to be members of the said Council under the provisions of this Act, and no longer: Provided always, that any Alderman going out of office, in any year, may, if re-elected as a member of the Council, at the next, or any subsequent election of Councillors, be re-elected as an Alderman.

Alderman going out of office may be re-elected.

Extraordinary vacancies in Council, how to be filled up.

XXXI. And be it enacted, That if, after the passing of this Act, any extraordinary vacancy shall occur in the office of member of the Council of the said City, for any Ward thereof, the inhabitant householders and persons qualified to vote in the Ward for which such vacancy shall have occurred, shall, on a day to be appointed by the Mayor, after such vacancy shall have occurred, elect from the persons qualified to be members of the Council, a person duly qualified to fill such vacancy; and such election shall be held, and the voting and other proceedings shall be conducted in the same manner and subject to the same provisions in this Act contained, with respect to other elections of members of the said Council; and every person so elected shall hold such office until the period at which the person in the room of whom he shall have been elected, would, in ordinary course, have gone out of office, and shall then go out of office, but may be immediately re-elected if then duly qualified: Provided always, that no election shall take place to supply any such extraordinary vacancy between the first day of January and the first day of March in any year: And provided also, that as soon as any such extraordinary vacancy in the office of member of the said Council shall have been supplied, if the member of the Council whose office so became vacant, was an Alderman, it shall be lawful for the said Council to elect from the members of the said Council, qualified to be Aldermen, a person to be Alderman in the room of the Alderman

Period for which such persons shall be elected.

Limitation of period for holding such extraordinary election.

Vacancies among the Aldermen, how supplied, and

whose

whose office may have so become vacant; and the Alderman so elected, shall hold the office of Alderman, until the period at which the person in the room of whom he shall have been elected, would, in the ordinary course, have gone out of office.

for what period.

XXXII. And be it enacted, That whenever and so long as the Mayor of the said City may be absent from the said City, or from sickness be incapable of discharging the duty of Mayor of the said City, the said Council shall elect from the Aldermen of the said City, one who shall, during such absence or sickness of the Mayor of the said City, have all the power, authority and rights vested by law in the Mayor of the said City, and shall, during any and every such absence or sickness of the said Mayor, discharge and perform all the duties imposed by law on the Mayor of the said City; and whenever and so often as a vacancy shall occur in the office of Mayor of the said City, the said Council shall elect from among the Aldermen thereof, one who shall, during such vacancy, act as Mayor of the said City, and shall, until such vacancy be filled up, have all the authority, power and rights vested by law in the Mayor of the said City.

Council to elect from time to time an Alderman to act during the absence or sickness of the Mayor.

XXXIII. And be it enacted, That at the quarterly meeting to be held by the said Council in the month of March, in the year one thousand eight hundred and forty-six, and at the quarterly meeting to be held by the said Council in the month of March in every succeeding year, the members of the said Council shall elect, by a majority of votes, from the persons qualified to be Councillors, two persons who shall be, and be called Auditors of the said City of Montreal; and every such Auditor shall continue in office until the second Monday in the month of March in the year following his election: Provided always, that in every such election of Auditors, no member of the said Council shall vote for more than one person to be such Auditor as aforesaid: And provided also, that no member of the said Council, nor the Clerk, nor the Assistant Clerk of the said City, shall be capable of being elected an Auditor as aforesaid: And provided further, that any vacancy that may occur in the office of Auditor, may be filled up by the said Council, by an election to be had in the manner and under the provisions aforesaid, at any general or special meeting; and the person so elected, shall hold his office until the time when the person whose place he shall have been elected to supply, would have gone out of office.

Election of Auditors.

Qualification of Auditors and term of office.

One vote for Auditor allowed to each Councillor.

Dis-qualification of certain persons to be Auditors.

Vacancy in office of Auditor, how filled up.

XXXIV. And be it enacted, That no person elected to be Mayor, Alderman, Councillor, Assessor, or Auditor, as aforesaid, shall be capable of acting as such, except in administering the oaths hereinafter mentioned, until he shall have made and subscribed before any two or more of such Aldermen or Councillors, (who are hereby respectively authorized and required to administer the said oath to each other,)

Oaths to be taken by the Mayor, Aldermen, Councillors, Assessors or Auditors.

other,) the oath of allegiance to Her Majesty, Her Heirs and Successors ; and also an oath in the words or to the effect following, that is to say :

“ I, A. B., having been elected Mayor, (or Alderman, Councillor, Assessor, or Auditor, *as the case may be,*) for the City of Montreal, do sincerely and solemnly swear, that I will faithfully fulfil the duties of the said office, according to the best of my judgment and ability ; and that I am seized or possessed, for my own use, of real or personal estate, or both, in the said City of Montreal, after the payment or deduction of my just debts, of the value of one thousand pounds, (or five hundred pounds, *as the case may be,*) and that I have not fraudulently or collusively obtained the same, or a title to the same, for the purpose of qualifying myself to be elected Mayor, (Alderman, Councillor, Auditor, or Assessor, *as the case may be,*) as aforesaid : So help me God. ”

Fines for non-acceptance of office ;

as Alderman or Councillor ;

as Auditor or Assessor, as Mayor.

Acceptance of office to be made by taking oath and making declaration within five days after election,—otherwise such office to be deemed vacant, and to be filled up by new election.

Exemptions from being held to accept office.

XXXV. And be it enacted, That every person duly qualified, who shall be elected to the office of Alderman, Councillor, Assessor, or Auditor, as aforesaid, of the said City, and every person, Alderman or Councillor, who shall be elected to the office of Mayor of the said City, shall accept the office to which he shall have been so elected, or shall, in default thereof, pay to the Treasurer of the said City, and for the use of the said City, a fine as follows, that is to say : for non-acceptance of the office of Alderman or Councillor, a fine of fifty pounds ; for non-acceptance of the office of Auditor or Assessor, a fine of fifty pounds ; and for non-acceptance of the office of Mayor, a fine of one hundred pounds ; and every person so elected, shall accept such office by taking the oath of allegiance, and making and subscribing the declaration hereinbefore mentioned, within four days after notice of his election, and in default thereof, shall be liable to pay the fine aforesaid, as for his non-acceptance of such office, and such office shall thereupon be deemed vacant, and shall be filled up by a new election, to be made in the manner hereinbefore prescribed : Provided always, that no person disabled by lunacy or imbecility of mind shall be liable to pay such fine as aforesaid : And provided also, that every person so elected to any such office, who shall be above the age of sixty-five years, or who shall already have served such office, or paid the fine for not accepting such office, within five years next preceding the day on which he shall be so re-elected, shall be exempted from accepting or serving the same office, if he shall claim such exemption within five days after notice of his election from the City Clerk : And provided also, that no Military, Naval, or Marine Officer, in Her Majesty's service, on full pay, nor any Member of the Legislature of this Province, nor any Surveyor General, Adjutant General of Militia, or Provincial Secretary, nor the Deputy Postmaster General, or his Deputies, nor any Custom-House Officer, Sheriff, or Coroner, nor the Clerks and Commissioned Officers of the Legislature or of the Executive Council, nor any School Master, shall be held or bound to accept any such office as aforesaid, or any other office in the said City.

XXXVI.

XXXVI. And be it enacted, That if any person holding the office of Mayor, Alderman, or Councillor, 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, or, being Mayor, shall be absent from the said City for more than two calendar months, or, being an Alderman or Councillor, for more than six months, at one and the same time, (unless in case of illness,) then and in every such case, such person shall thereupon immediately become disqualified, and shall cease to hold such office of Mayor, Alderman, or Councillor, as aforesaid; and in the case of such absence, shall be liable to the same fine as if he had refused to accept such office.

Cases in which the Mayor, Aldermen or Councillors shall become disqualified.

XXXVII. And be it enacted, That the Mayor of the said City, for the time being, shall be a Justice of the Peace for the City and District of Montreal, and that the Aldermen and Councillors of the said City, for the time being, shall severally be Justices of the Peace for the said City of Montreal; and it shall be lawful for the said Common Council, from and out of the monies belonging to the said City, to grant and allow to the said Mayor, for the time being, in lieu of all fees and perquisites, such salary not exceeding five hundred pounds, and not less than two hundred pounds, as the said Council shall think fit.

Mayor, Aldermen and Councillors to be Justices of the Peace. Mayor to have a salary.

XXXVIII. And be it enacted, That it shall be lawful for the said Council of the said City, from time to time, as occasion may require, to appoint a fit and proper person, not being a member of the Council, to be Clerk of the said City; and another fit person, not being a member of the said Council, and not being City Clerk, to be the Treasurer of the said City; one or more fit person or persons, not being of the Council, to be the Clerk or Clerks of the Markets of the said City; and one or more Surveyor or Surveyors of Highways, Streets and Bridges; and such number of Overseers of Highways, Streets and Bridges, as they may deem necessary; and one Collector for each of the Wards of the said City; one or more Pound Keeper or Pound Keepers for the said City, and such other Officers as they may think necessary, to enable them to carry into execution the powers vested in them by this Act, and to prescribe and regulate the duties of all such officers respectively, and at their pleasure to remove any such officer, and appoint another in his place; and the said Council shall take such security for the due execution of the offices of City Clerk, Treasurer, or other officer, as they shall think proper, and shall and may grant and allow to the City Clerk, Treasurer, and other officer, to be appointed as aforesaid, such salary, aid, allowance, or other compensation for their services, as they may think fit; and whenever and so long as the said Clerk of the said City may be absent from the said City, or, from sickness or any such cause, be incapable of discharging the duties of the office of the said City Clerk, it shall be lawful for the Mayor of the said City, by a writing under his hand, to

Council to name—
City Clerk;
City Treasurer;
Clerks of Markets;
Surveyors of Highways;
Overseers;
Collectors;
Pound Keepers, and other Officers:
And to prescribe their duties.
Security to be taken, and salaries to be established.
Mayor may name Assistant Clerk, during the absence or sickness of City Clerk,

appoint

appoint a fit and proper person to be Assistant Clerk of the said City ; and every such Assistant Clerk shall, during the time for which he may be so appointed, discharge the duties of the office of the said City Clerk ; and all acts, matters and things done by the said Assistant City Clerk, during the time of his appointment; shall have the same force and effect as if performed by the City Clerk of the said City.

Powers of
Treasurer,
Assessors,
Surveyors,
&c.

under 36 Geo.
III. c. 9, (L.
C.)—

9 Geo. IV. c.
16, (L.C.)—

39 Geo. III.
c. 5, (L.C.)—

transferred to
the same offi-
cers appoint-
ed under this
Act.

XXXIX. And be it enacted, That so much of a certain Act of the Legislature of the heretofore Province of Lower Canada, passed in the thirty-sixth year of the Reign of His late Majesty King George the Third, intituled, *An Act for making, repairing and altering the Highways and Bridges within this Province, and for other purposes*, as provides for the appointment of Assessors and of a Road Treasurer, for the said City of Montreal; and also a certain Act of the Legislature of the said heretofore Province of Lower Canada, passed in the ninth year of the Reign of His late Majesty King George the Fourth, intituled, *An Act to increase the number of Assessors for the Cities of Quebec and Montreal*; and also so much of a certain other Act of the Legislature of the said heretofore Province of Lower Canada, passed in the thirty-ninth year of the Reign of His late Majesty King George the Third, intituled, *An Act to amend an Act passed in the thirty-sixth year of His present Majesty's Reign, intituled, "An Act for making, repairing and altering the Highways and Bridges within this Province, and for other purposes,"* as provides for the appointment of a Surveyor of the highways, streets, lanes, and bridges in the said City of Montreal, by the Governor, Lieutenant-Governor, or person administering the Government of the said heretofore Province of Lower Canada, and which were repealed by the said Ordinance to incorporate the City and Town of Montreal, shall continue to be, and shall be and remain repealed; and all and every the powers, authority and duties which, in and by the said Acts, or any other Act or Acts of the Legislature of the said heretofore Province of Lower Canada, were, before the passing of the said Ordinance to incorporate the City and Town of Montreal, vested in, and imposed on, the Assessors appointed in pursuance of the provisions of the said Act passed in the thirty-sixth year aforesaid, and the powers and duties of the said Road Treasurer, and of the said Surveyor of highways, streets and bridges in the said City, appointed under the said Act passed in the thirty-sixth year aforesaid, and which under and by virtue of the said Ordinance, to incorporate the City and Town of Montreal, are now vested in, and imposed on, the Assessors appointed in pursuance of the last mentioned Ordinance and on the Treasurer of the said City, and on the Surveyor of Highways for the said City of Montreal, appointed respectively under the authority of the last mentioned Ordinance, shall continue to be, and shall be and remain vested in, and imposed on the Assessors, Treasurer of the said City, and on the Surveyor of Highways for the said City of Montreal, respectively, who may be in office

office under the authority of the said last mentioned Ordinance when this Act comes into force, and in their successors in the said offices respectively, to be appointed under and by virtue of the present Act: Provided always, that all duties that may be performed by the said three Assessors, may be performed with equal force and effect by any two of the said Assessors, and that in all cases where there may be a difference of opinion among the said three Assessors, the opinion of any two shall have the same force and effect as if the three Assessors had concurred: and if two of the Assessors for any Ward, acting without the third, differ in opinion, the third shall examine the premises, respecting which such difference of opinion may have occurred, and by his opinion confirm that of one or other of the Assessors who may have so differed, and the opinion so confirmed shall have the same force and effect as if the three Assessors had concurred in it; and in each of the cases above mentioned, and in every other such case, the Assessor dissenting may make an entry in the Assessment Books of the reasons of his dissent.

The duties of the Assessors may be performed by two of them.

If the two Assessors differ, how a decision is to be obtained.

XL. And be it enacted, That in the event of the absence from the said City of the owner or owners of any real property therein, liable to assessment, and the non-payment of the assessment on any such real property, by any Agent or other person on behalf of the said absent owner or owners thereof, an increase of ten per cent, 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 or any sufficient part or portion thereof, if the same be easily susceptible of division, 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 the Sheriff of the District of Montreal is hereby authorized and empowered to sell and dispose of any and all such property, after six months notice to that effect, given by him, the said Sheriff, in the usual manner and form, in payment and satisfaction of any judgment that may be obtained for the said arrears of assessment, and the increased per centage due thereon, for the said period of five years, whether the said judgment be obtained in the Court of Queen's Bench, or in any Court of Special or Weekly Sessions, or in the Mayor's Court hereafter established in and by this Act; and the monies levied by the sale of the said property to be so as aforesaid sold, the said Sheriff shall in all cases return before the Court of Queen's Bench, to be by the said Court adjudged upon, distributed and ordered to be paid according to law, and the rights and privileges of the parties claiming the same: Provided however, that any balance or amount of the said monies to be so as aforesaid levied by the said Sheriff, remaining in the hands of the said Sheriff, after the judgment and distribution pronounced thereon by the said Court, shall, within fifteen days thereafter, be paid over by the said Sheriff to the said Mayor, Alderman and Citizens

Non-payment of assessment to be liable to ten per cent. increase per annum.

Property to be sold after five years non-payment of assessment.

How property is to be sold for arrears of assessment and per centage thereon.

Return of Sheriff to be made to the Court of Q. Bench.

Balance to be paid over to the Corporation, and liable to six per cent. interest, till demanded by the party claiming the same.

of the City of Montreal, to remain in their hands, at the legal interest of six per cent, till demanded and claimed by the party or parties having a right to demand and claim the same.

Treasurer of the City—his duties.

XLI. And be it enacted, That the Treasurer of the said City, shall, in books to be kept for that purpose, enter true accounts of all sums of money by him received or paid, as such Treasurer, and the several matters for which such sums shall have been received or paid; and the books containing the said accounts shall, at all reasonable times, be open to the inspection of any of the Aldermen or Councillors of the said City; and all the accounts of the said Treasurer, with all vouchers and papers relating thereto, shall, on the fifteenth day of February in each and every year, be submitted by such Treasurer to the Auditors elected for the said City as aforesaid, and to such Members of the said Council, as the Mayor of the said City shall name; and the said books of accounts, accounts, and all vouchers and papers relating thereto, shall, from the fifteenth to the last day of February, inclusively, in each and every year, be open to the examination of the said Auditors, and Councillors to be named by the Mayor, for the purpose of the said books and accounts being examined and audited for the year preceding such annual examination; and if the said accounts shall be found to be correct, the Auditors shall certify the same to be so; and after the said accounts shall have been so examined and audited, in the month of February in every year, the Treasurer shall make out in writing, and cause to be printed, a full abstract of his accounts for the year, and a copy thereof shall be open to the inspection of all the rate-payers of the said City, and copies thereof shall be delivered to all rate-payers of the said City applying for the same, on payment of a reasonable price for each copy.

Accounts to be annually submitted to the Auditors and to the Council, for examination, and audit.

Abstract of accounts to be annually printed.

On what orders Treasurer may make payments.

XLII. And be it enacted, That the Treasurer of the said City shall not pay any monies, in his hands as such Treasurer, otherwise than upon an order in writing of the Council of the said City, signed by three or more Members of the said Council, and countersigned by the Clerk of the City, or in pursuance of a Judgment or order of any Court of Justice.

City Officers to render detailed accounts.

XLIII. And be it enacted, That the Clerk, Treasurer and other Officers of the said City, appointed by the Council as aforesaid, shall respectively, at such times during their continuance in office, and within three months after they shall respectively cease to be in office, and in such manner as the said Council shall direct, deliver to the said Council, or to such person as they shall authorize to receive the same, a true account in writing, of all matters committed to their charge, by virtue or in pursuance of this Act; and also, of all monies which shall have been by them respectively received, by virtue, or for the purposes of this Act, and how much thereof shall have been paid and disbursed, and for what purposes, together with

with proper vouchers for such payments: and every such officer shall pay all such monies as shall remain due from him to the Treasurer, for the time being, or to such person as the said Council shall authorize to receive the same; and if any such officer shall refuse or wilfully neglect to deliver such account, or the vouchers relating to the same, or to make payment as aforesaid, or shall refuse or wilfully neglect to deliver to the said Council, or to such person as they shall authorize to receive the same, within three days after being thereto required by the said Council, all books, documents, papers, and writings in his custody or power as such officer as aforesaid, then, and in every such case, on complaint made on behalf of the said Council, of any such refusal or wilful neglect as aforesaid, to any Justice of the Peace for the District or County wherein such officer shall reside or be, such Justice of the Peace shall be, and is hereby authorized and required, to issue a Warrant under his hand and seal, for bringing any such officer before any two Justices of the Peace for such District or County; and upon the said officer appearing, or not appearing, or not being found, it shall be lawful for the said Justices to hear and determine the matter in a summary manner; and if it shall appear to such Justices, that any monies remain due from such officer, such Justices may, and they are hereby authorized and required, on non-payment thereof, by Warrant under their hands and seals, to cause such monies to be levied by distress and sale of the goods and chattels of such offender; and if sufficient goods and chattels shall not be found to satisfy the said monies and the charges of the distress, or if it shall appear to such Justices that such officer has refused or wilfully neglected to deliver such accounts, or the vouchers relating thereto, or that any books, documents, papers, or writings which were or are in the custody or power of such officer, in his official capacity, have not been delivered as aforesaid, or are wilfully withheld, then, and in every such case, such Justices shall, and they are hereby required, to commit such offender to the common gaol or house of correction, for the district or county where such officer shall reside or be, there to remain without bail, until he shall have paid such monies as aforesaid, and shall have delivered a true account as aforesaid, together with such vouchers as aforesaid, and until he shall have delivered up such books, documents, papers, and writings as aforesaid, or have given satisfaction in respect of the matters aforesaid, to the said Council: Provided always, that no person so committed shall be detained in prison for want of sufficient distress only, for a longer space of time than three calendar months: Provided also, that nothing in this Act contained shall prevent or abridge any remedy by action against any such officer so offending as aforesaid, or against any surety for any such officer.

XLIV. And be it enacted, That in all meetings of the said Council, to be held in pursuance of this Act, a majority of the members present at such meeting shall determine all questions and matters submitted to, or under the consideration of the said

To pay over all monies by them due.

How they may be proceeded against for refusal or neglect of such duty.

Judgment to be obtained in a summary manner.

In default of payment, the party may be imprisoned.

Term of imprisonment limited.

Remedy by action not to be abridged against such officer or his surety.

At meetings of Council, majority to decide all questions.

Who shall
preside.

Casting vote
to member
presiding.

Special meet-
ings how call-
ed.

In case of re-
fusal by the
Mayor to call
such meetings,
five members
may call a
meeting after
certain notice.

Business be-
fore such meet-
ings to be spe-
cially mention-
ed in such no-
tice.

Minutes of
proceedings at
meetings to be
kept.

Meetings to
be held with
open doors.
Copies of en-
tries, certified
by the Clerk
and under the
City Seal, to
be deemed as
prima facie
evidence.

said Council, provided that the number present at the said meeting be not less than one-third part of the whole number of the said members of the said Council; and at all such meetings, the Mayor of the said City, if present, shall preside, and in case of his absence, such Alderman, or, in the absence of all the Aldermen, such Councillor as the members of the Council so assembled shall choose to be Chairman of any such meeting, shall preside at the same; and in case of an equality of votes, the Mayor or Chairman presiding shall have a casting vote, that is to say, such Mayor or Chairman shall not in any case, while so presiding, have a vote as a member of the Council, nor unless the votes be as aforesaid equally divided.

XLV. And be it enacted, That it shall be lawful for the Mayor of the said City, or in case of his absence from the said City, or sickness, for the Alderman of the said City, elected in the manner hereinbefore provided to fill his place, to call a special meeting of the said Council, when and as often as the said Mayor, or in case of his absence or sickness as aforesaid, the said Alderman of the said City, may deem it proper, after three days previous notice thereof; and in case the said Mayor, or the said Alderman, during the absence or sickness of the said Mayor as aforesaid, shall refuse to call any such meeting, after a requisition for that purpose, signed by five or more members of the said Council, or in case of the absence or sickness as aforesaid, of the said Mayor and of the said Alderman at the same time, it shall be lawful for any five or more members of the said Council to call a meeting of the said Council, after three days previous notice, which notice shall be signed by the said members; and every such notice, whether given by the Mayor, or by the said Alderman, or by any five or more members of the said Council, shall specify the business for which the proposed meeting is to be held; and in all cases of such special meetings as aforesaid, a summons to attend the Council, summarily specifying the business to be transacted at such meetings, and signed by the City Clerk, shall be left at the usual place of abode of every member of the said Council, three days at least before such meeting.

XLVI. And be it enacted, That minutes of the proceedings of all meetings to be held as aforesaid, shall be drawn up, and fairly entered in a book to be kept for that purpose, and shall be signed by the Mayor, Alderman, or Councillor presiding at such meeting, and the said minutes shall be open to the inspection of all persons qualified to vote at the election of Councillors, on payment of a fee of one shilling; and the said meetings shall be held with open doors, and all extracts from the book required to be kept by this section of this Act, and all copies of entries therein, and generally all certificates, deeds and papers signed by the Mayor of the said City, and countersigned by the City Clerk of the said City, and under the seal of the said City, shall, in all Courts of Justice in this Province, be taken and received as *prima facie* evidence of the facts set forth in such extracts, copies, certificates, deeds and papers, respectively.

XLVII.

XLVII. And be it enacted, That it shall be lawful for the said Council to appoint, from and out of the members comprising such Council, such and so many committees, consisting of such number of persons as they may think fit, for the better transaction of the business before the Council, and for the discharge of such duties within the scope of their powers, as may by the said Council be prescribed, but subject in all things to the approval, authority and control of the said Council.

Council may name Committees.

XLVIII. And be it enacted, That all and every the powers and authorities which, in and by any Act of the Legislature of the heretofore Province of Lower Canada, in force at the time of the passing of the said Ordinance to incorporate the City and Town of Montreal, had been, and were at the time of the passing of the last mentioned Ordinance, vested in the Court of Quarter Sessions of the Peace for the said District of Montreal, and in any Special Sessions of the Peace for the same District, and in the Justices of the Peace for the said District of Montreal, or any of them, for, touching, or concerning the laying out, making, erecting, keeping in repair and regulating the highways, bridges, streets, squares, lanes, causeways, pavements, drains, ditches, embankments, water-courses, sewers, market-houses, and weigh-houses, and other public erections and works in the said City of Montreal, or any of them, and for, touching and concerning the dividing of the said City into divisions, and the appointment of Overseers of highways, streets and bridges in the said City, and for, touching and concerning the laying, imposing, raising, levying, collecting, applying, paying and accounting for, a rate or rates of assessment upon occupiers of lands, lots, houses and buildings, in proportion to the annual value thereof, within the said City of Montreal, and which, under and by virtue of the said Ordinance to incorporate the said City and Town of Montreal, became and was vested in the said Council of the said City of Montreal, shall continue to be vested in and exercised by, and shall be and remain vested in, and exercised by the said Council of the said City of Montreal; and all real and personal property within the said City, which, before the passing of the said Ordinance to incorporate the City and Town of Montreal, were subject to the management, control or authority of the Justices of the Peace for the said District of Montreal, or any of them, and which, under and by virtue of the last mentioned Ordinance, have become, and are subject to the power, authority, order and control of the said Council of the said City, shall continue to be, and shall be and remain, subject to the power and authority, order and control, of the said Council of the said City; and the said Council shall, moreover, have the exclusive power to grant or refuse Ferry Licenses to persons plying as Ferry-men to the said City of Montreal from any place within nine miles of the said City; any law, usage or custom to the contrary notwithstanding.

Certain powers formerly vested in Magistrates to be exercised by the Council.

Council to grant certain ferry licenses.

Council authorized to borrow to a certain extent.

City revenues charged with the payment of such debt, and all other debts contracted by the Council.

XLIX. And be it enacted, That it shall be lawful for the said Council of the said City of Montreal to borrow, on the credit of the said City, such sum or sums of money as the said Council of the said City may think proper to borrow on the credit of the said City: Provided always, that the total amount borrowed, and remaining unpaid, exclusive and independent of the amounts due, or to become due, for the purchase of the Montreal Water Works, authorized to be made in and by the Act passed in the seventh year of Her Majesty's Reign, and intituled, *An Act to authorize the Mayor, Aldermen and Citizens of Montreal, to purchase, acquire, and hold the property now known as the Montreal Water Works*, shall not exceed at any one time the sum of one hundred and fifty thousand pounds, currency; and all and every public monies raised, or to be raised, by assessment as aforesaid, and all monies now due and payable, or that may hereafter be due and payable to the said Council of the said City, as well as all other monies hereafter to be raised or received by and under the authority of that Act, or of any other Act, or by any other cause or causes whatever, shall be charged and chargeable with the payment of the sums of money so to be borrowed by the Council of the said City, and with the payment of the sums of money which have been already borrowed by the said Council of the said City, and generally with the payment of all debts which have been or may be legally contracted, or which are now or hereafter may be legally due and owing by the said Council of the said City; and all sums of money heretofore legally borrowed by the said Council of the said City, and still remaining unpaid, and all sums of money hereafter to be legally borrowed by the said Council of the said City, and generally all debts now legally due or hereafter to be legally due by the said Council of the said City, shall be payable from and out of all or any monies that may be raised or received by the said Council, under the authority of this Act, or under the authority of any other Act now in force, or that hereafter may be in force in this Province, or by any other cause or causes whatever.

Council to make by-laws for certain general purposes.

L. And be it enacted, That it shall be lawful for the said Council, at any meeting or meetings of the said Council, composed of not less than two-thirds of the members thereof, to make By-Laws, which shall be binding on all persons for the following purposes, that is to say:

For the cleanliness, health and local government of the city.
For raising and applying monies by tolls, rates or assessments;

For the good rule, peace, welfare, improvement, cleanliness, health, internal economy and local government of the said City.

For the raising, assessing, and applying such monies as may be required for the execution of the powers with which the said Council is now, or hereafter may be invested, either by imposing tolls and rates, to be paid in respect of any public works within the said city, or by means of a rate or assessment to be assessed and levied, each and every year, on real or personal property, or both, within the said City

City, or upon the owners or occupiers thereof, in respect of such property, provided that such assessment may in any one year, amount to, but shall not exceed (excepting as hereinafter provided) one shilling and six pence in the pound on the assessed yearly value of the property liable to such assessment, and by imposing a duty or duties on the keepers of houses of public entertainment, and the retailers of spirituous liquors, and on all hawkers, pedlars and petty chapmen, within the said City; and on proprietors, owners or keepers of theatres, circuses, or public exhibitions, or shows of any kind, or of horses or carriages of any kind kept for pleasure, for working, or for hiring out, or of billiard tables or dogs within the said City; and on wholesale and retail dealers in goods, wares or merchandize of any kind, and the premises occupied by any and all such; on banks, bankers, bank agencies, and banking institutions of every kind in the said City; and the premises occupied or used by such banks, bankers, bank agencies, or banking institutions; on all forwarding merchants or forwarders, and the premises occupied by them; on all brokers and money changers and their premises; on the insurance companies and agencies therefor, and the premises occupied by them; on all agents of merchants residing without the limits of this Province; on gas companies, and the premises used and occupied by any or all such, within the said City; on keepers of eating houses, coffee houses or ordinaries; on all auctioneers, grocers, bakers, butchers, hucksters, pawn-brokers, livery stable keepers or cãrters, within the said City; on all trades and manufactories carried on, exercised, or in operation within the said City; on all breweries, distilleries, and agents and agencies of breweries, and distilleries; on all soap and candle factories, camphine or other oil factories, ginger beer, spruce beer, and root beer brewers and breweries; on brick manufactories, wood dealers and wood yards; on all ball alleys and other means of gambling, and on all tanneries and slaughter houses within the said City; and on all persons acting as ferrymen to the said City, or plying for hire for the conveyance of persons by water to the said City from any place not more than nine miles distant from the same.

For increasing the amount of the commutation money payable by each person liable to statute labor on the highways within the said City, to any sum not exceeding five shillings currency, for each person so liable; and for obliging each and every person so liable to pay the amount of such commutation money so fixed, without being allowed to offer his personal labor on the said highways instead thereof, and for exempting from the payment of such commutation money, any class of persons to whom they shall deem it right to grant such exemption on account of the limited pecuniary means of such persons liable to pay the same.

For changing the site of any market or market place within the said City, or to establish any new market or market place, or to abolish any market or market place,

Or duties on public houses, retailers of spirituous liquors, pedlars theatres, &c,

Horses, carriages, billiard tables, dogs; Wholesale and retail dealers; Banks;

Forwarders; Brokers; Insurance Companies; Agents; Gas Companies; Coffee houses; Auctioneers, &c. Manufactories; Breweries and Distilleries; Candle works; Oil factories; Brick or Wood yards; Ball alleys; Tanneries; Ferrymen.

To increase commutation money, or to exempt parties therefrom.

To change sites of market places when necessary;

NOW

Saving the right of parties aggrieved.

now in existence, or hereafter to be in existence, in the said City, or to appropriate the site thereof, or any part of such site, for any other public purpose whatever, any law, statute, or usage, to the contrary notwithstanding; saving to any party aggrieved by any act of the said Council respecting any such market or market place, any remedy such party may, by law, have against the Corporation of the said City, for any damage by such party sustained by reason of such act.

To determine the powers of Clerks of Markets and other officers employed about the markets;
To let stalls, and regulate the sale of articles on the markets;
Weighing and measuring.

For determining and regulating the powers and duties of the Clerks of the markets in the said City, and of all other officers and persons employed, or to be employed, by the said Council, in or about any of the said markets; and for letting the stalls and other places for selling or exposing to sale, any kind of goods or commodities in the said markets, or upon the said market places; and for imposing, regulating, fixing and determining the duties, taxes, or rates to be paid by any person or persons selling or retailing, in or at any of the said markets, any provisions, vegetables, butchers' meat of any kind, grain, fowls, hay, straw, fire-wood, or any other thing or things whatever; and for regulating the conduct of all persons buying or selling in or at any of the said markets; and to provide for the weighing, or measuring as the case may require, at the instance of any party interested, by any officer or other person to be named for that purpose, by the said Council, and on the payment of such fees, as the said Council may think fit to impose on that behalf, of any thing or things sold or offered for sale in or at any such market.

To regulate vehicles in markets, and imposing duties thereon.

For regulating all vehicles of every kind whatever, in which any articles shall be exposed for sale in any public market, or in any street or public place, within the said City, and for imposing a duty or duties on such vehicles, and establishing the mode in which such duty or duties shall be collected and paid.

To establish a Board of Health.

For establishing a Board or Boards of Health for and within the said City, and for appointing the members thereof, and for making all such regulations as they may deem necessary for preserving the inhabitants thereof, from contagious and infectious disease, or for diminishing the danger of, or arising from the same.

To regulate weight of fire-wood, coals, salt and grain.

For regulating the weight or measurement of all fire-wood, coals, and salt, and of all grain brought into the said City, for sale and consumption therein; for regulating and determining in what manner, either by measurement or weight, or both measurement or weight, any or all of the said articles shall hereafter be bought and sold in the said City, and for appointing measurers and weighers of all such articles, and establishing and regulating the fees to be paid to such officers, and the duties they shall perform.

To assess real property for

For assessing 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,

sewer, in any public street or highway within the said City, and immediately in front of such real property respectively, and for regulating the mode in which such assessments shall be collected and paid.

common sewers.

To compel the proprietor or proprietors of all real property within the City limits to enclose the same.

To compel the enclosure of all real property.

For directing and requiring the removal, at any time, of any door steps, porches, railings, or other projections into, or obstructions in, any public street or highway within the said City, by and at the expense of the proprietors of the real property, in, or on which such projection or obstruction shall be found.

To require the removal of door steps.

For defraying out of the funds of the said City, the expense of lighting the said City, or any part thereof, with gas, or with oil, or in any other manner, and of performing all such work of any kind, as may be necessary for such purposes; and for obliging the proprietors of real property, in any part of the City so lighted or to be lighted, to allow such work to be performed on or in such property, respectively; and such pipes, lamps, lamp-posts, and other contrivances or things as may be necessary for the purpose aforesaid, to be fixed in or upon such property, or any building thereon; the expense of all such work being, in every case, defrayed by the said Council, and out of the funds of the said City.

To defray the expenses of lighting the city.

For altering the level of the foot-paths or side-walks in any street or highway within the said City, in such manner as the said Council shall deem conducive to the convenience, safety and interest of the inhabitants of the said City: Provided always, that the said Council shall and may make compensation out of the funds of the said City, to any person whose property shall be injuriously affected by any such alteration of the level of any foot-path in front thereof.

To alter levels.

Proviso for compensation

To pull down, demolish and remove, when necessary, all old dilapidated or ruinous walls, chimnies and buildings that may endanger the public safety; and to determine the time and manner in which the same shall be pulled down, demolished or removed, and by what party or parties the expense thereof shall be borne.

To pull down old walls, &c.

For regulating, fixing and determining the weight and quality of all bread that may be sold or offered for sale within the said City of Montreal.

To regulate the weight and quality of bread.

For restraining, ruling and governing apprentices, domestics, hired servants and journeymen, in the said City of Montreal, and for the conduct of masters and mistresses towards their said apprentices, domestics, hired servants and journeymen within the said City of Montreal.

To regulate servants.

To

To prevent gaming.

To prevent gaming or the keeping of any gaming-house or place for gaming in the said City.

To regulate ferrymen and landing-places.

For the government of persons plying as ferrymen, to the said City of Montreal, from any place within nine miles of the said City, and to establish a tariff or tariffs of fees to be taken by such ferrymen ; and also to fix and determine what places in the said City may be used as landing-places, and respecting all other matters and things connected with such ferries and landing-places.

To determine contested elections.

To regulate the form and manner in which any election of a Councillor or Councillors for the said City may be contested, and the form and manner in which any contest or contests that may arise, touching any such election or elections, may be judged and determined by the said Council, or by any Committee to be named for such purpose.

To compel the attendance of members.

To compel the attendance of the members of the said Council at all quarterly and other meetings of the said Council, and the regular performance, by the said members of the said Council, of their respective duties as members of the said Council.

To regulate the constabulary force.

For the governing, regulating, arming, clothing, lodging and paying of the men and officers of the constabulary force to be established under this Act, and for regulating the residence, classification, rank, service, inspection and distribution of the said force ; and for the government generally of the said Constabulary force, so as to prevent any neglect of duty or abuse of power on the part of the members composing the force last mentioned.

To assess the citizens for watering and sweeping any particular street.

For assessing the Citizens residing in any particular street, lane, square, or section of the City in any sum or sums necessary to meet the expense of sweeping and watering the said street, lane, square or section of the City, provided that not less than two-thirds of the said Citizens residing as aforesaid, in such said 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 three pence in the pound. To impose a special assessment over and above all other rates or assessments which the said Council are empowered to impose, to defray and meet the expenses of any building or buildings, or other property whatsoever that may be demolished, destroyed, injured, damaged, or deteriorated in value, by any mob, tumultuous assemblage, or riotous persons whomsoever in the said City.

To assess for property destroyed by mob or during riots.

Limitation of fines and imprisonment.

And by any such By-Law, for any of the purposes aforesaid, the said Council may impose such fines, not exceeding five pounds, or such imprisonment, not exceeding thirty days, or both, as they may deem necessary for enforcing the same.

LI. And be it enacted, That it shall moreover be lawful for the said Council of the said City, at a meeting or meetings of the said Council, composed of not less than two-thirds of the members of the said Council to make By-Laws, which shall be binding on all persons, for the following purposes, that is to say :

Council to make By-laws.

To prohibit and prevent the construction or erection of any wooden dwelling-house in, or within the distance of one hundred feet from any of the following streets in the Suburbs of the said City, that is to say,—Saint Mary Street, Saint Lewis Street, Saint Lawrence Street, Saint Antoine Street, Saint Joseph Street, and Wellington Street, or in or within the distance of one hundred feet from any part of Graig Street or McGill Street, in the Suburbs of the said City ; any law, usage or custom to the contrary notwithstanding.

To prohibit the erection of wooden dwelling houses in certain main streets.

To prohibit and prevent the construction of any wooden building, of any kind or description whatever, within that part of the said City which is bounded by the River Saint Lawrence, by Craig Street and Saint Lewis Street, by Lacroix Street and by McGill Street. And to require and enforce, within three years from the passing of a By-Law or By-Laws for that purpose, or within such longer time as to the said Council may seem fit, the erection of separation walls of stone or of brick, and of such height and thickness as the said Council may deem necessary, between all lots of land belonging to different proprietors, and situated on the last mentioned part of the said City ; any law, usage or custom to the contrary notwithstanding.

To prohibit the erection of any kind of wooden building within a certain part of the town.

To cause the construction of separation walls of stone or brick.

To prohibit the erection of any high pressure steam-engine, or other steam engine, within the limits of the said City, unless the building containing the same, shall be distinct from any other building, and from the line of any street, square, lane, or other thoroughfare, at least one hundred feet ; and by any By-Law for the above purpose, for which the Council are authorized by this section of this Act, to make any By-Law, the said Council may impose such fines, not exceeding ten pounds, or such imprisonment not exceeding ninety days, or both, as they may deem expedient for enforcing the same.

To prohibit the erection of high-pressure engines.

LII. And be it enacted, That it shall be lawful for the said Council of the said City, at a meeting or meetings of the said Council, composed of not less than two-thirds of the said Council, to impose by By-Law, a penalty not exceeding one hundred pounds, currency of the said Province, on any Assessor or Assessors of, in or for the said City or any Ward thereof, refusing or wilfully neglecting to attend to, perform or fulfil, the duty or duties, which he or they, the said Assessor or Assessors, are or may be bound and required by law to attend to, perform and fulfil.

Council empowered to impose penalty on assessors neglecting their duty.

LIII.

Council may
make By-laws
to prevent ac-
cidents by fire;

LIII. And for the better protection of the lives and property of the inhabitants of the said City, and for preventing accidents by fire therein,—be it enacted, That from and after the passing of this Act, the said Council of the said City, at a meeting of the said Council, composed of not less than two-thirds of the members of the said Council, shall, moreover, have full power and authority to make By-Laws, which shall be binding on all persons, for the following purposes, that is to say :

And conduct
of persons at
any fire.

For establishing such rules and regulations as they shall deem expedient for preventing accidents by fire, and for the conduct of all persons present at any fire within the said City.

To appoint
officers to car-
ry such rules
into effect.

For appointing all such officers as they may deem necessary for carrying such rules and regulations as aforesaid, into effect, and for prescribing the duties of such officers, and providing for their adequate remuneration out of the funds of the said City.

To defray ex-
penses to pre-
vent fires.

For defraying, out of the said funds, any expenses that they may deem it right to incur, for the purchase of engines or apparatus of any kind, or for any other purpose relative to the prevention of accidents by fire, or to the means of arresting the progress of fires.

To authorize
officers to visit
buildings, for
the purpose of
enforcing such
By-laws.

For authorizing such officers as shall be appointed by the Council for that purpose, to visit and examine at suitable times and hours, to be established in such By-Laws, as well the interior as the exterior, of all houses, buildings, and real property, of any description, within the said City, for the purpose of ascertaining whether the rules and regulations to be made as aforesaid, have been duly observed and obeyed; and for obliging all proprietors, possessors or occupants of such houses, buildings, or real property, to admit such officers and persons into and upon the same, at the times and for the purposes aforesaid.

To authorize
the demolition
of buildings in
case of fire.

For vesting in such members of the said Council, and in such officers as shall be designated in such By-Laws, the power of causing to be demolished or taken down, all buildings or fences which such members or officers shall deem necessary to be demolished or taken down, in order to arrest the progress of any fire.

To prevent de-
predations
at fires.

For preventing thefts and depredations at fires, and for punishing any person who shall resist or maltreat any member or officer of the Council, in the execution of any duty assigned to him, or in the exercise of any power vested in him by any By-Law, made under the authority of this section.

For

For defraying out of the funds of the City, any expense to be incurred by the said Council, in assisting any person in their employ, who shall have received any wound or contracted any disease at any fire, or in assisting or providing for the family of any person in their employ who shall perish at any fire, or in bestowing rewards in money, medals, or otherwise, upon any person who shall have performed any meritorious action at any fire.

To defray the expenses incurred by wounds or diseases contracted at fires, or to grant pensions.

For establishing, or authorizing to be established, after any and every fire in the said City, if deemed necessary, a judicial enquiry into the cause and origin of such fire, for which purpose the said Council or any Committee thereof, authorized to the effect aforesaid, is hereby authorized and empowered to compel the attendance of parties and witnesses before them, under pain of fine or imprisonment, or both; to examine them on oath; and to commit for trial any party or parties against whom well grounded cause of suspicion may be found of their having wilfully or maliciously originated the said fire or fires.

To cause an enquiry to be made as to the cause and origin of fires.

For imposing over and above all other rates, assessments or duties, which the said Council are empowered to impose, an annual rate or assessment to be assessed and levied on all real property within the said City, or upon the owners or occupiers thereof, in respect of such property, provided that such assessment shall not, in any one year, exceed three pence in the pound on the assessed value of the property lying and being within the said City, and for regulating the time and manner in which such rate or assessment shall be collected; and by any By-Law, for any of the purposes for which the said Council are authorized by this section of this Act to make any By-Law, the said Council may impose such fines not exceeding five pounds, or such imprisonment not exceeding thirty days, or both, as they may deem expedient for enforcing the same.

To make a further assessment of three pence in the pound.

Fines and imprisonment limited.

LIV. And be it enacted, That any person enrolled and serving in any fire, hose hook or ladder, or property protecting company, established or to be established by the said Council, or in any such company under the control and management of the said Council of the said City, shall, during the time he may so continue enrolled and serve, be exempted from the payment of the commutation money for statute labor, and from serving as a Juror, Constable, or Militiaman, excepting during any war or invasion of the Province.

Firemen exempted from certain duties.

LV. And whereas the different systems of chimney-sweeping that have heretofore been in use in the said City, have proved to be defective and bad, and it is highly important to establish an efficient system of chimney-sweeping: Be it therefore enacted, That it shall be lawful for the said Council to grant to persons intending to pursue the occupation of chimney-sweeping in the said City, or in any part

Chimnies how to be swept. Sweeps to be licensed.

part thereof, licenses to sweep chimnies for gain or hire in the said City, or in such part thereof as the license or licenses so to be granted may extend to, upon the payment of such duty or tax in that behalf, and upon such other terms and conditions as the said Council may deem it expedient to impose, and from and after the passing of this Act, no person shall, for gain or hire, sweep any chimney, or part of any chimney in the said City, or for gain or hire cause any chimney in the said City to be swept, without having received a license from the said Council to sweep chimnies in the said City, or in some part of the said City to be designated in the said license; nor from and after the passing of this Act, shall any person having received any such license for gain or hire sweep any chimney or part of a chimney, nor for gain or hire cause any chimney or part of a chimney to be swept, after the time for which such license shall be granted, or at any place within the said City to which such license shall not extend, or beyond the limits mentioned in such license; nor shall any person, having obtained such license, charge or receive, either directly or indirectly, any greater sum or allowance of any kind, for the sweeping of any chimney or part of a chimney, or for any work or service connected therewith, or for any service to be performed under such license, than he may be allowed to charge under the tariff to be established in that behalf, as hereinafter provided for, under a penalty of twenty-five shillings, currency, for each and every offence against any one or more of the foregoing provisions in this section of this Act contained.

Allowances to such sweeps to be established by a tariff.

By-laws to be made respecting sweeps.

Chimney taking fire, a penalty to be paid, and by whom.

Construction of the liability of occupants, and as to the

LVI. And be it enacted, That it shall be lawful for the said Council, at a meeting or meetings of the said Council, composed of not less than two-thirds of the said Council, to make By-Laws, which shall be binding on all persons, for causing all chimnies, within the said City, to be swept by a licensed sweep, in such manner, at such times, and so often as the said Council shall appoint, and to establish a tariff of the rates or prices to be paid to such licensed sweeps for the sweeping of chimnies; and in every case in which a chimney shall take fire in the said City, the occupant of the house in which such chimney shall take fire, shall pay a penalty of not less than twenty-five shillings, currency, and not more than fifty shillings, currency, at the discretion of the Court before which the recovery of such penalty shall be sought, together with the costs of suit, unless the occupant of the house in which such chimney shall take fire, shall have caused, and proved that he caused the chimney that may have so taken fire, to be swept, by a licensed sweep, and unless it appear that, according to the By-laws of the said City of Montreal, it was not incumbent on such occupant to cause such chimney to be swept between the time of the sweeping thereof by such licensed sweep, and the time at which such chimney may have taken fire: Provided always that any occupant of any part of a house in the said City, who may use, or cause to be used, the whole or any part of a chimney in, or attached to, or forming a part

of

of any such house in the said City, shall be considered, for all and every the purposes of this section of this Act, as the occupant of such house; and provided further, that if any chimney that may so take fire, be in the use, or be used by the occupants of different buildings, or by the occupants of different parts of the same building, each such occupant shall be subject to the same liabilities, in all respects, as if such chimney had been in his sole use; and provided also, that any chimney which may be used in any way, for the purpose of heating any building, or of conducting the smoke from any building, or for any such purpose, whether such chimney be inside or outside of such building, or partly inside and partly outside of such building, shall be considered as a chimney in such building, for all and every the intents and purposes of this Act.

nature of such chimneys.

LVII. Provided always, and be it enacted, That a copy of every By-Law to be made by virtue of this Act, shall be transmitted with all convenient speed, after the making thereof, to the Governor of this Province for the time being: and it shall be lawful for the said Governor, by and with the advice of the Executive Council of this Province, within three months from and after the receipt of such copy, to disallow any such By-Law; and such disallowance shall without delay, be signified to the Mayor of the said City, and thenceforward such By-Law shall be void and of no effect: Provided also, that all By-Laws repugnant to any Law of the land, or to any Act of the Legislature of this Province, shall be null and void.

All By-laws to be submitted to the Governor, and may be disallowed.

LVIII. Provided always, and be it enacted, That all and every the rules, orders, and regulations and acts of authority, legally made by the said Council since the passing of the said Ordinance to incorporate the said City and Town of Montreal, or by the Justices of the Peace for the District of Montreal, before the passing of the last mentioned Ordinance to incorporate the said City and Town of Montreal, 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 said Council, under the authority of this Act, or by other competent legal authority.

All By-laws in force, to continue in force.

LIX. And be it enacted, That the said Council shall have full power and authority, notwithstanding any law to the contrary, to purchase and acquire, or take and enter into, after paying, tendering or depositing the value thereof, to be ascertained as hereinafter provided, such land, ground, or real property of any description, within the said City, as may by them be deemed necessary, for opening new streets, squares, market places, or other public highways or places, or for continuing, enlarging, or otherwise improving those streets, squares, market places, or other public highways or places now made, and the neighbourhood thereof, or as

How Council may acquire real estate.

a site for any public building to be erected by the said Council, and to pay to, or for the use of the proprietor or proprietors of such ground or real property, and out of any funds of the said City, now in, or which shall hereafter come into their hands, such sum or sums of money as may be agreed upon as the value of such ground or other property, by the party proprietor, thereof, and the said Council respectively, or ascertained in the manner hereinafter mentioned, in case they shall not so agree upon the same.

Corporations, husbands, tutors, curators, &c., authorized to sell and convey to the Council.

LX. And be it enacted, That it shall be lawful for all Corporations, aggregate or sole, husbands, tutors or guardians, curators, *grevés de substitution*, and all trustees whatsoever, who are or shall be seized or possessed of, or interested in any piece or pieces, parcel or parcels of ground or other real property within the said City, selected and fixed upon by the said Council for any of the purposes aforesaid, not only for themselves, their heirs and successors, but for and on behalf of all persons whom they represent, or for whom or in trust for whom they are or shall be seized, possessed or interested as aforesaid, whether minors or issue unborn, lunatics, idiots, *femes-covert*, or other person or persons, to contract for, sell and convey such piece or pieces, parcel or parcels of ground, to the Corporation of the Mayor, Aldermen and Citizens of the City of Montreal; and such contracts, sales and conveyances shall be valid and effectual in law, to all intents and purposes whatsoever, any law or custom to the contrary notwithstanding; and all Corporations and persons whatsoever, so contracting, selling or conveying as aforesaid, are hereby indemnified for and in respect of such sale, which he, she or they shall respectively make by virtue of or in pursuance of this Act, saving always the rights of any person or party to the whole or any part of the purchase money or compensation to be paid by the said Corporation for any real property purchased or taken as aforesaid.

Price or compensation to be determined in certain cases by jury.

LXI. And be it enacted, That in all cases where the said Council, and the persons seized, or possessed of, or interested in the said pieces or parcels of ground, or other real property, or any of them, or any part thereof, shall be absent, or shall not be known, or shall not, by voluntary agreement, settle and determine the price and prices, compensation and compensations to be paid for the said premises, or any part thereof, such price and prices, compensation and compensations, shall be ascertained, fixed and determined in manner following, that is to say: The Justices of the Peace, resident within the said City and Town of Montreal, in a special session to be for that purpose holden, upon a petition to them addressed, and upon proof, that notice in writing was given one month previously to the party seized, possessed of or interested in such pieces or parcels of ground or real property, or his, or her, or their tutor, curator, administrator, attorney, agent, or curator *ad hoc*, of the intention of the said Council to present such petition to the

the said Justices of the Peace, for the purpose of taking possession of, entering into, and appropriating to the use of the said Corporation, such pieces or parcels of ground or other real property, shall summon a Jury of twelve disinterested persons, taken from among the persons resident within the said City, qualified to be special jurors in civil cases; and the said Jury shall determine upon their oaths, the amount of the price or compensation which they shall deem reasonable, to be paid by the said Corporation, for such pieces or parcels of Ground or real property as aforesaid: Provided always, that any determination, as aforesaid, in which any nine of the jurors shall agree, shall, for the purposes of this Act, have the same effect as if all the jurors had agreed therein.

LXII. And be it enacted, That on payment of the price or prices, compensation or compensations, to be fixed and determined as aforesaid, or in case of refusal or neglect to accept the same, or in case it should be doubtful to what person or party the same shall of right belong, on the deposit thereof in the hands of the Prothonotary of the Court of Queen's Bench for the District of Montreal, for the use of the person or persons or party entitled to the same, the right of property, title and interest in and to such pieces or parcels of ground or other real property respectively, for which such price or prices, compensation or compensations shall be payable, shall be divested out of the person or persons or party seized and possessed thereof or entitled to the same, and shall become and be vested in the Corporation of the Mayor, Aldermen and Citizens of the City of Montreal; and the Council of the said City may, after fifteen days notice in that behalf to the proprietor, possessor or occupant of the piece or parcel of land to which such award shall relate, enter upon, take possession of, and use such pieces or parcels of land, for any of the purposes authorized by this Act; any law, statute or usage to the contrary notwithstanding.

Title of property to be vested in the Council on payment or deposit of money in certain cases.

LXIII. And be it enacted, That all the provisions and enactments of the two sections next immediately preceding this section, with regard to the mode in which the value of any real property, taken by the said Council, shall be ascertained, and the amount thereof paid or deposited, in certain cases, shall be, and are hereby extended to all cases in which it shall become requisite to ascertain the amount of compensation to be paid by the Council, to any proprietor of real property for any damage by him sustained, by reason of any alteration made by order of the said Council, in the level of any foot-path or side-walk, or by reason of the removal of any establishment, subject to be removed under any By-Law that may be passed under the fifty-sixth or other section of this Act, or to any party by reason of any other act of the said Council, for which they are bound to make compensation, and with regard to the amount of compensation for which damage, the party sustaining the same, and the said Council shall not agree.

Provisions extended to compensation for foot-paths, &c.

Corporations
may invest
price or com-
pensation for
property.

LXIV. And be it enacted, That all Corporations, ecclesiastical or civil, whose property, or any part of whose property, shall be conveyed to, or taken by the said Corporation of the City of Montreal, under the authority of this Act, may invest the price of compensation paid for the property so conveyed or taken, in other real property in any part of this Province, and may take and hold the same without Her Majesty's Letters of Mortmain; any law to the contrary notwithstanding.

Constabulary
force estab-
lished.

LXV. And be it enacted, That it shall be lawful for the said Council, as soon after the passing of this Act as may be, and from time to time thereafter as occasion may require, to appoint, either from the police force, now under the control of the said Council, or from any other persons, a sufficient number of fit men, who shall be sworn before some Justice of the Peace for the District of Montreal, to act as constables for preserving the peace by day and by night, and preventing robberies and other felonies, and apprehending offenders against the peace; and the men so sworn, shall not only within the City of Montreal, but also within the whole of the District of Montreal, have all such powers and privileges, (and be liable to all such duties and responsibilities,) as any constable or peace officer now has, or hereafter may have, within the place to which his appointment extends, by virtue of the laws now in force, or hereafter to be in force, in Lower Canada: and it shall also be lawful for the said Council to appoint such officers to superintend and assist in the management of the said constabulary force, as to the said Council may seem needful, and to give to such officers, so appointed, such names, and to assign to them such duties as to the said Council may seem proper; and the said officers and men so to be appointed, shall obey all such lawful commands as they may receive from the said Council: and any officer or officers, so to be appointed, shall, during his appointment, have not only all the powers and privileges of a constable appointed under this Act, but also all such powers as may be necessary for the legal fulfilment of any duty or duties lawfully assigned to him by the said Council, and the said Council, or any member or members of the said Council, authorized to that effect by the said Council, may, at any time, suspend or dismiss any officer or constable appointed under this Act, whom they shall think negligent in the discharge of his duty, or otherwise unfit for the same, and appoint others in their place: and the officers of the said constabulary force, shall have such power in relation to the government, control, dismissing or suspending of the constables, so to be appointed, as the said Council may think proper, by a By-Law in that behalf, to give to the said officers respectively.

Authority to
apprehend idle
and disorderly
persons.

LXVI. And be it enacted, That it shall be lawful for any constable, during the time of his being on duty, to apprehend all idle and disorderly persons whom he shall find disturbing the public peace, or whom he shall have just cause to suspect
of

of intention to commit a felony, and to deliver any person so apprehended, into the custody of the officer or constable appointed under this Act, who shall be in attendance at the nearest watch-house, in order that such person may be secured until he can be brought before a Justice of the Peace, to be dealt with according to law, or may give bail to such constable or officer for his appearance before a Justice of the Peace, if such officer or constable shall think fit to take bail in the manner hereinafter mentioned.

LXVII. And be it enacted, That when any person charged with any petty misdemeanor, shall be brought, without the Warrant of a Justice of the Peace, into the custody of any officer or constable appointed under this Act, during his attendance in the night time, at any watch-house, within the said City as aforesaid, it shall be lawful for such officer or constable, if he shall think fit, to take bail by recognizance, without any fee or reward from such person, conditioned that such person shall appear for examination within two days before a Justice of the Peace within the said City of Montreal, at some time and place to be specified in the recognizance, and every recognizance so taken, shall be of equal obligation on the parties entering into the same, and liable to the same proceedings for the estreating thereof, as if the same had been taken before a Justice of the Peace, and such officer or constable shall enter into a book, to be kept for that purpose in every watch-house, the names, residence, and occupation of the party, and his surety or sureties, if any, entering into such recognizance, together with the condition thereof, with the sums respectively acknowledged, and shall lay the same before such Justice as shall be present at the time and place, when and where the party is required to appear; and if the party does not appear at the time and place required, or within one hour after, the Justice shall cause a record of the recognizance to be drawn up, to be signed by the constable, and shall return the same to the next General or Quarter Sessions of the Peace for the District of Montreal aforesaid, with a certificate at the back thereof, signed by such Justice, that the party has not complied with the obligation therein contained; and the Clerk of the Peace shall make the like estreats and schedules of every such recognizance, as of recognizances forfeited in the Sessions of the Peace; and if the party not appearing, shall apply by any person on his behalf, to postpone the hearing of the charge against him, and the Justice shall think fit to consent thereto, the Justice shall be at liberty to enlarge the recognizance to such further time as he shall appoint; and when the matter shall be heard and determined, either by the dismissal of the complaint or by binding the party over to answer the matter thereof at the Sessions, or otherwise, the recognizance for the appearance of the party before a Justice, shall be discharged without fee or reward.

Bail to be taken in certain cases.

LXVIII. And be it enacted, That if any officer or constable, to be appointed as aforesaid, shall be guilty of any neglect of duty, or of any disobedience of any lawful order,

Officer or constable punishable for neglect of duty.

order, every such offender, being convicted thereof before the Mayor's Court, to be established under this Act, shall, for every such offence, be liable to be imprisoned for any time not exceeding thirty days, or to be fined in any sum not exceeding fifty shillings, or to be dismissed from his office, or to any two or to all of the said punishments, as the said Mayor's Court shall, in their discretion, think meet.

Persons assaulting an officer or constable, how punished.

LXIX. And be it enacted, That if any person shall assault or resist any officer or constable appointed under this Act, in the execution of his duty, or shall aid or incite any person so to assault or resist, every such offender, being convicted thereof before any two Justices of the Peace, or before the said Mayor's Court, shall, for every such offence, forfeit and pay such sum, not exceeding five pounds, as the said Mayor's Court or the said Justices shall think meet: Provided always, that nothing herein contained shall prevent any prosecution by way of indictment against any person so offending, but so as that such person shall not be prosecuted by indictment, and also proceeded against under this Act for the same offence.

Mayor's Court established, and its powers.

LXX. And whereas it is expedient to provide a summary and inexpensive mode of recovering the debts, fines and penalties, and of hearing and determining the offences hereinafter mentioned: Be it therefore enacted, That it shall be lawful for any three of the members of the said Council to hear and determine all causes and suits that may be brought by the said Corporation of the said City, for the recovery of any sum or sums of money that may be due and payable to the said Corporation of the said City, as the amount of any rate, assessment, tax, duty, or impost, lawfully imposed by any by-law, rule, regulation, or order now in force, or that hereafter may be in force in the said City, whether made by the said Justices of the Peace for the District of Montreal before the passing of the said Ordinance to incorporate the City and Town of Montreal, or heretofore made, or hereafter to be made by the said Council; and also, to hear and determine all offences against any such By-law, rule, regulation, or order, or against any law concerning any market or markets in the said City, or against any law concerning any assessment, tax or duty, to be levied in the said City; and also, to hear and determine all suits and prosecutions that may be brought for the recovery of any fine or penalty that may hereafter be incurred, and be due and payable under any such By-law, rule, regulation or order, now in force, or that hereafter may be in force in the said City as aforesaid, or under this Act, or under any Act or Acts concerning any market or markets in the said City, or under any Act or Acts concerning assessment to be raised in the said City; and for the purposes aforesaid, any three of the members of the said Council shall, at such place in the said City of Montreal as they may deem proper, hold a Court, from time to time, as occasion may require, to be called the Mayor's Court, in which the Mayor, when present, shall preside, and the City Clerk of the City of Montreal shall be the Clerk of the said Mayor's Court:

Court; and the Precepts, Writs, and Processes, to be issued out of the said Mayor's Court, shall not require to be under any seal, but shall run and be in the name and style of Her Majesty, Her Heirs or Successors, and shall be signed by the Mayor of the said City of Montreal, and be countersigned by the said Clerk; and any three of the members of the said Council, are hereby authorized and empowered to summon, by a Writ to be signed and countersigned as aforesaid, the party accused of any offence as aforesaid, or from whom any sum of money shall be claimed for any one or more of the causes in this section before set forth, and the witnesses to be heard as well in his favor as against such party, and upon the appearance or default of the party accused or complained against, in not appearing, upon proof of service of such summons by the return in writing of the person who made the service, to proceed with the examination of the witness or witnesses on oath, and to give judgment accordingly, awarding costs for the successful party; and when the party accused or complained against shall be convicted of such offence, or if judgment be given in favour of the plaintiff for the sum of money sought to be recovered, or for any part thereof, on proof or by confession, to issue a Warrant or Warrants, to be signed and countersigned as aforesaid, requiring any constable or bailiff, of the goods and chattels belonging to the party convicted, or against whom such judgment shall be rendered, to levy the amount of such judgment, or of any penalty or fine to be imposed by such conviction, as the case may be, and costs of suit, and to cause sale thereof to be made, which Warrant shall authorize any constable or bailiff to execute such Warrant in any part of the District of Montreal, by *saisie* and sale of any goods and chattels which shall and may be found in the said District, appertaining to the person or persons against whom such Warrant shall thus be issued; and when the goods of a person so convicted, or against whom a judgment shall be given, shall not prove sufficient to satisfy such Warrant, upon a return to that effect, the said Court, by a further Warrant to be signed and countersigned as aforesaid, to be addressed to any constable or bailiff, may and shall cause to be apprehended and committed, the person against whom such judgment shall have been so given, or the person so convicted, to the Common Gaol of the District in which such person may be found, there to remain until the penalty imposed by such Court, or the amount of the judgment given, with the costs in either case, shall have been paid and satisfied: Provided always, that no person so committed shall be detained in gaol more than one calendar month; and where imprisonment for any time is the punishment to be suffered by any person or persons under any conviction or convictions to be pronounced by the said Mayor's Court, the said last mentioned Court, by a Warrant, to be signed and countersigned as aforesaid, and to be addressed to any constable or bailiff, shall cause such person so ordered to be imprisoned to be forthwith apprehended, if not already in custody, and when so in custody, or subsequently apprehended, to be committed to the Common Gaol of the District in which such person may be found, there to remain for the time he may be so condemned to be imprisoned.

Powers of the
Mayor's Court
further defin-
ed.

LXXI. And be it enacted, That it shall be lawful for the said Mayor's Court to cause order to be preserved in the said Mayor's Court, and to punish by fine or imprisonment, any person guilty of any contempt of the said Court or of any member thereof, if such contempt be committed during the sitting, and in the presence of the said Mayor's Court; to enforce the attendance of any witnesses in any action, cause, or prosecution, that may be pending before the said Mayor's Court, and to compel such witnesses to answer all lawful questions; to authorize and require the examination of any party on interrogatories on facts and articles, (*faits et articles*,) or on the *juramentum litis decisorium*, or on the *juramentum judiciale*, in the same and like cases and circumstances in which such examination may be lawfully required and had in the ordinary Courts of Civil Jurisdiction in Lower Canada; and to cause the execution of, and obedience to any Order, Precept, Writ, Process, or Warrant, that may issue from the said Mayor's Court, for any one or more of the purposes as aforesaid, by the like means as are used for any such purpose or purposes in the ordinary Courts of Civil Jurisdiction in Lower Canada. And it shall also be lawful for the said Council to appoint so many bailiffs of the said Court, as the said Council may think fit; and to make and settle a tariff of the fees which should be exacted by the Clerk of the said Mayor's Court and by the bailiffs and other such officers, to be employed in and about the said Mayor's Court: Provided always, that no fee shall be exacted under such tariff, until such tariff be approved of by the Governor of Canada. And it shall be the duty of the Clerk of the said Mayor's Court, to prepare and make out all the Precepts, Writs and Processes severally, that may issue from the said Court, and in a register, to be kept for that purpose, to enter in a succinct manner, all the proceedings had in the said Court, and to record at full length, all the judgments rendered, and convictions pronounced by the said Court, but not to take in writing the depositions of witnesses or of parties examined in the said Court; and any person who shall, either as a party or as a witness, wilfully and corruptly give false evidence, in any cause, suit, action, prosecution, or other proceeding in the said Mayor's Court, shall be deemed guilty of wilful and corrupt perjury, and shall be liable to the penalties of wilful and corrupt perjury; and any member of the said Council, excepting the members of the said Council then holding the said Court, and any member, officer or servant of the said Corporation, shall be a competent witness in any suit or prosecution that may be instituted in the said Mayor's Court, if he have no direct interest in the issue of such suit or prosecution, or be not otherwise rendered incompetent; any law, usage, or custom to the contrary notwithstanding. And any toll, assessment, tax, duty, or impost, fine or penalty, that may be sued for in the said Mayor's Court, shall be recoverable there, upon the oath of one credible witness: and any person prosecuted in the said Court, for any offence that may be heard and determined by the said Court, shall be liable to be convicted on the oath of one credible witness.

LXXII.

LXXII. And be it enacted, That all fines and penalties imposed by any By-Law, rule, order or regulation, which may be in force at the time of the passing of this Act, whether made by the Justices of the Peace for the said District, before the passing of the said Ordinance to incorporate the City and Town of Montreal, or by the said Council, since the passing of that Ordinance, or hereafter to be made by the said Council, and all fines and penalties imposed by the said last mentioned Ordinance to amend the Ordinance to incorporate the City and Town of Montreal, or by this Act, or by any Act or Acts concerning any market or markets in the said City, or by any Act concerning any assessment, tax or duty to be raised in the said City, shall be recovered in the name of "the Mayor, Aldermen and Citizens of the City of Montreal," and for the use of that Corporation, and shall belong to and form part of the general funds of the said City, and in no other name and for no other use. And it shall be lawful for the said Council to remit any such fine or penalty, or to accept payment of any such fine or penalty from any party willing to pay the same without prosecution, and all fines or penalties that may be so paid without prosecution shall form part of the general funds of the said City.

How certain
fines, &c., are
to be recover-
ed and applied.

LXXIII. And be it enacted, That any rate or assessment with which any real estate within the said City may be legally rated or assessed, may be exacted and recovered, either from the owner of the real property so rated or assessed, or from any person occupying the same or any part thereof, either as a tenant or otherwise; and when any such rate or assessment shall be paid by any tenant not bound to make such payment, by the lease or other agreement under which he holds or occupies such real estate, such tenant shall have the right to deduct the sum so paid by him, from the rent payable by him in respect of the enjoyment or occupation of the real estate so rated and assessed.

Tenant liable
to pay assess-
ment, with
right to de-
duct amount
paid from rent.

LXXIV. And be it enacted, That all debts, that, from and after the passing of this Act, shall become due to the said Corporation, for any rate or assessment, assessed or imposed on any real or personal property, or both, within the said City, or upon the owners or occupiers thereof, in respect of such property, shall be privileged debts, and shall be paid in preference to all other debts, excepting debts due to Her Majesty, and shall, in the distribution of the proceeds of property, whether real or personal, of any person liable to pay any such debt, be so held, considered and adjudged, by all Courts of Justice, and by all Commissioners or other persons having jurisdiction in Bankruptcy in Lower Canada: Provided always, that the privilege hereby granted shall not extend beyond the rates or assessments due for two years, that is to say, for the current year when such claim may be made, and the year next preceding that year.

Privilege
granted to se-
cure payment
of two years
assessments.

Certain laws to continue repealed, and certain laws repealed.

LXXV. And be it enacted, That every law, and every part of any law, repealed by the said Ordinance, to incorporate the City and Town of Montreal, or by the said Ordinance to amend the last mentioned Ordinance, shall continue and remain repealed; and all the provisions of any law inconsistent with the provisions of this Act are hereby repealed.

Powers of the Trinity House or the Harbor Commissioners, or the Lachine Canal Commissioners, not to be affected by this Act.

LXXVI. Provided always, and be it enacted, That nothing in this Act shall extend or be construed to extend to revoke, alter, or abridge or in any manner affect the powers and authority now by law vested, or which may hereafter be vested in the Master, Deputy Master and Wardens of the Trinity House of Montreal, or in the Commissioners appointed or to be appointed for the execution of any Act now in force or hereafter to be in force, relating to the improvement and enlargement of the Harbour of Montreal, or any of them, or in the Commissioners appointed or to be appointed for making, superintending, repairing and improving the Lachine Canal, nor to the wharves and slips erected or to be erected by the said first mentioned Commissioners, nor to the wharves and grounds under the direction of the said last mentioned Commissioners: Provided always, that the said Corporation of the City of Montreal, shall have power, so often as the same may be requisite, to open any drain leading from the said City to the River Saint Lawrence; to employ the constabulary force of the said City in the maintenance of peace and good order on the said wharves, and to appoint and designate stands or places of rendezvous for carts and carriages thereon.

Except in certain cases.

Reservation of Her Majesty's rights.

LXXVII. 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, except in so far only as the same may be expressly derogated from or affected by the provisions of this Act.

Certain words interpreted.

LXXVIII. And be it enacted, That the words "Governor of this Province," wherever they occur in this Act, shall be understood as meaning the Governor or any person authorized to execute the commission of Governor within this Province for the time being; and the word "Councillor" and the word "Councillors," wherever they occur in this Act, shall be understood as meaning any member or members of the said Council of the City of Montreal, unless by the context it shall appear clearly that the words "Councillor" or "Councillors," respectively, are intended to apply exclusively to a member or members of the said Council, who is not or are not the Mayor or Alderman or Aldermen of the said City; and the words, "the said Corporation," or "the said Corporation of the City of Montreal," wherever they occur in this Act, shall be understood as meaning the said Corporation of "the Mayor, Aldermen and Citizens of the City of Montreal," unless the context necessarily requires a different meaning to be given to those words; and that

that the words "Lower Canada," wherever they occur in this Act, are to be understood as meaning and comprehending that part of the Province of Canada which formerly constituted the Province of Lower Canada; and any word or words implying the singular number, or the masculine gender only, shall be understood to include several matters of the same kind as well as one matter, and several persons as well as one person, and bodies corporate as well as individuals, unless it be otherwise specially provided, or there be something in the subject or context repugnant to such construction.

LXXIX. And be it enacted, That the Surveyor of the said City of Montreal, shall, within two years from and after the passing of this Act, or sooner if possible, draw an exact and regular plan of the said City of Montreal, pointing out agreeably to the rules of art, the streets, lanes, squares, market-places, water-courses, aqueducts, canals, bridges, and causeways in the said City of Montreal, to be inspected gratis, and for the direction of every person concerned or interested therein.

The Surveyor of the City, within two years, to draw a plan of the city for public inspection.

LXXX. And whereas there now remains, within the limits of the said City of Montreal, a great extent of ground, partly laid out in pasture, woodland, meadows, and arable land, which is daily laid out, and will in time to come be divided into ground lots, for the purpose of erecting thereon houses, or other buildings, for the planting of orchards, or to be cultivated as gardens, that are commonly closed in with good and solid fences; and whereas, it is necessary, and of utility to the public, that the said divisions should be parcelled out agreeably to a regular plan, and that commodious streets should be opened, and convenient places reserved for squares, in time to come: Be it therefore enacted, That it shall be the duty of the said Surveyor to add to the aforesaid plan of the said City of Montreal, a plan of the said Tracts of Land, laying down rules, for the division thereof, in time to come, with the streets and squares that ought to be reserved: and when such plan shall have been drawn up, it shall be deposited in the office of the said Surveyor of the said City, and notice shall be given in such manner as the Council of the said City shall direct, that such a plan has been drawn up, and so deposited for the inspection (*gratis*) of whomsoever may be concerned or interested therein, in order that they may, within any time, not exceeding six months, from such notice, lodge their observations or oppositions, if any they have, against it, that justice may be done in the premises; in failure of which the said plan shall be homologated and followed up in future, agreeably to its form and tenor.

Lands within city limits, not yet laid out in building lots, to be included in City Surveyor's plan, with the necessary streets and squares thereon marked out, and after notice given to the parties interested, such plan to be homologated and followed up.

LXXXI. And be it enacted, That the Council of the said City of Montreal is hereby authorized and empowered to pass a By-law or By-laws, to punish, either by fine or imprisonment, or by both, any person or persons who shall ill-use, or cruelly treat any animal, within the limits of the said City: Provided always, that such

Cruelty to animals may be punished by fine or imprisonment, or both.

such fine shall not exceed five pounds, currency, nor such imprisonment thirty days, in the Common Gaol of the District.

The Corpora-
tion may ac-
quire a certain
quantity of
land over and
above what is
absolutely ne-
cessary for any
street, square,
or market
place, &c.

LXXXII. And be it enacted, That in all cases where, for the purpose of opening any new street, square, market-place, or other public highway or place, or for continuing, enlarging, or otherwise improving those streets, squares, market-places, or other public highways or places now made, or as a site for any public building to be erected by the said Council, the said Council shall deem it advantageous to purchase and acquire, or take and enter upon, more than the ground actually required for any of the said purposes, it shall be lawful for the said Council, so as aforesaid, to purchase and acquire an extent over and above what may be required for the above purposes; provided nevertheless, such extent do not exceed one hundred feet in depth, by whatever length may exist.

Public Act.

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

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Law Printer to the Queen's Most Excellent Majesty.



ANNO OCTAVO
VICTORIÆ REGINÆ.

CAP. LX.

An Act to amend the Ordinances incorporating the City of Quebec.

[29th March, 1845.]

WHEREAS it is expedient to repeal in part and to amend the Ordinance of the Legislature of Lower Canada, passed in the session held in the third and fourth years of Her Majesty's Reign, intituled, *An Ordinance to incorporate the City and Town of Quebec*, and the Ordinance of the said Legislature, passed in the fourth year of Her Majesty's Reign, intituled, *An Ordinance to amend the Ordinance to incorporate the City and Town of Quebec*, and to vest certain additional powers in the Corporation created by the said Ordinances: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Corporation created by the Ordinance first above cited by the name of *The Mayor, Aldermen and Citizens of the City of Quebec*, shall hereafter be known and designated by the name of *The Mayor and Councillors of the City of Quebec*, but this shall not be understood to create any new Corporation, or in any way to affect any right or liability of the said Corporation or any proceeding by or against the same, which shall be continued without interruption in the corporate name hereby assigned.

II. And be it enacted, That there shall hereafter be no Aldermen of the said City, and the ninth section of the Ordinance first cited, and the fifth section of the Ordinance secondly cited, and so much of any other part of the said Ordinances

Preamble.

Ordinance 3
and 4 Vict.
cap 35.

Ordinance 4
Vict. cap. 31.

Corporate
name changed.

There shall
hereafter be no
Aldermen of
the said City.

or

or of either of them, as assigns the title of "Alderman" to any Member of the Council of the said City, or as relates in any way to the office of Alderman, shall be and is hereby repealed.

Day for the election of Councillors changed.

III. And be it enacted, That so much of the said Ordinances or of either of them as fixes the day of the election of Councillors of the said City shall be repealed, and that henceforth such election shall be held on the first Monday in February in each year; and the Councillors who without this Act would have gone out of office before the first Monday in February, one thousand eight hundred and forty-five, shall remain in office until that day.

St. John's Ward and St. Roch's Ward to be represented each by four Councillors instead of three.

IV. And be it enacted, That Saint John's Ward and Saint Roch's Ward, respectively, shall hereafter be entitled to be represented in the Council of the said City by four Councillors instead of three, any thing in the fourteenth section of the Ordinance first cited notwithstanding; and to this end the electors of each of the said Wards shall, at the election to be holden on the first Monday in February, one thousand eight hundred and forty-six, elect two Councillors instead of one; and on the first Monday in February in each year thereafter one fourth of the number of Councillors representing each of the said Wards shall go out of office, instead of one third as provided by the said Ordinance.

Poll may be closed immediately if there be no contest.

If a contest, the Poll shall be open two days instead of one.

V. And be it enacted, That at all elections of Councillors, hereafter, the poll shall be opened at nine of the clock in the forenoon, and if the electors be unanimous in their choice, the officer or person presiding at the election shall forthwith proclaim the candidate (or candidates) so chosen to be duly elected Councillors, without its being necessary that any poll be held; and if the election be contested in any Ward, the poll shall be kept open from nine in the forenoon, until four o'clock in the afternoon, during two days instead of one; any thing in the seventeenth section of the Ordinance first cited to the contrary notwithstanding.

The Mayor or Chairman to have only a casting vote.

VI. And be it enacted, That the Mayor or Chairman presiding at any meeting of the Council of the said City shall not vote, except in case the votes of the other Members be equally divided, in which case he shall give a casting vote; and so much of the thirty-sixth section of the Ordinance first cited, or of the eleventh section of the ordinance secondly cited, as enabled him to vote in any other case, is hereby repealed.

Council may remove persons or things from off the streets, &c.

VII. And be it enacted, That the Council of the said City may cause to be forthwith removed from off any market, street or public place therein, any person, animal, goods or effects, which may be placed or allowed to remain upon the same, contrary to the rules and regulations of the said Council.

VIII.

VIII. And be it enacted, That the Council of the said City shall be and is hereby authorized, to make By-Laws and Regulations concerning persons exercising the trade or calling of Butcher, Baker, Huckster, Pedlar, Carter, Boatman, Tavern Keeper or Inn Keeper, Porter or Messenger, and to oblige these classes of persons to take out licenses from the said Council, and to pay reasonable fees for the same.

Council may make regulations as to certain trades and callings.

IX. And be it enacted, That the said Council may also make By-Laws and Regulations concerning dogs, and may impose a penalty on the owners of dogs who shall contravene the same, and may cause dogs to be shut up or destroyed if found at large, when they may deem it expedient for the safety of the citizens.

And concerning dogs.

X. And be it enacted, That the Council of the said City shall publish their accounts annually, in both languages, in two newspapers published at Quebec.

City accounts to be published.

XI. And be it enacted, That any copy of a By-Law of the Corporation, or other document, certified by the City Clerk, and having the Common Seal of the said Corporation thereto annexed, shall be held authentic, and shall accordingly be received in evidence in all Courts, civil or criminal, without further proof unless it be expressly pleaded that such signature and seal are forged.

Copies of By-laws, &c., certified by the Clerk, to be deemed authentic.

XII. And be it enacted, That the Council of the said City, upon complaint of an overcharge of assessment, may reduce such overcharge in a summary manner, if after examination they shall see fit so to do.

Council may reduce overcharges on assessments.

XIII. And be it enacted, That the Council of the said City may cause a general plan of the said City to be made, by which said plan all persons whosoever shall abide: Provided always, that the said plan shall be deposited during the space of six calendar months in the Office of the Prothonotary of Her Majesty's Court of Queen's Bench for the District of Quebec, in the Court House of the said City, for the inspection of the public, and that due notice thereof shall be given during the said term of six months, once a week, in two newspapers published in the said City; and that such notice shall mention the day on which application will be made to the said Court of Queen's Bench for the homologation of the said plan, and any person who shall deem himself aggrieved thereby, shall before the said day, file his opposition to such homologation, and the Court shall hear, try and determine in a summary manner each and every opposition so filed, and shall grant costs to or against any such opposant or the Council of the said City as to law and justice may appertain, and the said plan shall, if approved and confirmed, be attested by one of the Justices of the said Court of Queen's Bench.

Council may cause a plan of the city to be made. Plan to be open to inspection;

And persons aggrieved thereby may have recourse to Court of Queen's Bench.

XIV.

Council to have jurisdiction over the beaches of River St. Charles.

XIV. And be it enacted, That the Council of the said City shall have full and exclusive jurisdiction over the beaches of the River Saint Charles, within the limits of the said City, and over each and every street and lane down to low water mark, and may make By-Laws, Rules and Regulations with respect to the same.

Councillors removing from the city not to be subject to a fine.

XV. And be it enacted, That the Councillors of the said City, who shall remove their residence permanently out of the City limits, and thereby become disqualified to sit in the City Council, shall not be subject to the penalty imposed by the twenty-ninth Section of the Ordinance first above cited, nor shall those who are absent for more than six months on business, and that part of the said Section relating to such penalty shall be and is hereby repealed: Provided always, that in such cases the Council may declare the seats of such Councillors vacant, and may cause others to be elected in their stead.

But their seats shall be vacated.

Time of the annual election of the Mayor changed.

XVI. And be it enacted, That the annual election of a Mayor of the said City shall take place at a meeting of the Council, on the second Monday in February in each year; and the present Mayor and each of his successors in office may continue to act as such until another be appointed in his stead, unless he shall cease to be a member of the Council, in which case such Councillor, as the Council shall previously designate, shall act as Mayor until the new Mayor shall be elected at the annual election; and so much of the ninth section of the Ordinance secondly above cited, or of any other part of the said Ordinances as prescribes the period at which the Mayor shall go out of office, is hereby repealed.

Meetings of the Council how to be held and called.

XVII. And be it enacted, That the said Council shall and may meet for the dispatch of the business of the City, at such fixed periods as shall be determined by a By-Law, and may adjourn from time to time to such day as they shall think fit, giving notice thereof to all the Councillors not present at the adjournment; and the thirty-eighth section of the said first above cited Ordinance shall be and is hereby repealed.

Council may appoint a member to act for the Mayor in his absence.

XVIII. And be it enacted, That in the absence of the Mayor, the Council may appoint one of the members thereof to act as Mayor in his stead during his absence; and all the provisions of the aforesaid Ordinances which may be repugnant to this section, shall be and are hereby repealed.

No Justice of the Peace to order any payment out of the funds of the city.

XIX. And be it enacted, That the thirty-third section of the Ordinance first above cited shall be and is hereby repealed, in so far as it authorizes any Justice or Justices of the Peace to order payments to be made out of the funds of the said City.

XX. And be it enacted, That the Council of the said City may pass a By-Law to oblige all persons to answer truly to the Assessors when in the exercise of their functions, and to impose a penalty against any person contravening such By-Law.

Council may oblige all persons to give true answers to the Assessors.

XXI. And be it enacted, That all monies due or payable to the said Council, may be sued for and recovered before the Commissioners' Court for the said City, or before any other Court in this Province having competent jurisdiction, according to the amount to be recovered, and the residence of the Defendant or the place where he shall be served with process, as well as before two Justices of the Peace at their weekly sittings, and may, after judgment, be levied by execution under the usual process of the Court.

Monies due to the Council how recoverable.

XXII. And be it enacted, That the financial year, as regards all accounts of the Corporation of the said City, shall begin on the first day of January, and end on the thirty-first day of December, in each year.

Financial year when to begin and end.

XXIII. And be it enacted, That the Mayor may appoint a Deputy to the City Clerk, Treasurer, or Road Inspector, [subject to the approval of the Council of the said City.] in case of sickness or unavoidable absence of the said officers respectively.

Mayor may appoint deputies to certain city officers.

XXIV. And be it enacted, That neither the Mayor nor any Councillor who may be a Justice of the Peace, shall preside at any weekly sittings of the peace at which any prosecution shall be brought under any By-Law of the Council of the said City.

No Councillor to sit on any suit founded on a By-law.

XXV. And be it enacted, That all By-Laws made under the authority of this Act, shall be subject to the same provisions as those made under the Ordinances aforesaid, and the penalties imposed may be recovered and applied in like manner.

By-laws made under this Act subject to provisions of former ordinances.

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



ANNO OCTAVO
VICTORIÆ REGINÆ.

CAP. LXI.

An Act to repeal a certain provision of the Act incorporating the Town of Kingston, and to provide for the Assessment and Collection of the District Taxes in the said Town, by an Assessor and Collector to be appointed by the District Council.

[29th March, 1845.]

WHEREAS it is expedient to amend the Act of the Legislature of Upper Canada, passed in the first year of Her Majesty's Reign, and intituled, *An Act to incorporate the Town of Kingston under the name of the "Mayor and Common Council of the Town of Kingston,"* by providing that the District rates and assessments shall be assessed and collected by an Assessor and Collector to be appointed by the District Council of the Midland District, and not by the Assessor and Collector to be appointed by the Common Council of the said Town: 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 first day of May next after the passing of this Act, all rates and assessments, and local taxes, payable into or forming part of the general funds of the Midland District, shall be assessed and collected by the Assessor and Collector to be appointed for that purpose from time to time by the District Council of the said Midland District, and by them only, and may, if not paid, be recovered (as may all arrears thereof due or hereafter to become due) by such Collector, or by any other proper person or officer, in the same manner and under the

Preamble.
1 Vict c. 27.

From 1st May 1845, rates, &c. belonging to funds of Midland District, to be collected by Midland District Assessor only.

Certain provisions of 1 Vict. c. 27 repealed.

the same provisions in and under which rates and assessments payable to and forming part of the general funds of the District, and may then, by law, be recoverable ; and so much of the twenty-eighth or twenty-ninth sections, or of any other part of the said Act as authorizes the Common Council of the said Town to appoint an Assessor or Collector for the purposes aforesaid, or empowers any Assessor or Collector so appointed to assess or collect such rates and assessments, shall be and is hereby repealed : Provided always, that nothing herein contained shall be construed in any way to impair the obligation of any Collector appointed by the said Common Council, to pay over into the general funds of the District all such moneys as under the said Act ought to be so paid over, or to prevent his being compelled so to pay over the same in any way in which he may now by law be compelled so to do ; or in any way to vitiate any assessment made before the said day by any Assessor appointed by the said Common Council.

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



ANNO OCTAVO

VICTORIÆ REGINÆ.

C A P. LXII.

An Act to Incorporate the Town of Niagara, and to establish a Police therein.

[29th March, 1845.]

WHEREAS from the great increase of population in the Town of Niagara, in the District of Niagara, it is necessary to make further provision than by law exists 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-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That so much of the second section of an Act of Parliament of that part of this Province which formerly constituted Upper Canada, passed in the second year of the Reign of His late Majesty King George the Fourth, intituled, *An Act to repeal in part a certain part of an Act passed in the forty-third year of His late Majesty's Reign, intituled, "An Act to extend the provisions of an Act passed in the thirty-fourth year of His Majesty's Reign, intituled, 'An Act to restrain the custom of permitting horned cattle, horses, sheep and swine to run at large, and further to enable the magistrates in their respective Districts in this Province, in General Quarter Sessions assembled to make such rules and regulations as may restrain swine running at large in the respective Towns in this Province where a Police is or may hereafter be established by Law,'"* as affects the said Town of Niagara; and also so much of an Act of Parliament of that part of this Province which formerly constituted the Province of Upper Canada, passed in the sixth year of the Reign of His late Majesty King George the Fourth, intituled, *"An Act for the better regulating the assize and fixing the price*

Preamble.

2 Geo. 4. cap. 11. s. 2.

6 Geo. 4. cap. 6.

of

of Bread in the several Police Towns throughout this Province, as applies to the said Town of Niagara; and also so much of an Act of Parliament of that part of this Province formerly constituting Upper Canada, passed in the fourth year of the Reign of His late Majesty King George the Fourth, intituled, *An Act to amend and make perpetual an Act passed in the fifty-ninth year of His late Majesty's Reign, intituled, "An Act to repeal part of and amend the Laws now in force for laying out, amending and keeping in repair the public highways and roads in this Province,"* and also to amend an Act passed in the fiftieth year of His late Majesty's Reign, intituled, *"An Act to provide for the laying out, amending and keeping in repair the public highways and roads in this Province, and to repeal the laws now in force for that purpose,"* as affects the said Town of Niagara and its limits; and also an Act passed in the fifty-seventh year of the Reign of His late Majesty King George the Third, intituled, *An Act to establish a Market in the Town of Niagara, in the Niagara District;* and also a certain Act passed in the fifty-ninth year of the Reign of His late Majesty George the Third, intituled, *An Act to amend and repeal part of an Act passed in the fifty-seventh year of His Majesty's Reign, intituled, "An Act to establish a Market in the Town of Niagara, in the Niagara District;"* and also another Act passed in the said fifty-ninth year of the Reign of His said Majesty King George the Third, intituled, *"An Act for establishing a Police in the Town of Niagara in the District of Niagara, and for other purposes therein mentioned;* and also an Act passed in the fourth year of the Reign of His late Majesty King George the Fourth, intituled, *An Act to continue and amend an Act passed in the fifty-ninth year of His late Majesty's Reign, intituled, "An Act for establishing a Police in the Town of Niagara, in the District of Niagara, and for other purposes therein mentioned;"* and also an Act passed in the second year of the Reign of our Sovereign Lady Queen Victoria, intituled, *An Act to authorize the trustees of the Market reserve in the Town of Niagara, to raise a sum of money for certain purposes therein mentioned, save and excepting that portion of the second clause of the said last recited Act which reserves to all and every lessee, tenant or their assignees at the time of passing the said Act entitled to the occupation or interest of or in any lot then before leased, all those privileges and advantages vested in them or which they or their assignees might have been entitled to under and by virtue of any original lease theretofore at any time granted, be, and the same are hereby repealed; and that there shall be in the said Town of Niagara a Board of Police 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 Board of Police of Niagara,* 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*

4 Geo. 4. cap.
9.

57 Geo. 3. cap.
4.

59 Geo. 3. cap.
11.

4 Geo. 4. cap.
31.

2 Vict. cap. 46.

The acts above
cited in certain
of their provi-
sions repealed.

A Board of
Police incor-
porated for
Niagara.

any estate real or personal, either for their own use or in trust for other purposes, and for giving and receiving any bills, bonds, covenants, judgments, statutes, recognizances or other instruments or securities of what nature or kind soever, for the payment or securing the payment of any money borrowed or lent, or for the performance of, or securing the performance of, any other duty, matter or thing whatsoever.

II. And be it enacted, That the said Town shall be comprised within the following limits or boundaries, that is to say : commencing at Missisagua Point, thence westerly along Lake Ontario to Crookston, thence along the rear or town line of Niagara to the Black Swamp Road, thence along the Eastern limit of the lands of the late Thomas Butler, Esquire, deceased, and the lands of Garret Slingerland, to the north-west angle of the lands of John Eccleston, thence easterly to where the lands formerly owned by the Honorable William Dickson, and the late Martin M'Lennon, deceased, come in contact, thence easterly along the northern boundary of the lands of the said Martin M'Lennon, deceased, to the River Niagara, thence northerly down the said Niagara River to the place of beginning.

Town limits.

III. And be it enacted, That the said Town shall be divided into five Wards, by the names of Saint Lawrence's Ward, Saint George's Ward, Saint Patrick's Ward, Saint David's Ward, and Saint Andrew's Ward, as follows, that is to say : All that part of the Town south of the centre of the street called King Street, which runs directly from the River Niagara and commencing at the house now occupied by Mr. Walter Elliott, or the Lower Ferry, and terminating at the western limit of the Town, shall compose Saint Lawrence's Ward ; that part of the Town north of the centre of the street, forming the northern boundary of Saint Lawrence's Ward, and south of the centre of the next parallel street, shall compose Saint George's Ward ; that part of the Town north of the street forming the northern boundary of Saint George's Ward, and south of the centre of the next parallel street, shall compose Saint David's Ward ; that part of the Town north of the street forming the northern boundary of Saint David's Ward, and south of the centre of the next parallel street, shall form Saint Patrick's Ward ; that part of the Town north of the street forming the northern boundary of Saint Patrick's Ward, shall compose Saint Andrew's Ward.

Town to be divided into five Wards, and the limits of the Wards defined.

IV. And be it enacted, That each of the said Wards shall annually elect one person to be a member of the said Corporation, from among the male inhabitant householders of the said Town, of the full age of twenty-one years, who, being subjects of Her Majesty, shall be freeholders therein, whose freehold property shall be valued by the Assessor or Assessors for the Town, at the rental or annual value of not less than twenty pounds per annum, or lease-holders therein holding by lease made

Election of members of the Corporation and qualification of such members.

made for a term of years, and who shall pay for and in respect of any property by them held as aforesaid, within the said Town, an annual rent of not less than twenty pounds : Provided always, that any building erected upon any lease-hold tenement held as aforesaid, shall be valued with such tenement, and where both shall amount to the annual value of twenty pounds, or upwards, the *bonâ fide* owner thereof being otherwise qualified as aforesaid, shall be eligible as a member of the said Corporation ; 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 Corporation, 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 a member of the said Board who shall be a Minister, Priest, or Ecclesiastic or Teacher, under any form or profession of religious faith or worship.

Proviso.

Residencia.

Proviso as to Ecclesiastics.

Qualification of voters.

Where each shall vote.

First election.

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 and householders, resident within their respective Wards, being subjects of Her Majesty, Her Heirs and Successors, whose names shall be entered upon the last Assessment Roll for the said Town ; 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 Corporation ; and for the first election to be held under the authority of this Act, persons whose names shall appear on the last Assessment Roll of the Town shall be entitled to vote for members of the said Corporation, under the limitations and provisions hereinbefore contained : Provided always, that a portion of a house in which any inhabitant shall reside, as a householder, and not as a boarder or lodger, and having a distinct communication with the street by an outer door, shall be considered a dwelling-house within the meaning of this section of this Act.

Proceedings at first and subsequent elections.

VI. And be it enacted, That the first election of members for the said Corporation under this Act, shall be holden on the first Monday in May next, at some place in each Ward, respectively, to be appointed by the Sheriff of the District of Niagara, for the time being, who shall give public notice at least six days previous to the election, at which election the said Sheriff shall preside in Saint George's Ward, and shall appoint fit and proper persons, under his hand and seal, to hold the said elections for Saint Lawrence's, Saint David's, Saint Patrick's and Saint Andrew's Wards, respectively, which said Sheriff, and the persons so appointed, shall hold the said election for each Ward respectively, and shall keep the Poll open for receiving and entering votes for the election of members of the said Corporation, from the hour of nine of the clock of the forenoon, until three of the clock of the afternoon,

afternoon, on the said first Monday in May next, 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 Corporation, and shall give notice thereof to the persons so elected, within three days after such 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 Corporation, the time, place, and all proceedings to be held in such elections, to be regulated from time to time by the said Corporation; and that the members of the said Corporation so chosen as aforesaid, shall serve until the first Monday in May in the next year, and until a new Board shall be chosen and formed as hereinafter mentioned; and that on the first Monday in May in every year, an election shall be holden in each Ward of the said Town of Niagara, for choosing members of the said Corporation, according to the general provisions of this Act.

Proclamation
of persons
elected.
Notice to them.

Period of ser-
vice of persons
so elected.

Annual elec-
tions.

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 Niagara is hereby authorized to administer, that is to say :

Oath of per-
son presiding
at such elec-
tion.

“ 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 Board of Police in the Town of Niagara: So help me God.”

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 Corporation 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 :

Candidates
may be exam-
ined as to
their qualifica-
tion.

And so of
voters.

“ 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 :”

Oath of a vot-
er or candiate
examined as to
his qualifica-
tion.

And the affirmation taken shall be in the common form of an affirmation to the same effect.

IX.

Wilful falso
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 Board, 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 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 hereafter provided for the recovery of any penalty for the transgression of any order or regulation of the said Corporation: Provided that no person having been elected a member of the said Corporation, 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 Corporation.

Proviso.

Election of a
President.

Making By-
Laws.

Appointment
of officers.

Proviso.
Vacancy in
the office of
President how
filled.

And for the
case of his ab-
sence.

Members to
serve gratis.

XI. And be it enacted, That after the first and every subsequent election of members of the said Corporation, so soon as they shall respectively have taken the oath of office hereinafter contained, it shall be the first duty of the said Corporation, and they are hereby required to proceed to the election of a President from their number; and as soon as they shall have chosen a President, the said Board 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 have full power to revise, alter, amend, administer, and enforce the same, 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 Board may seem meet, and of removing the said officers at pleasure: Provided always, that should the office of President of the said Board become vacant from any cause whatsoever, it shall and may be lawful for the said Board, 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 Board; and during the absence of the President, the said Board 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 the President of the said Board; that the services of the members of the said Board of Police shall be wholly gratuitous; and that the oath to be taken by the members of the said Board of Police shall be according to the following form, that is to say:

“ I,

"I, A. B. do swear that I will faithfully discharge the duties of member of the Board of Police of the Town of Niagara to the best of my ability—So help me God."

Oath of office.

XII. And be it enacted, That in case any vacancy at any time shall happen among the members of the said Corporation, 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 Corporation shall issue a precept to the proper officer, who, (unless otherwise ordered by the Corporation) 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.

Vacancy among members how filled.

XIII. And be it enacted, That in case an equality of votes shall happen at any election for the members of the said Corporation, 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.

Casting vote of person presiding at an election.

XIV. And be it enacted, That if the election of any member of the 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 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 Corporation, 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, and that such time shall be within six days after the election complained of, and 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 Town for entering upon a scrutiny of the matters complained of, which time shall be within six days after such election; and the Corporation 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,

Controverted elections of members how decided.

Scrutiny.

Summoning and examining of witnesses.

Determination and consequences thereof.

election, then the Corporation shall issue their precept for a new election as in other cases under this Act.

Members who shall try any election to be sworn.

XV. And be it enacted, That before any member of the said Corporation 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 Corporation 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 Board of Police of the Town of Niagara.”

Punishment of witnesses refusing to attend.

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 one of Her Majesty's Justices of the peace for the District of Niagara, having been duly summoned to answer such complaint, be liable to be imprisoned on the commitment of such Justice, in the common gaol of the District 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.

False swearing.

On what subjects the Corporation may make By-Laws.

Roads and streets.

Cattle, &c., running at large.

Dogs.

Incumbering streets, &c.

Selling in the streets.

Sale of strong liquors.

Immoderate driving, &c.

XVII. And be it enacted, That the said Corporation of Niagara 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 cleansing any of the streets, squares, alleys, lanes, walks, side-walks, cross-walks, roads, highways, bridges, public wharves, docks, slips, shores and sewers now laid out or erected, or that may hereafter be laid out or 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 incumbering or injuring of the streets, squares, lanes, walks, side-walks, cross-walks, roads, highways, bridges, public wharves, docks and slips, 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, vegetable, fruit, 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

upon the side-walks of the street, or other improper places ; to regulate wharves or quays, to prevent all obstructions in the lake, harbor or river near or opposite to any dock, wharf or slip, to regulate the fishing with nets or seines, the use of fishing lights, and the erecting or use of weirs for eels or other fish, 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 tipping houses and restrain persons from keeping the same ; 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 public billiard tables, roulette tables, as well as any species of gambling and gambling apparatus whatsoever ; and to regulate and license all theatres kept for profit ; auctioneers, butchers, cartmen and cartage, hawkers and pedlars, and 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, or mountebanks or jugglers usually practice 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 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 within the limits of the said Town ; to regulate any taverns, ale-houses, victualing houses, and all houses where fruit, oysters, clams, victuals, or spirituous liquors, or any other manufactured beverage 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 Corporation may seem expedient, the proceeds of such license, except tavern licenses, 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 law or usage of this Province to the contrary notwithstanding ; 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 the present market or any other market 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 cleansing of chimneys, and to regulate the dimension of chimneys hereafter to be built, and to regulate one or more fire companies, to regulate and require

Obstruction in
the Harbor.

Tipping.
Sabbath break-
ing.
Exhibitions.
Cruelty to ani-
mals.

Gambling.

Theatre.
Certain call-
ings.
Circus-riding.

Fire-arms and
fire-works.
Nuisances.

Taverns, &c.

Markets.

Assize of
bread.
Vending of
meat, &c.

Prevention of
fires and town
improvements.

Supply of
water at fires.
Preventing de-
predations
thereat.

Pulling down
houses.

Watching.
Appointing
officers.

Pounds.
Bills of morta-
lity.

Police.
Water.

Bonds and
securities
of officers, &c.
Penalties and
fines.

Municipal
elections.
Registration of
votes.
Taxes.

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 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 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 erect, preserve and regulate public cisterns, and other conveniencies 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 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 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 and 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 Corporation; 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 Niagara District, a sum of money the better to enable them to carry into effect fully the powers hereby vested in them; Provided,

Provided, that such additional tax shall not exceed in one year three pence in the pound upon the assessed value of property lying and being within the limits of the Town, according to the value as hereinafter provided; to require the road labor of the said Town to be commuted for money, and such money paid to the Treasurer of the said Corporation to be at the disposal of the said Corporation 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 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 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 Gaol of the said Niagara District for a period of not more than thirty days or less than one day; that such imprisonment shall be at the expense of the said Corporation: And provided also, that no person shall be compelled to pay a greater fine than ten pounds for refusing to serve in any Municipal office when duly elected or appointed thereto.

Limitation of taxing power.

Commutation of statute labour.

General purposes.

Limitation of penalties.

Imprisonment.

Proviso.

XVIII. And be it enacted, That a majority of the said Board of Police shall be a Board 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 Act of said Board.

Majority of Board to act, and penalty on absent members.

XIX. 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 building, 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 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, 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 Niagara, 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 commence from the first Monday in May in the year of our Lord one thousand eight hundred and forty-five, and shall end on the day next preceding the first Monday in May in each ensuing year, both days included

Assessments may be imposed by the corporation for certain purposes.

Time from which the Assessments shall be reckoned to commence.

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.

On what chattels the rates shall be imposed.

Property of the Crown, Churches, &c., exempted.

XX. 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 purpose of covering mares, or other horses of the age of three years or upwards ; horned cattle ; phaetons, carriages, gigs, waggons, sleighs, and other carriages kept for pleasure only, according to the value thereof, ascertained as hereinafter mentioned : Provided always, That nothing in this Act contained shall tend to 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 actual possession of Her Majesty, Her Heirs or Successors, unless the same shall be actually leased to individuals, nor to any churches, chapels, public places of worship, or burying grounds.

Provision as to vacant lots, houses, &c.

XXI. And be it enacted, That except as respects vacant grounds or other property hereinafter specially mentioned and provided for, the value of all such houses, shops, warehouses, buildings, gardens, grounds, lands, tenements, and parts and portions thereof, being separate tenements as aforesaid, shall be rated according to the real or full value thereof, which said value shall be ascertained by the Assessor or Assessors for the Town, to be appointed as hereinafter provided.

Lots of ground of more than a certain extent.

XXII. And be it enacted, That any lot or parcel of ground whereon any house or other building to be valued as aforesaid is situate, and being held therewith as the same tenement, when such lot or ground is not above an acre in extent, and to the extent of an acre thereof, shall be assessed and valued with the house or building thereon, and the overplus (if any) above an acre shall be valued as a separate tenement, and vacant ground as hereinafter mentioned.

Values at which certain chattel property shall be assessed.

XXIII. 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 two hundred pounds value : every other horse, mare, or gelding above the age of three years, at twenty pounds value ; milch cows and other horned cattle above the age of two years, at five pounds value ; every carriage with four wheels, drawn by two or more horses, kept for pleasure only, at one hundred pounds value ; every phaeton or other open carriage with four wheels, drawn by one horse, and kept for pleasure only, at twenty-five pounds value ; every

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two horse sleigh kept for pleasure only, at fifty pounds value ; and every one horse sleigh kept for pleasure only, at fifteen pounds value.

XXIV. And be it enacted, That it shall and may be lawful for the Corporation of the said Town from time to time to appoint one or more fit and discreet person or persons, inhabitant householder or householders 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.

Corporation to appoint Assessors and Collectors.

XXV. And be it enacted, That every Assessor of the Town, before entering upon his duties as such Assessor, shall be first sworn by the President or acting President of the Corporation of the said Town, well, faithfully, and impartially to perform and fulfil his duties as Assessor to the best of his knowledge and ability, which said oath the President or acting President of the said Corporation is hereby authorized to administer.

Assessors to be sworn.

XXVI. 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 President or acting President of the said Corporation, in pursuance of any resolution of the said Corporation 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 situate 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 Corporation of the said Town, or such other person as by the said Corporation 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 President or acting President of the said Corporation of the overcharge complained of, and the same shall be tried by the said Corporation, at such times and meetings of the said Corporation 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 Corporation shall, by a majority of voices or votes, finally decide and determine upon such complaint, and affirm or amend the return of the 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.

Trial of complaints against the rolls.

Proviso.

Complainant neglecting to appear.

And if property be rated too low.

such meeting of the said Corporation, he or she having had reasonable notice thereof as aforesaid, the said Corporation 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 Corporation, that the value has in any case been given in or returned by the Assessor too low, they shall cause a notice to be served on the person so rated as aforesaid, and the person who made such rate of the time and place of the meeting of the said Corporation, at which the said matter shall be heard, and the same shall be finally determined by the said Corporation in like manner as aforesaid, after hearing the said parties and their witnesses upon oath or affirmation as aforesaid; and that the said Corporation shall have power to adjourn as they shall see fit.

Summoning of witnesses and administering oaths, &c.

Fine for non-attendance, &c.

Imprisonment.

Proviso.

False swearing to be perjury.

XXVII. And be it enacted, That any member of the said Corporation 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 Corporation shall have full power and authority to issue a summons for each witness who shall be required to attend before the said Corporation: 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 ten pounds as the said Corporation, 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 Corporation, to commit such person to the Gaol of the Niagara 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.

Corporation. to make a yearly rate.

Limitation of rate

XXVIII. And be it enacted, That it shall and may be lawful for the said Corporation 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 three pence in the pound.

Corporation empowered to grant relief from rates in certain cases.

XXIX. And be it enacted, That it shall and may be lawful for the said Corporation to hear, on memorial or petition, the case or cases of such person or persons as during any one year for which 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

of such year, and also the case or cases of such person or 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 Corporation to compound for or receipt the whole of any such rate or rates.

XXX. 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, and such assessment shall and may be recovered from the said proprietors, lessees, or others, or from the said occupiers, as the Collector or Collectors of the said Town shall judge convenient, under any By-Law for that purpose made by the said Corporation.

By whom the rates shall be paid.

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 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.

Male inhabitants not paying more than a certain amount of assessment, to be subject to a rate per head.

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, he, 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 Corporation 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 situate or elsewhere in the said Town, which Warrant the President or acting President of the said Corporation 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; 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

Mode of obtaining distress.

Warrant for levying rates in arrear for more than fourteen days.

Sale of property seized if the rates be not paid within a certain time.

Mode of collecting the capitation tax.

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 President or acting President of the said Corporation, and on proof on oath of such person or persons being in arrear, and on 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 acting President, or any member of the said Corporation, to commit such person to the Common Gaol of the District of Niagara, until such rate shall be paid : Provided always, that such imprisonment shall not exceed in any case ten days.

Proviso.

Penalty for pretending a less rent than is really paid.

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 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 breach of any of the By-laws or regulations thereof.

Vacant lots may be seized and sold for taxes in certain cases.

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 Corporation to issue a Precept to the Sheriff of the Niagara 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 arrear 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 Niagara 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,

Proviso: Property may be resumed by the owner on payment of purchase money with interest and a per centage.

thereon, together with the costs attendant upon the default and sale, with an addition of twenty per centum on the purchase money.

XXXV. 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 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 Corporation.

Corporation not to be dissolved by the failure of any Election.

XXXVI. And be it enacted, That any rule or regulation of the said Corporation for the infraction of which 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 and every year, one month previous to each general election for members to serve in the said Corporation, an account of all monies received into the Treasury, and the amount expended, and for what purpose.

By-laws imposing penalties to be published.

And accounts yearly.

XXXVII. And be it enacted, That if any person shall transgress the 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 order, rule, or regulation, shall be specified, with costs, to be recovered by information before the said Corporation, 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 gaol of the Niagara 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 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 Niagara: Provided always, that the information and complaint for any breach of any order or regulation of the said Corporation, shall be made within fifteen days next after the time of the offence committed.

Mode of enforcing payment of penalty imposed by By-laws.

Inhabitants of Niagara may be witnesses.

Proviso.

Limitation of prosecutions.

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.

Application of penalties.

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

Protection of persons acting under this Act.

in

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 the Corporation.

Place of meeting.

XL. And be it enacted, That the said Corporation shall assemble at the least twice in each month, for the transaction of 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 Corporation shall determine on the place of meeting of the said Corporation.

Sheriff and Gaoler to detain persons committed under this Act.

XLI. And be it enacted, That the Sheriff and Gaoler of the District of Niagara 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 Corporation, 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.

Appeal to Quarter Sessions.

Proviso: protection of members of the Corporation when acting as Magistrates.

XLII. And be it enacted, That except in General or adjourned Quarter Sessions, the Justices of the Peace of the Niagara District, as such Justices, shall exercise no jurisdiction over offences committed within the Town of Niagara; and that the members of the Board of Police 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 Board of Police 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 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 Board of Police, 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 Board of Police, 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.

Recital of certain Letters Patent, &c.

XLIII. And whereas by virtue of a Patent issued from the Crown, bearing date the fifteenth day of May, in the year of our Lord one thousand eight hundred and twenty-one, Lots numbered sixty-five and sixty-six in the said Town of Niagara, were granted to and vested in the Honorable William Claus, the Honorable William Dickson, and James Muirhead, Esquire, and to their heirs and assigns forever, in trust to hold the same as a site for a market-house, and for the use and purposes of a market, to be thereupon erected, held and established, for the benefit and convenience of the inhabitants of the Town of Niagara; and whereas the said

said William Claus and James Muirhead have departed this life, and the surviving Trustee is desirous of relinquishing the trust, and that the same shall be vested in the Corporation of the said Town of Niagara for the uses of the said Town; and whereas it is expedient to make further provisions for vesting the said estate: Be it therefore enacted, that the said Lots sixty-five and sixty-six in the said Town of Niagara, as reserved for a market, containing, as is said in the said Patent, two acres, more or less, be and the same is hereby vested in the said Corporation of the said Town of Niagara, for leasing and managing the same as to the said Corporation may seem best for the benefit of the inhabitants of the said Town of Niagara: Provided, that nothing herein contained shall extend or be construed to extend to do away with or in any way interfere with the present leases of the said Market Square, and that the said Corporation shall have full power and authority to ask, demand, and receive, sue for and recover in any of Her Majesty's Courts of Law and Equity within the Province, any sum or sums of money that now is, or are, or which ought of right to be due and payable to the said Corporation, for and on behalf of the inhabitants of the said Town of Niagara, for and in respect of the rents and profits of the said market reservation which may have accrued due and been collected or should have been collected by the above named Trustees, their heirs and assigns, at any time whatsoever; and all monies which of right should be due and payable in any wise to the said Corporation, for and on behalf of the inhabitants of the said Town of Niagara, for and in respect of the said market reservation, or the execution and fulfilment of the trust by the Trustees under the above cited Patent, or any or either of them, their heirs and assigns, or any or either of their heirs or assigns, and the said Trustees, their heirs and assigns, shall be bound to account to the said Corporation, and to pay over to the said Corporation any monies or security for money which may or ought to be in their hands accruing, or which may have accrued from the said market reservation at any time whatsoever; and also, the said Corporation shall have full power and authority to collect as aforesaid, all monies which shall hereafter become due in respect of the said market reservation: Provided always, that any monies now in the hands of the said Trustees, or that may now be due upon any portion or portions of the said market reservation, shall be appropriated to the erection of a Town Hall or Market House in the said Town of Niagara, and to no other purposes whatever.

Certain lots of ground vested in the Corporation.

Proviso.

Corporation may collect rents, &c., due on the said lots.

Collection of monies due.

Proviso

Application of such monies.

XLIV. And be it enacted, That the Corporation of the said Town of Niagara shall have full power and authority, and they are hereby authorized and empowered to raise by loan a sum of money, not exceeding the sum of three thousand pounds, for the purpose of erecting a good and sufficient building, of brick or stone, for the purpose of a Market House and Town Hall, on lots numbers sixty-five and sixty-six, as designated on the original Town plot, of such dimensions as to the said Corporation may seem expedient; and the said Corporation are hereby authorized

Corporation empowered to raise money by loan, for building a Market and Town-Hall.

Lots may be mortgaged as security for such loan, &c.

Corporation may create a sinking fund.

Corporation may raise a further loan for improvements.

Saving of the rights of a certain company.

Saving of the right of representation in the District Council.

Alteration of Act.

authorized and empowered to mortgage or place in security the said Lots numbers sixty-five and sixty-six, to any person or persons willing to lend the said sum of three thousand pounds, or so much thereof as may be necessary in the discretion of the said Corporation, 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 repayment thereof with interest, such interest not to exceed the rate of six per centum per annum; and the said Corporation are hereby authorized and empowered to apportion from the rents and profits now accruing, or hereafter to accrue from the said Lots numbers sixty-five and sixty-six, 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 Corporation may seem expedient, for the purpose of providing for a sinking fund for the payment of the said sum of three thousand pounds, or any part thereof, to be borrowed as aforesaid, with interest thereon, within such time as to the said Corporation may seem expedient and prudent; and the said Corporation shall have full power and authority, and they are hereby authorized and empowered, to raise by loan any sum of money not exceeding the sum of one thousand pounds, for the purposes of improvements, as the said Corporation may deem expedient, and the said Corporation 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 repaying the same, with legal interest thereon, in such manner as the said Corporation may see fit.

XLV. And be it enacted, That nothing in this Act contained shall deprive or be construed to deprive the Niagara Harbor and Dock Company of any right, privilege, or immunity now vested in the said Company by Law.

XLVI. And be it enacted, That nothing in this Act contained shall deprive or be construed to deprive the qualified inhabitants of the Town of Niagara of their right to be represented in the Municipal Council of the Niagara District.

XLVII. 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.



ANNO OCTAVO

VICTORIÆ REGINÆ.

CAP. LXIII.

An Act to incorporate the Town of Saint Catharines.

[29th March, 1845.]

WHEREAS from the great increase of population in the Town of Saint Catharines, in the District of Niagara, 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-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 Saint Catharines a Board of Police, 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 Board of Police of Saint Catharines*, 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 Board of Police established and incorporated.

II. And be it enacted, That the said Town shall be comprised within the following limits or boundaries, that is to say: commencing at the south-east angle of lot number fifteen, in the fifth concession of the Township of Grantham, on Charles Roll's farm; thence, south-westerly, along the rear of the said fifth concession, one hundred and thirty-five chains, more or less, crossing the Welland at Ranney's Mills,

Limits of Town of St. Catharines.

to

to the western limit of the Welland Canal lands; thence, southerly and easterly, along the Welland Canal boundary until it intersects the allowance of road between the sixth and seventh concessions; thence, south, sixty-five degrees west along the rear of the sixth concession, to the limit between lots numbers nineteen and twenty; thence, south, crossing the main road to Hamilton five chains; thence, north, sixty degrees east more or less, to lot number sixteen, in the seventh concession; thence, north, along the east side of the allowance of road between lots sixteen and seventeen to the allowance of road between the sixth and seventh concessions; thence, north, sixty-five degrees east along the said allowance to the Welland Canal; thence, across the Canal in a direct line to intersect the allowance of road between lots numbers fourteen and fifteen, in the sixth concession, on the north bank of the Canal; and thence, north, along the east side of the said allowance, more or less, 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; and that the Members of the Corporation to be elected as hereinafter provided, shall, within three months after the first election, define the limits of the said Wards: Provided that the said Members may from time to time alter the said limits and add to the number of the said Wards.

Election of
members of
Corporation—
their qualifica-
tion, &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 Corporation 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 Assessors for the Town, at the value of one hundred 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 Corporation 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 a Member of the said Board who shall be a Minister, Priest or Ecclesiastic, or Teacher under any form or profession of religious faith or worship.

Proviso.

Qualification
of voters.

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 for 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

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 ten 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 Members of the said Corporation; 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 Corporation, under the limitations and provisions hereinbefore contained.

Where each shall vote.

First election.

VI. And be it enacted, That the first election of four Members for the said Corporation under this Act, shall be holden on the first Monday in May next, at some place in the said Town, to be appointed by two or more Magistrates resident in the District of Niagara, for the time being, who shall give public notice at least six days previous to the election, at which election one of the said Magistrates shall preside in the said Town, and which said Magistrates shall hold the election for the said Town, and shall keep the poll open for receiving and entering votes for the election of Members of the said Corporation, 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 May next, and at the close of the poll at the hour aforesaid, shall declare the persons who shall have the greatest number of votes, duly elected Members of the said Corporation, 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 Corporation, the time, place, and all proceedings, to be had in such elections, to be regulated from time to time by the said Corporation; and that the Members of the said Corporation, so chosen as aforesaid, shall serve until the first Monday in February in the next year, and until a new Board shall be chosen and formed as hereinafter mentioned; and that on the first Monday in February in every year, after the first election, an election shall be holden in each Ward of the said Town of Saint Catharines, for choosing Members of the said Corporation, 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.

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 Niagara is hereby authorized to administer, that is to say :

Oath of persons presiding at such election.

“ 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 Board of Police in the Town of Saint Catharines: So help me God.”

Oath.

VIII.

Candidates
may be exam-
ined 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 Corporation 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 candi-
date examined
as to his quali-
fication.

“ 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 Board, 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 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 hereafter provided for the recovery of any penalty for the transgression of any order or regulation of the said Corporation: Provided that no person having been elected a member of the said Corporation, 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 Corporation.

Proviso as
to persons ab-
sent or public-
ly refusing to
be candidates.

Election of
a President.

XI. And be it enacted, That after the first and every subsequent election of members of the said Corporation, so soon as they shall respectively have taken the

the oath of office hereinafter contained, it shall be the first duty of the said Corporation, 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 a President from their number; and as soon as they shall have chosen a President, the said Board 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 Board may seem meet, and of removing the said officers at pleasure: Provided always, that should the office of President of the said Board become vacant from any cause whatsoever, it shall and may be lawful for the said Board, 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 Board; and during the absence of the President, the said Board 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 the President of the said Board; that the services of the members of the said Board of Police shall be wholly gratuitous; and that the oath to be taken by the members of the said Board of Police 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 Board of Police of the Town of Saint Catharines, 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 Corporation, 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 Corporation shall issue a precept to the proper officer, who (unless otherwise ordered by the Corporation) 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 Corporation, 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.

Making By-Laws.

Appointment of officers.

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.

XIV.

Contested
Elections of
members how
decided.

XIV. And be it enacted, That if the election of any member of the 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 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 Corporation, 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, and that such time shall be within six days after the election complained of, and 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 Town for entering upon a scrutiny of the matters complained of, which time shall be within six days after such election; and the Corporation 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 Corporation shall issue their precept for a new election as in other cases under this Act.

Scrutiny.

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 Corporation 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 Corporation 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 Board of Police of the Town of Saint Catharines.”

Punishment
of witnesses
refusing to at-
tend.

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 one of Her Majesty's Justices of the Peace for the District of Niagara, having been duly summoned to answer such complaint, be liable to be imprisoned on the commitment of such Justice, in the Common Gaol of the District, 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.

False swear-
ing.

XVII.

XVII. And be it enacted, That the said Corporation of Saint Catharines 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, graveling, flagging, paving, pitching, levelling, raising, repairing, mending, lighting, macadamizing and cleansing any of the streets, squares, alleys, lanes, 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 incumbering or injuring of the streets, squares, lanes, walks, side-walks, cross-walks, roads, highways, bridges, public wharves, docks and slips, with any wheelbarrows, carts, carriages, lumber, stone, merchandize or other materials whatsoever; to prevent the selling or vending by retail in the public highways, any meat, vegetable, fruit, 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 street 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 in 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, cart-men, 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, or mountebanks or jugglers usually practice 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 of 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 limits of the said Town; to regulate any 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

On what subjects the Corporation may make By-laws.

Roads and streets.

Cattle, &c. running at large.

Dogs.

Incumbering streets, &c.

Selling in the streets.

Sale of strong liquors.

Immoderate driving, &c.

Obstructions in the Harbor, &c.; fishing, bathing, &c.

Tippling.

Sabbath-breaking.

Exhibitions.

Cruelty to animals.

Gambling.

Theatres.

Certain callings.

Circusses, &c.

Fire-arms and fire-works.

Nuisances.

Taverns, &c.

Sales of certain articles, or by certain persons.

Assize of bread.

Vending of meat, &c.

Markets.

Regulations for preventing fires, &c.

For improving the Town, &c.

Supply of water at fires. Preventing depredations thereat.

Pulling down houses.

Watching. Appointing officers.

Pounds.

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 Corporation 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 Corporation 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 cleansing 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 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 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 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 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 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 Corporation, and to displace all or any of them as often as the said Corporation of the said Town shall think fit ; to establish and regulate one or more pounds ; to direct the returning

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 Corporation; 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 Niagara 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 one shilling in the pound upon the assessed value of property lying and being within the limits of the Town, according to the value as hereinafter provided; to require the road labor of the said Town to be commuted for money, and such money paid to the Treasurer of the said Corporation to be at the disposal of the said Corporation 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 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 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 Gaol of the said Niagara District for a period of not more than thirty days or less than one day; that such imprisonment shall be at the expense of the said Corporation: 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.

Bills of mortality.
Police.
Water.

Bonds and securities of officers, &c.

Penalties and fines.

Municipal elections.
Registration of votes.
Taxes.

Limitation of taxing power.

Commutation of statute labour.

General purposes.

Limitation of penalties.

Imprisonment.

Proviso.

Assessments may be imposed by the corporation for certain purposes.

XVIII. 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 building, for procuring Fire Engines, for the securing, raising, and paying any moneys that may be borrowed under the authority of this Act, and the interest of such moneys, and for all other purposes deemed expedient and necessary by the said Corporation for the welfare and improvement of the said Town,

Time from which the Assessments shall be reckoned to commence.

Town, it shall and may be lawful for the said Corporation 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 Saint Catharines, 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 five, 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.

On what chattels the rates shall be imposed.

XIX. 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 purpose of covering mares, or other horses of the age of three years or upwards; horned cattle; phaetons, carriages, gigs, waggons, sleighs, and other carriages kept for pleasure only, 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 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, or burying grounds.

Property of the Crown, Churches, &c., exempted.

Provisions as to vacant lots, houses, &c.

XX. And be it enacted, That except as respects vacant grounds or other property hereinafter specially mentioned and provided for, the value of all such houses, shops, warehouses, buildings, gardens, grounds, lands not laid out in town lots by the acre for agricultural purposes, lands, tenements, and parts and portions thereof, being separate tenements aforesaid, shall be rated according to the real or full value thereof, which said value shall be ascertained by the Assessor or Assessors for the Town, to be appointed as hereinafter provided.

Lots of ground of more than a certain extent.

XXI. And be it enacted, That any lot or parcel of ground whereon any house or other building to be valued as aforesaid is situate, and being held therewith as the same tenement, when such lot of ground is not above an acre in extent, and to the extent of an acre thereof, shall be assessed and valued with the house or building thereon, and the overplus (if any) above an acre shall be valued as a separate tenement, and vacant ground as hereinafter mentioned.

XXII. 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 two hundred pounds value; every other horse, mare, or gelding, above the age of three years, at ten pounds value; milch cows, and other horned cattle, above the age of two years, at five pounds value; every carriage with four wheels, drawn by two or more horses, kept for pleasure only, at thirty pounds value; every phaeton or other open carriage with four wheels, drawn by one horse, and kept for pleasure only, at twenty pounds value; every two horse sleigh kept for pleasure only, at twenty-five pounds of value; and every one horse sleigh kept for pleasure only, at fifteen pounds value.

Values at which certain chattel-property shall be assessed.

XXIII. And be it enacted, That it shall and may be lawful for the Corporation 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.

Corporation to appoint Assessors and Collectors.

XXIV. 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 Corporation 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 Corporation is hereby authorized to administer.

Assessors to be sworn.

XXV. 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 President or acting President of the said Corporation, in pursuance of any resolution of the said Corporation 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 so rated; and immediately after such assessment or valuation shall be completed, the Assessor or Assessors respectively, shall deposit with the Clerk of the Corporation of the said Town, or such other person as by the said Corporation 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

Duty of the Assessors. Valuation.

Notice of valuation.

Deposit of assessment rolls.

Correction of such rolls.

the

Trial of complaints against the rolls.

Proviso.
Complainant neglecting to appear.

And if property be rated too low.

the said notice shall have been given or left at his, or her, or their residence as aforesaid, to give notice in writing to the President or Acting President of the said Corporation of the overcharge complained of, and the same shall be tried by the said Corporation, at such times and meetings of the said Corporation 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 Corporation shall, by a majority of voices or votes, finally decide and determine upon such complaint, and affirm or amend the return of the Assessor accordingly : Provided always, that if the said complaining party shall neglect to appear at such meeting of the said Corporation, he or she having had reasonable notice thereof as aforesaid, the said Corporation 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 Corporation, that the value has in any case been given in or returned by the Assessor 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 Corporation, at which the said matter shall be heard, and the same shall be finally determined by the said Corporation in like manner as aforesaid, after hearing the said parties and their witnesses upon oath or affirmation as aforesaid ; and that the said Corporation shall have power to adjourn as they shall see fit.

Summoning of witnesses, administering oaths, &c.

Fine for non attendance, &c.

Imprisonment.

Proviso.

False swearing to be perjury.

XXVI. And be it enacted, That any member of the said Corporation 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 Corporation shall have full power and authority to issue a summons for each witness who shall be required to attend before the said Corporation : 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 Corporation, 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 Corporation, to commit such person to the Gaol of the Niagara 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.

Corporation to make a yearly rate.

XXVII. And be it enacted, That it shall and may be lawful for the said Corporation of the said Town at some convenient time after the return of the Assessment rolls

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 three pence in the pound.

Limitation of rate.

XXVIII. And be it enacted, That it shall and may be lawful for the said Corporation 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 person or 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 Corporation to compound for or receipt the whole of any such rate or rates.

Corporation empowered to grant relief from rates in certain cases.

XXIX. 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, 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 Corporation.

By whom the rates shall be paid.

XXX. 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 labour, 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.

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 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 Corporation 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

Warrant for levying rates in arrear for more than fourteen days.

Sale of prop-
erty seized.

Mode of col-
lecting the ca-
pitation tax.

Proviso.

Penalty for
falsely stating
amount of rent.

Sale of real
property for
arrears of rates.

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 Corporation 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; 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 President or acting President of the said Corporation, and on proof on 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 President or acting President, or any member of the said Corporation, to commit such person to the Common Gaol of the District of Niagara until such rate shall be paid: Provided always, that such imprisonment shall not exceed in any case thirty days.

XXXII. 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 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 breach of any of the By-laws, or regulations thereof.

XXXIII. 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 Corporation to issue a precept to the Sheriff of the Niagara 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

of the arrear 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 Niagara 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 addition of five per centum on the purchase money.

Proviso; redemption of seized property by owner.

XXXIV. 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 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 Corporation.

Corporation not to be dissolved by the failure of any Election.

XXXV. And be it enacted, That any rule or regulation of the said Corporation 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 and every year, one month previous to each general election for members to serve in the said Corporation, an account of all moneys received into the Treasury, and the amount expended, and for what purpose.

By-laws imposing penalties to be published.

And accounts yearly.

XXXVI. And be it enacted, That if any person shall transgress the 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 order, rule or regulation shall be specified with costs, to be recovered by information before the said Corporation, 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 Gaol of the Niagara 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 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 Saint Catharines: Provided always, that the information and complaint for any breach of any order or regulation of the said Corporation, shall be made within fifteen days next after the time of the offence committed.

Mode of enforcing payment of penalties imposed by By-Laws.

Inhabitants of Niagara may be witnesses.

Proviso.

Limitation of prosecutions.

XXXVII.

Application
of penalties.

XXXVII. 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.

XXXVIII. 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
the Corporation.

XXXIX. And be it enacted, That the said Corporation shall assemble at the 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 Corporation shall determine on the place of meetings of the said Corporation.

Place of meet-
ing.

Sheriff and
Gaoler to de-
tain persons
committed un-
der this Act.

XL. And be it enacted, That the Sheriff and Gaoler of the District of Niagara 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 Corporation, or any member thereof under the authority thereof.

Justices for
the District not
to have juris-
diction in the
Town except
in certain ca-
ses.

XLI. And be it enacted, That except in General or adjourned Quarter Sessions, the Justices of the Peace of the Niagara District, as such Justices, shall exercise no jurisdiction over offences committed within the Town of Saint Catharines; and that the members of the Board of Police 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 Board of Police 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 Board of Police, 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 Board of Police, 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.

Proviso: as
to Quarter Ses-
sions.

Appeal to
Quarter Ses-
sions.

Proviso: pro-
tection of
members of the
Corporation
when acting as
Magistrates.

Corporation
empowered to
raise money by

XLII. And be it enacted, That the Corporation of the said Town of Saint Catharines shall have full power and authority, and they are hereby authorized and empowered

empowered to raise by loan a sum of money, not exceeding the sum of two thousand pounds, for the purpose of erecting a good and sufficient building, of brick or 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 Corporation for that purpose, of such dimensions as to the said Corporation may seem expedient; and the said Corporation 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 Corporation, 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 Corporation 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 Corporation 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 said Corporation may seem expedient and prudent; and the said Corporation shall have full power and authority, and they are hereby authorized and empowered, to raise by loan any sum of money not exceeding the sum of one thousand pounds, for the purposes of improvements, as the said Corporation may deem expedient, and the said Corporation 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 Corporation may see fit.

loan for building a Market and Town-Hall.

Lot may be mortgaged as security for such loan, &c.

Corporation may create a sinking fund.

Corporation may raise a further loan for improvements.

XLIII. And be it enacted, That nothing in this Act contained shall deprive or be construed to deprive the qualified inhabitants of the Town of Saint Catharines of their right to be represented in the Municipal Council of the Niagara District.

Saving of the right of representation in the District Council of Niagara.

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Law Printer to the Queen's Most Excellent Majesty.



ANNO OCTAVO

VICTORIÆ REGINÆ.

CAP. LXIV.

An Act to provide for the collection of Arrears of Taxes in the District of Johnstown, and for other purposes.

[29th March, 1845.]

WHEREAS it appears from the petition of the Municipal Council of the District of Johnstown, that from the indefinite manner in which lands intended to be assessed are in many instances described on the Township Assessment Rolls of the Townships and part Townships now and lately constituting the said District, as well as from uncertainty of description in some cases of lands upon which the taxes have been paid or were intended to have been paid to the District Treasurer, and from other causes, doubts have arisen as to what lands in the said Townships and part Townships the taxes remain unpaid upon or unassessed upon the Township Assessment Rolls, and much difficulty is likely to arise on account thereof in collecting the taxes justly due on lands in the said Townships and part Townships: 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 the Treasurer of the District of Johnstown shall and he is hereby required to prepare as full and certain a list or lists as he may consider practicable from the books and papers in his office or to which he may have access, and such other satisfactory information as he may obtain, of each and every lot, part lot, piece and parcel of land within the limits of the several Townships and part Townships now constituting the District of Johnstown, and within the limits of the Townships and part Townships which, prior to the nineteenth

Preamble.

Treasurer of Johnstown District to prepare list of every lot or parcel of land in the said District, and in the Townships which formed part of the District before

19th March,
1842.

nineteenth day of March, in the year of our Lord one thousand eight hundred and forty-two, formed a part of the said District of Johnstown, but on that day became attached to the Bathurst and Dalhousie Districts respectively, upon which it may appear to him from such books, papers, and information that the taxes have not been fully paid or have not been fully assessed on the Township Assessment Rolls, and of the amount due upon the same respectively, according to the assessment laws of that part of the Province of Canada called Upper Canada, up to the thirty-first day of December inclusive, in the year of our Lord, one thousand eight hundred and forty-four, in the said Township and part Townships now constituting and forming the said District of Johnstown, and up to the nineteenth day of March, in the year of our Lord, one thousand eight hundred and forty-two, in the said Townships and part Townships which were on that day attached to the Bathurst and Dalhousie Districts, respectively, as aforesaid.

Such list to be submitted to auditors of Johnstown District for their approval, and shall be published in Canada Gazette and in a newspaper in the District, to be named by the Municipal Council.

II. And be it enacted, That the said list or lists shall be submitted to the Auditors of the said District of Johnstown for their examination and approval, and after the same shall have been examined and approved by them, the Treasurer of the said District of Johnstown shall cause a copy of the said list or lists to be published (together with a notice specifying the intent of such publication) six several times in the Canada Gazette, and also six several times in such newspaper published in the said District of Johnstown as may be named, by the Municipal Council of the said District for that purpose, and in case the owner or owners or person or persons interested, or some one on his or their behalf, shall not within six calendar months, to be reckoned from the day of the first publication of such list or lists in the said Canada Gazette, pay to the said Treasurer the taxes so appearing due upon each lot, part lot, piece or parcel of land, mentioned in the said list or lists, or produce to the said Treasurer a receipt or receipts for such taxes, or satisfy the Judge of the District Court, or Clerk of the Peace of the said District of Johnstown by personal or other proof that such taxes have been fully paid, either to the former Treasurer of the said District of Johnstown or through assessment on the Township Assessment Roll of the Township or part Township wherein the land is situate, such payment or assessment to be by such Judge or Clerk of the Peace certified in writing to the Treasurer of the said District, who on receipt of any such certificate, shall enter the same to the credit of such lot, part of lot, piece or parcel of land, then the lot, part lot, piece or parcel of land upon which such taxes shall by the said list or lists so appear to be due, shall be held charged with the payment thereof or of so much thereof as during the said six calendar months shall not have been paid or satisfied, or proved paid or satisfied by such receipt or receipts, or made appear to the satisfaction of the said Judge or Clerk of the Peace of the District of Johnstown to have been paid or assessed as aforesaid, and thereafter the collection of the taxes so remaining due shall and may be enforced in the same manner

manner and by the same proceeding or proceedings and person or persons, and subject to the same terms of redemption after sale, as the collection of the like taxes upon lands under the assessment laws in force in Upper Canada may now or hereafter be enforced; and that so far as relates to the taxes specified in such list or lists and charged as aforesaid, and the collection or satisfaction thereof the said Townships and part Townships lately constituting a part of the said District of Johnstown, but now forming a part of the Bathurst and Dalhousie Districts respectively, as aforesaid, shall be considered and taken to be part of the said District of Johnstown.

III. And be it enacted, That at any time after the expiration of the said six calendar months, and before a sale actually takes place for any taxes appearing due by the said list or lists and charged as aforesaid, it shall and may nevertheless be lawful for the said Judge or Clerk of the Peace to certify any payment or assessment made on account of the taxes so charged, and the person in whose favor such certificate has been granted shall, upon the production of such certificate to the Sheriff (if the lot, part lot, piece or parcel of land to which the same relates has been advertised for sale on account of such taxes), and payment of the rateable proportion of the lawful expenses incurred by the said Sheriff, receive credit from the said Sheriff for such certificate out of the amount of taxes so appearing due and charged as aforesaid; and the said Sheriff in making his return to the Treasurer of the said District, shall deliver such certificate to the said Treasurer, who shall enter the same in his books to the credit of the taxes charged as aforesaid on such lot, part lot, piece or parcel of land to which such certificate relates; and until any lot, part lot, piece or parcel of land charged with taxes through the said list or lists as aforesaid shall have been advertised for sale for such taxes by the said Sheriff, it shall and may be lawful for the said Judge or Clerk of the Peace to grant the like certificate of any payment or assessment for taxes as aforesaid, and for the Treasurer of the said District to credit the same when produced to him on account of the taxes due on such lot, part lot, piece or parcel of land.

Part payment
of taxes due.

IV. And be it enacted, That for the purposes of this Act the said Judge or Clerk of the Peace of the District of Johnstown shall be and he is hereby authorized to administer such oaths as he may consider necessary for the ascertainment of any taxes due or paid upon any lot, part lot, piece or parcel of land to the owner or owners thereof, or any other person coming before him; and any person wilfully swearing falsely in the premises shall be deemed guilty of wilful and corrupt perjury, and shall be liable to indictment and punishment as in other cases of wilful and corrupt perjury under the laws of this Province.

Judge may ad-
minister such
oaths as he
may think ne-
cessary for the
purposes of this
Act.

Expenses attending making list, how paid.

V. And be it enacted, That the expenses attending the preparation and publication of such list or lists shall be paid out of any unexpended monies which shall be in the hands of the Treasurer of the said District of Johnstown applicable to Common District purposes.

The portion of taxes applicable to roads and Bridges in said townships, to be transmitted to Treasurers thereof.

VI. And be it enacted, That so much of the net amount of the said taxes as are applicable to roads and bridges in the said Townships and part Townships lately constituting part of the said District of Johnstown, but on the said nineteenth day of March in the year of our Lord, one thousand eight hundred and forty-two, attached to the said Districts of Bathurst and Dalhousie, respectively, shall, by the Treasurer of the said District of Johnstown, after the same shall have been paid to him, be transmitted to the Treasurers of the Bathurst and Dalhousie Districts, respectively, in the proportion due to the said Townships and part Townships in each District, and the same shall be expended in the respective Townships or part Townships to which the same shall belong, in the same manner as other Township road and bridge monies belonging to such Townships or part Townships.

Surveyor-General shall make out lists of lots and parcels of land in the Townships mentioned in this section.

VII. And be it enacted, That for the purpose of enabling the taxes to be ascertained and collected on the lands in the said Townships and part Townships attached to the Bathurst and Dalhousie Districts, respectively, that is to say, in the Townships of Marlborough and North Gower, now in the Dalhousie District, and so much of the Townships of Elmsley and Burgess as are now, together with the Township of Montague in the Bathurst District, the Surveyor General of the Province of Canada, or officer of the Government to whom the duties of Surveyor-General appertain, shall make out and certify as soon as practicable true lists of the several lots, part lots, pieces and parcels of land in the said Townships and part Townships respectively mentioned in this section, specifying the several lots, part lots, pieces and parcels of land, and the number of acres in each, and designating the several lots, part lots, pieces and parcels of land which have heretofore been described for Government patents or deeds and to whom so described, specifying the number of acres, and whether described before the said nineteenth day of March, in the year of our Lord, one thousand eight hundred and forty-two, and if since that date the time when so described, and shall annually transmit similar lists of the lands so described in accordance with the assessment laws in Upper Canada.

Taxes of Townships mentioned in last section to be charged for each lot or parcel of land specified in the said lists.

VIII. And be it enacted, That the taxes in the Townships and part Townships mentioned in the section last aforesaid shall be charged, and accounts thereof kept by the Treasurers of the Dalhousie and Bathurst Districts, respectively, agreeably to the assessment laws of Upper-Canada, for each lot, part lot, piece and parcel of land specified or to be specified in the said list or lists, as being described for Government patents or deeds as aforesaid, and such taxes shall be collected in the same

same manner as is provided in other cases by the said assessment laws of Upper Canada : Provided however, that the taxes in the Townships and part Townships last aforesaid shall only be charged in the Dalhousie and Bathurst Districts, respectively, from the said nineteenth day of March in the year of our Lord, one thousand eight hundred and forty-two, upon the lands described for Government patents or deeds prior to that date, and upon lands described for Government patents or deeds since that date, from the day of being so described only.

Proviso.

IX. And be it enacted, That the Surveyor-General of the Province, or person discharging the duties now or formerly performed by him, shall prepare or cause to be prepared a map or maps designating the waters of the Rideau as the same pass through the Townships of Burgess and Elmsley, and upon which the line dividing such Townships between the Bathurst and Johnstown Districts respectively shall be marked, together with the lots, part lots, pieces and parcels of land adjoining such line, and the number of acres of land not covered with water on each side of the said line belonging to each lot, part lot, piece or parcel of land through which the said line passes, and whether described or not for Government patents or deeds, designating the parts so described by the letter D, and shall transmit a copy of the said map or maps certified to be correct to the Treasurer of the Johnstown District, and another copy thereof so certified to the Treasurer of the Bathurst District, to be by the said Treasurers respectively filed and kept among the papers of their respective offices for their guidance in ascertaining and keeping the accounts of taxes on the lands adjoining such division line in the said Townships of Burgess and Elmsley, respectively.

Surveyor-General to prepare map designating Rideau as it passes through Burgess and Elmsley, with other descriptions mentioned in this section.

X. And whereas in the schedules or lists heretofore transmitted to the Treasurer of the District of Johnstown many lots or part lots are coupled or joined together as described for Government patents or deeds, and the quantity of land in the whole given together, and in consequence thereof in many cases the Treasurer of the said District is unable to ascertain the quantity of land in each lot separately so as to charge the same with its proportion of the taxes ; For remedy thereof, Be it enacted, That upon application of the Treasurer of the said District of Johnstown for information as to the quantity of land in any lot, number of lots, or part lot, the Surveyor General, or person discharging the duties heretofore appertaining to such officer, shall prepare and transmit, or cause to be prepared and transmitted to the said Treasurer certified lists or schedules shewing the quantity in each lot or part lot respecting which such information is desired, and upon receipt of the same, or any subsequent certified lists or schedules, the said Treasurer shall, in his account of taxes, be guided thereby.

Upon information being required as to quantity of land in any lot, &c., Surveyor-General to prepare certified lists and schedules thereof.

Assessment
year in said
Districts.

XI. And be it enacted, That from and after the commencement of the present year, the tax or assessment year in the said Johnstown, Bathurst, and Dalhousie Districts, respectively, shall commence with the first day and end with the last day of each calendar year.

In what man-
ner taxes to be
paid in certain
cases.

XII. And be it enacted, That whenever any taxes are hereafter paid to any of the Treasurers of the said Johnstown, Bathurst, and Dalhousie Districts, respectively, upon any lot, part lot, piece or parcel of land, the whole taxes due to the end of the year next before the time of payment, or if paid on the last day of the year, then to the day of payment, inclusive, shall be fully paid and satisfied for such lot, part lot, piece or parcel of land.

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ANNO OCTAVO
VICTORIÆ REGINÆ.

CAP. LXV.

An Act to authorize the Assessment and Collection of Taxes in the Township of Gloucester, for the year one thousand eight hundred and forty-four.

[29th March, 1845.]

WHEREAS the Municipal Council of the District of Dalhousie have set forth by their Petition, that the Taxes for the Township of Gloucester, in the said District, for the year one thousand eight hundred and forty-four, have not been collected, in consequence of improper conduct of the officer appointed to perform that duty; and whereas doubts exist as to the power of enforcing the payment of such taxes 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, 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 Assessor and Collector appointed for the said Township for the year one thousand eight hundred and forty-five, to assess and collect such rates and assessments as were lawfully due for the year one thousand eight hundred and forty-four.

Preamble.

Rates due for 1844 may be collected by assessor for 1845.

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ANNO OCTAVO
VICTORIÆ REGINÆ.

CAP. LXVI.

An Act to provide more effectually for the construction of Aprons to Mill-dams or Streams, in the District of Huron.

[29th March, 1845.]

WHEREAS divers owners of Mill-dams in the District of Huron, have not complied with the provisions of the Act of the Legislature of Upper Canada, passed in the ninth year of the Reign of His late Majesty, King George the Fourth, and intituled, *An Act to provide for the Construction of Aprons to Mill Dams over certain Streams in this Province*, and it is expedient to make more effectual provision for facilitating the passing of rafts, and the ascent of fish on the streams on which dams are erected in the said District: 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 owner or occupier of every Dam or Weir erected on any river or stream in the District of Huron in Upper Canada, who shall not before the passing of this Act have complied with the requirements of the Act herein first above cited, shall, on or before the first day of June next after the passing of this Act, if the Dam or Weir was erected before the passing hereof, and at the time of constructing such Dam or Weir if it be erected after the passing hereof, construct a good and sufficient Apron to such Dam or Weir, at least twenty eight feet wide, (if the Dam or Weir be of greater width, and if not, then of the same width as the Dam or Weir) and at least eight feet in length for every foot rise of such Dam or Weir, under a penalty of five shillings currency, for each day during which the

Preamble.

Act of U. C.
9 Geo. IV. c. 4,
cited.

Owners or occupiers of Dams or Weirs, not having complied with the said Act, to construct Aprons of certain dimensions before 1st June, 1845.

Penalty.

How to be
recovered and
applied.

the requirements of this Act shall remain uncomplished with; and such penalty shall be recoverable before any two Justices of the Peace for the District in which the offence shall be committed, on the oath of one credible witness; and if not paid, may be levied by distress and sale of the goods and chattels of the offender, by warrant under the hand and seal of such Justices or either of them; and one moiety of such penalty shall belong to Her Majesty for the public uses of the Province, and the other moiety to the prosecutor.

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



ANNO OCTAVO
VICTORIÆ REGINÆ.

CAP. LXVII.

An Act to render permanent two certain Acts therein mentioned incorporating the Boards of Trade of Montreal and Quebec.

[29th March, 1845.]

WHEREAS it is expedient to render permanent the respective Boards of Trade established in the Cities of Montreal and Quebec, and now incorporated 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 the twenty-sixth clause of an Act of the Parliament of this Province, passed in the fourth and fifth years of Her Majesty's Reign, intituled, *An Act to incorporate the Montreal Board of Trade*, and the twenty-third clause of a certain Act of the said Parliament, passed in the same year, intituled, *An Act to incorporate the Quebec Board of Trade*, be, and the same are hereby repealed.

Preamble.

Clauses rendering said Acts temporary repealed.

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Law Printer to the Queen's Most Excellent Majesty.



ANNO OCTAVO
VICTORIÆ REGINÆ.

CAP. LXVIII.

An Act to provide for the distribution of the Printed Copies of the
Laws.

[29th March, 1845.]

WHEREAS it is doubtful how far the Laws of Upper or Lower Canada res-
pectively, concerning the custody and distribution of the Printed Acts of the
Legislature of those Provinces, may be applicable to the Printed Acts of the Legisla-
ture of Canada, and it is expedient to make better provision for the distribution of
the Printed Acts of the Legislature, and for that purpose to repeal the Acts or
Laws which may be now in force with regard to such distribution: Be it therefore
enacted by the Queen's Most Excellent Majesty, by and with the advice and con-
sent 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 saune,
That the Act of the Legislature of the late Province of Lower Canada, passed in
the second year of the Reign of His late Majesty King William the Fourth, and
intituled, *An Act to repeal a certain Act therein mentioned, and to provide for the
more certain and expeditious distribution of the Printed Acts of the Legislature of this
Province*; and the third section of the Act of the said Legislature, passed in the
thirty-fourth year of the Reign of His Majesty King George the Third, and intituled,
*An Act to provide for the publication of certain Laws, and for the printing and dis-
tributing to certain persons, for the purpose of public information, all Laws that have
been or shall be passed in the Legislature of this Province, under the present Constitu-
tion*; and the second section of the Act of the said Legislature, passed in the forty-
third year of the Reign last aforesaid, and intituled, *An Act for the more ample
publication*

Preamble.

Act of L. C.
2 Will. 4. cap.
33.

Sect. 3 of Act
of L. C. 34
Geo. 3. cap. 1.

Sect. 2 of Act
of L. C. 43
Geo. 3. cap. 4.

5-ct. 3 of Act
of U. C. 41
Geo. 3. cap. 5.

The said Acts
and parts of
Acts repealed.

Proviso.

Certified co-
pies of Acts.

The Queen's
Printer shall
distribute the
Laws printed
by him in the
most economi-
cal manner.

To whom
such Laws
shall be distri-
buted.

Proviso, as to
Bills sanction-
ed before the
close of any
session.

Secretary to
furnish the
Queen's Prin-
ter with pro-
per lists and

publication of certain Acts of the Provincial Parliament ; and the third section of the Act of the Legislature of the late Province of Upper Canada, passed in the forty-fourth year of the Reign last aforesaid, and intituled, An Act to promulgate the Provincial Statutes, and also to repeal so much of an Act passed in the forty-first year of the Reign of His present Majesty, as relates to Printing the Journals, and so much of any other Act or Law in force in this Province, as may relate to the custody or distribution of the Printed Acts of the Legislature, or to the Administrative Bodies, Officers, or persons who are to receive copies thereof at the expense of the Province, shall be, and the said Acts or provisions of Law are hereby repealed : Provided always, that the repeal thereof shall not revive any Act or provision thereby repealed.

II. And be it enacted, That it shall be the duty of the Clerk of the Legislative Council to furnish Her Majesty's Printer with a certified copy of each and every Act of the Provincial Parliament, so soon as the same shall have received the Royal assent, or if the Bill shall have been reserved, so soon as the Royal assent thereto shall have been proclaimed in this Province.

III. And be it enacted, That Her Majesty's Printer, from time to time hereafter, shall, immediately after the close of each Session of the Provincial Parliament, or so soon after as may be practicable, deliver or transmit by Post, or otherwise, in the most economical mode, the proper number of printed copies of the Acts of the Legislature of the said Province in the English language or French language, or both languages, to be printed by him at the public expense, to the parties hereinafter mentioned, that is to say : To the Members of the two Houses of the Legislature respectively, such numbers of copies each, as may from time to time be directed by any joint Resolution of the said Houses, or in default of such Resolution, in such numbers as shall be directed by any Order of the Governor in Council,—to such Public Departments, Administrative Bodies and Officers, throughout the Province, as may be specified in any Order to be for that purpose made from time to time by the Governor in Council : Provided, nevertheless, in case any Bill or Bills shall receive the Royal assent during and before the termination of any Session of the Provincial Parliament, Her Majesty's Printer shall, on intimation to that effect from the Secretary of the Province, cause distribution to be made of such number of copies thereof, to the same parties, and in like manner as is hereinbefore provided, in regard to the Act or Acts of any Session of the Provincial Parliament ; any thing hereinbefore contained to the contrary notwithstanding.

IV. And be it enacted, That the Secretary of the said Province shall, within fifteen days after the close of each Session of the Provincial Parliament, transmit to Her Majesty's Printer a list of all the Public Departments, Administrative Bodies and

and Officers to whom such copies are to be transmitted as aforesaid, and shall also, from time to time, as occasion may require, furnish him with copies of all Orders in Council made, under the provisions of this Act.

copies of Orders in Council.

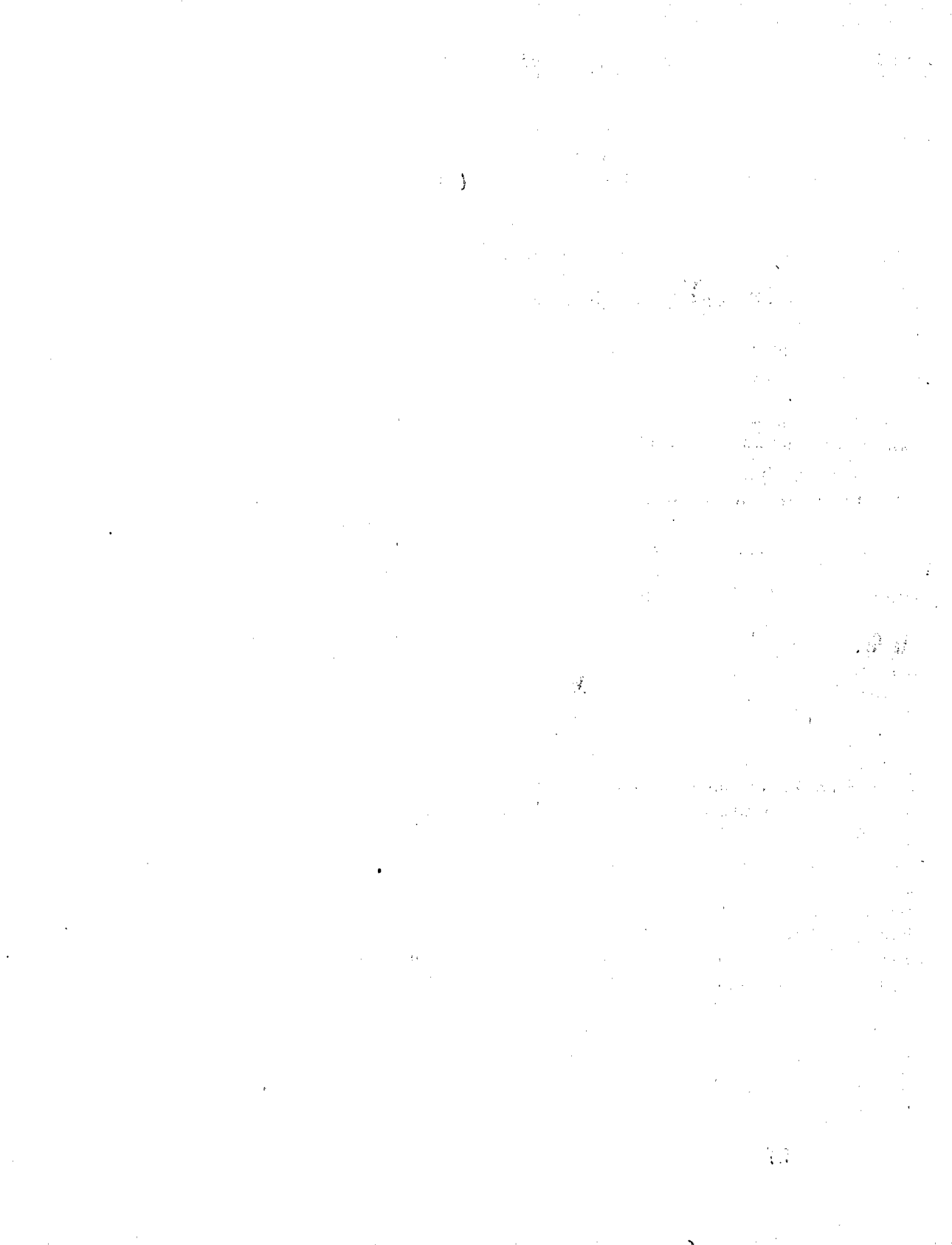
V. And be it enacted, That if after the distribution of the said Printed Acts as aforesaid, any copies shall remain in the hands of Her Majesty's Printer, it shall be lawful for him to deliver any number thereof to any person or persons to whom he may be authorized to deliver the same by order of the Governor, on notice thereof by the Secretary of the Province, or to the Members of the Legislative Council or of the Legislative Assembly, on the order of the Speaker of the said Houses respectively.

Distribution of copies remaining on hand provided, for.

VI. And be it enacted, That Her Majesty's Printer shall, before the opening of each Session of the Provincial Parliament, make a Report in Triplicate to the Governor of the said Province, (to be by him laid before each of the other Branches of the Legislature within fifteen days after the opening of such Session,) shewing the number of copies of the Acts of each Session which have been printed and distributed by him since the then last Session and the Departments, Administrative Bodies, Officers, and persons to whom the same have been distributed, the number of copies delivered to each, and under what authority, and the numbers of copies of the Acts of each Session then remaining in his hands, and containing also a detailed account of the expenses by him actually incurred in carrying this Act into effect, to the end that provision may be made for defraying the same, after such account shall have been duly audited and allowed.

Queen's Printer to report to the Governor the number of copies issued by him and to whom.

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





ANNO OCTAVO
VICTORIÆ REGINÆ.

CAP. LXIX.

An Act to make provision for defraying certain expenses of the Civil Government of this Province, for the year one thousand eight hundred and forty-five.

[29th March, 1845.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it appears by Message from His Excellency the Right Honorable Charles Theophilus, Baron Metcalfe, of Fernhill, in the County of Berks, Knight Grand Cross of the Most Honorable Order of the Bath, one of Her Majesty's Most Honorable Privy Council, and Governor General of this Province, bearing date the fourteenth day of March, one thousand eight hundred and forty-five, that the sum hereinafter mentioned will be required to defray certain expenses of the Civil Government for the year one thousand eight hundred and forty-five, for which no provision is 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 two hundred and thirty-two thousand nine hundred and twenty-five pounds, fourteen shillings and eight pence currency, to defray certain expenses of the Civil Government of this Province not otherwise provided for by law, for the year ending on the thirty-first day of December, in the year of Our Lord, one thousand eight hundred and forty-five.

Preamble.
Message of
14th March,
1845, recited.

A Certain sum
appropriated
to defray cer-
tain expenses
of the Civil
Government
for 1845.

Accounting
clause.

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

Detailed ac-
counts to be
laid before the
Legislative
Assembly.

III. And be it enacted, That a detailed account of the monies expended under the authority of this Act shall be laid before the Legislative Assembly of this Province during the first fifteen days of the Session of the Provincial Parliament next after such expenditure.

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



ANNO OCTAVO

VICTORIÆ REGINÆ.

CAP. LXX.

An Act to authorize certain sums of Money therein mentioned advanced and applied towards defraying certain necessary and indispensable expenses of the Government for the years one thousand eight hundred and forty-three, and one thousand eight hundred and forty-four, not otherwise provided for, to be charged upon the Consolidated Revenue Fund of the Province.

[29th March, 1845.]

MOST GRACIOUS SOVEREIGN,

WHEREAS by an Act passed in the sixth year of Your Majesty's Reign, chapter nine, intituled, *An Act to grant certain sums to Her Majesty, for defraying certain indispensable expenses of the Civil Government, during the periods therein mentioned*, the sum of twenty-seven thousand, seven hundred and seventy-seven pounds, fifteen shillings and six pence currency, was placed at the disposition of Your Majesty for defraying the necessary and indispensable expenses of the Civil Government from the first day of January, one thousand eight hundred and forty-three, to the thirty-first of March of the same year, liable to be accounted for at the next Session of the Provincial Parliament after the expenditure thereof; And whereas, also pursuant to an address from Your Majesty's most dutiful and loyal subjects the Commons of this Province in Provincial Parliament assembled, bearing date the fourth day of December, one thousand eight hundred and forty-three, to Your Majesty's Governor General of the Province, the further sums of fifty-seven thousand six hundred and eighty pounds, fourteen shillings and eleven pence currency, and one thousand four hundred and seven pounds, seventeen shillings and nine pence sterling, (equal to one thousand five hundred and sixty-four pounds, six shillings and four pence currency,) the said sums

Preamble.

£27,777. 15s. 6d.

£57,630. 14s. 11d.

£1,564. 6s. 4d.

sums

Total £87,022.
16s 9d unap-
propriated sup-
plies of former
years, now
placed at the
disposal of the
Provincial
Parliament,
after deducting
certain sums.

sums amounting together to eighty-seven thousand and twenty-two pounds, sixteen shillings and nine pence currency, were placed at the disposition of Your Majesty's Government, to enable Your Majesty to defray the necessary and indispensable expenses of the Government of the Province for the said year one thousand eight hundred and forty-three, not otherwise provided for, and to be accounted for in detail at the ensuing Session; And whereas an account in detail has been rendered in both Houses of the Provincial Parliament in the present Session of the due application to the aforesaid purposes of the sum of seventy-eight thousand five hundred and twenty-six pounds, eighteen shillings and seven pence currency, out of the aforesaid amount in part appropriated by the said Act, and partly advanced pursuant to the aforesaid address, and which said last mentioned sum, it is expedient to make chargeable, and authorize to be charged upon the Consolidated Revenue Fund of the Province: Now therefore, we, Your Majesty's most dutiful and loyal subjects, the Commons of Canada in Provincial Parliament assembled, 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 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 sum of seventy-eight thousand five hundred and twenty six pounds, eighteen shillings and seven pence currency, and no more, so as aforesaid advanced by way of supply to Her Majesty towards defraying the necessary and indispensable expenses of the Government of the Province, for the year one thousand eight hundred and forty-three, not otherwise provided for and of which an account as aforesaid has been rendered, shall be and the same hereby is made chargeable, and may accordingly be charged, upon any unappropriated moneys appertaining to the Consolidated Revenue Fund of the Province that heretofore may have been or that shall hereafter come into the hands of the Receiver General of the Province, and that the difference between the said sum so expended, applied and accounted for, and the said sum so placed partly by the aforesaid Act, and partly by the aforesaid address, at the disposition of Her Majesty's Government in this Province, for the purposes aforesaid, shall be and remain at the future disposition of the Provincial Parliament for the public uses of the Province, as part of the unappropriated Consolidated Revenue Fund thereof.

Divers sums
expended on
responsibility
of Provincial
Government
now charged

II. And whereas also divers sums have been advanced from the unappropriated moneys in the hands of the Receiver General of the Province, applied and paid on the responsibility of Her Majesty's Executive Government in this Province during the year one thousand eight hundred and forty-four, towards in part defraying the

the necessary and indispensable expenses of the Government of the Province for the said year not otherwise provided for, and of which sums, an account also has been rendered during the present Session, and been recognized and admitted, to the amount of thirty seven thousand five hundred and seventeen pounds, eighteen shillings currency, and of which amount the sum of twenty-one thousand eight hundred and sixty-four pounds, twelve shillings and seven pence currency, voted to meet the necessary and indispensable expenses of the Government of the Province from the first day of January to the thirty-first day of March, one thousand eight hundred and forty-four, and included in the aforesaid address to the Governor-General of the fourth December, one thousand eight hundred and forty-three, makes part, and which said amount of thirty-seven thousand five hundred and seventeen pounds and eighteen shillings, it is in like manner expedient to make chargeable, and authorize to be, as aforesaid, charged upon the Consolidated Revenue Fund of the Province : Be it therefore enacted, That the said sum of thirty-seven thousand five hundred and seventeen pounds, and eighteen shillings currency, advanced, applied and paid as aforesaid from the unappropriated moneys in the hands of the Receiver General, during the year one thousand eight hundred and forty-four, towards defraying in part the ordinary necessary and indispensable expenses of the Government of this Province for the said year not otherwise provided for, is hereby made chargeable and shall accordingly in like manner be charged upon any unappropriated moneys appertaining to the Consolidated Revenue of the Province that may have been or that hereafter shall come into the hands of the Receiver General aforesaid.

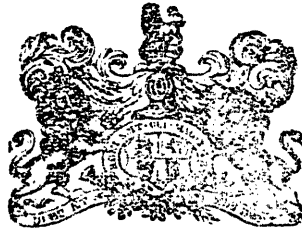
on Consolida-
ted Revenue.

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

Accounting
clause.

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Law Printer to the Queen's Most Excellent Majesty.





ANNO OCTAVO
VICTORIÆ REGINÆ.

CAP. LXXI.

An Act to authorize the charge of a certain sum of money therein mentioned, advanced from the Treasury of the Province by the Executive Government thereof, without the authority of the Provincial Parliament, for defraying, during a period therein specified, certain necessary and indispensable expenses of the Civil Government of the Province and Public Works therein, upon the Consolidated Revenue Fund thereof and of indemnity therefor to all concerned.

[29th March, 1845.]

MOST GRACIOUS SOVEREIGN,

WHEREAS divers large sums of the public monies have been advanced by Your Majesty's Executive Government of this Province from the Treasury thereof, during the year one thousand eight hundred and forty-one, and at different times since, to the year one thousand eight hundred and forty-three inclusively, towards Your Majesty's service in this Province and for various Public Works therein, without the authority of the Provincial Parliament, amounting as appears by the Public Accounts laid before the same during the present and two preceding Sessions, in all to forty-three thousand two hundred and seven pounds, sixteen shillings and five pence currency, and for which an appropriation by Law is required by Your Majesty's Executive Government aforesaid; And whereas these advances are on examination found to have been duly applied to and expended in certain necessary and indispensable expenses of Your Majesty's Civil Government and Public Works in this Province, and it therefore is proper and expedient that an Act of Appropriation authorizing the amount so expended to be charged against the Consolidated Revenue Fund of the Province, and of indemnity to all persons concerned in the

Preamble.

£43,207. 16s.
5d.

advising,

advising, advancing and expenditure of the aforesaid monies without the authority of an Act of the Provincial Parliament, be passed: 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 the said sum of forty three thousand two hundred and seven pounds, sixteen shillings and five pence currency, advanced from the Treasury without the authority of the Provincial Parliament during and since the year one thousand eight hundred and forty-one to the year one thousand eight hundred and forty-three inclusively, and applied and expended by the Executive Government of this Province for the several purposes and at the periods mentioned in the Schedules, as taken from the Public Accounts laid before both Houses of the Provincial Parliament, appended to this Act, for the various necessary and indispensable expenses therein specified of Her Majesty's Civil Government in the Province and Public Works therein, shall be and the same hereby is made chargeable, and shall accordingly be charged upon any unappropriated monies appertaining to the Consolidated Revenue Fund of the Province, that may have been, or that now may be, or hereafter shall come into the hands of the Receiver General thereof, and that all and every person and persons in any wise concerned in the advising, advancing and expenditure of the aforesaid money or monies for the purposes aforesaid, shall be and they hereby are respectively, for ever hereafter, discharged and exonerated from all liability therefor, with respect to the same.

Said sum
charged on
Consolidated
Revenue.

Indemnity.

Accounting
clause.

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

SCHEDULE No. 1.

B. No. 18.

STATEMENT of Warrants issued on the Receiver General of the Province of Canada, in payment of certain indispensable expenses of the Civil Government for the years one thousand eight hundred and forty and one thousand eight hundred and forty-one, for which an appropriation is required.

NAMES.	SERVICE.	Amount Sterling.
		£ s. d.
S. B. Harrison,.....	Salary as late Private Secretary to the Lieutenant-Governor of the late Province of Upper Canada, from the 1st January, to the 9th February, 1841, at £187 4s. per annum.....	20 10 3
Do.	Repairs and Contingent expenses of the Government House at Toronto, to the 31st December, 1840.....	33 19 4
R. A. Tucker,.....	Contingent expenses as Registrar of the late Province of Upper Canada, from the 17th October, to the 31st December, 1840.....	1 10 1
William H. Lec,.....	Salary as acting Clerk of the Executive Council of do., from the 1st January, to the 9th February, 1841, at £50 per annum.....	5 9 7
Richard Bullock,....	Balance of the contingencies of his office of Adjutant General of Militia, in the year ended 31st December, 1840.....	3 0 7
William M. Steers,..	Salary as Clerk in the office of do., from the 10th February, to the 31st December, 1841, at £153.....	135 4 8
Sir A. N. MacNab,..	Amount of his account as Queen's Counsel at the Assizes for the Western, London and Niagara Districts in the year 1839.....£25 4s.	
J. S. Cartwright,....	Amount of his do. as do. at the Autumn Assizes, for the year 1840, at the Johnstown District.....£21 3 0	46 7 0
Robert Stanton,....	Balance of his contingent account for printing done for the Government to 31st December, 1841.....	652 18 1
C. C. Small,.....	Contingent expenses of the East-wing of the Public Buildings at Toronto, from the 16th May, to the 31st December, 1841.....	105 19 9
R. S. Jameson,.....	On account of the expenses of the Temporary Lunatic Asylum at Toronto.....	450 0 0
Fisher and Kemble,..	Balance of their account for printing the Ordinances of the late Special Council.....	583 9 5
James Fitzgibbon, ...	On account of the contingencies of the Legislative Council. £2,414 2 10	
Do.	To enable him to pay sundry persons employed in copying the Acts of the late Session of the Provincial Parliament to be transmitted to the Secretary of State..... 143 8 9	2557 11 7
W. B. Lindsay,.....	On account of the contingencies of the House of Assembly.....	9957 6 0
Joseph Bouchette,....	Being to enable him to pay for the extra assistance in the Surveyor General's office, rendered by himself and others from the 1st October, 1840, to the 31st March, 1841.....	256 18 9
	Total Sterling.....£	14811 5 1
	Currency.....£	16456 19 0

INSPECTOR GENERAL'S OFFICE,
Kingston, 23rd September, 1843.

SCHEDULE

SCHEDULE No. 2.

D.

STATEMENT of Warrants issued on the Receiver General of the Province of Canada, on account of the undermentioned services, during the year 1842, for which an appropriation is required.

NAMES.	SERVICE.	Amount.			Total Sterling.			
		£	s.	d.	£	s.	d.	
Robert Murray,	Deputy Superintendent of Education for salary of a temporary clerk from the 14th June, to the 30th September, 1842, at £157 10s. per annum. . . . .	..	..	..	47	0	8
R. S. Jameson,	For contingencies as Superintendent of Education, to 26th January, 1843. . . . .	..	..	..	142	1	1
A. W. Cochrane,	Commissioner of Gaspé Enquiry.	90	0	0				
Do.	Do. balance of contingencies.	11	5	2				
Do.	Do. remuneration.	112	10	0				
P. B. Dumoulin.	Commissioner, remuneration.	112	10	0				
					326	5	2	
J. E. Turcotte,	Translation of the Acts of last Session.				90	0	0	
T. A. Begley,	To pay Indentation Commission expenses.				71	2	0	
Major F. Richardson,	Encouragement to work on the War of 1812.				225	0	0	
J. Cremazie,	Do. to work on Criminal Law.				225	0	0	
					1126	8	10	
					Equal in currency to. £	1251	12	0½

INSPECTOR GENERAL'S OFFICE, KINGSTON, 1843.

SCHEDULE No. 3.

STATEMENT of Amount expended by the Board of Works in the Province of Canada, without the authority of Parliament, and for which an appropriation is required.

NAME OF WORKS.				Currency.			
				£	s.	d.	
Toronto and Sanguine Road.	Expended in 1842.			436	8	6	
Tecumseh Road.	do. 1841.	300	0	0			
Do. do.	do. 1842.	707	3	3			
				1007	3	3	
Paris Bridge.	do. 1841.	75	0	0			
Do.	do. 1842.	238	16	9			
				313	16	9	
River Deslisle Bridge.	do. 1841.	113	8	1			
Gananoque Bridge.	do. 1842.	997	19	7			
Bayonne Bridge.	do. do.	986	15	2			
Rouge Hill Road.	do. do.	97	0	10			
Presque Isle Light House.	do. do.	24	7	7			
Gull Island Light House.	do. do.	522	19	4			
Queenston and Grimsby Road.	do. do.	2613	16	0			
Chambly Canal.	do. do.	7812	2	6			
Cape Rouge Bridge.	do. do.	17	19	8			
	Total expended for Public Works, during the years 1841-2 and unprovided for.			£	14943	17	3

INSPECTOR GENERAL'S OFFICE, KINGSTON, 1843.

SCHEDULE

SCHEDULE, No. 4.

STATEMENT of Amount expended by the Board of Works in the Province of Canada, between the 1st of January, 1843, and the 31st January, 1844, without the authority of Parliament, and for which an appropriation is required.

	£	s.	d.
Chambly Canal	6355	1	5
Chaudière Bridge.....	717	2	4
Bayonne Bridge.....	150	0	0
Saint Anne's Rapids.....	3333	4	5
Currency	£10555	8	2

INSPECTOR GENERAL'S OFFICE,
Montreal, 1844.

SUMMARY.

No. 1. Statement, B. No. 18.	£16,456	19	0
Do. No. 2.	1251	12	0½
No. 3.	14,943	17	3
No. 4.	10,555	8	2
Currency.....	£43,207	16	5¼

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Law Printer to the Queen's Most Excellent Majesty.



ANNO OCTAVO

VICTORIÆ REGINÆ.

CAP. LXXII.

An Act to provide 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.

[29th March, 1845.]

WHEREAS it is necessary to provide means for paying the sums to be awarded by the Commissioners who may be appointed under the authority of the 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*, to the Claimants under the said Act, 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:"* 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 it shall 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 shall be awarded under the provisions of the Acts above mentioned, and for the sums awarded to them respectively; and such Debentures shall be issued in such form, and signed and attested by such officers and in such manner as the Governor in Council shall appoint, and shall bear

Preamble.

Act of U. C.
3 Vict. cap.
76, cited.

Act of Canada
4 & 5 Vict.
cap. 39, cited.

Governor in
Council may
issue Debentures to a certain amount to the claimants under the said Acts.

bear interest, to be paid half yearly, from the date thereof, and shall be payable, as shall also such interest, out of the Fund hereinafter provided for that purpose, and no other, and shall respectively be made payable at such periods as the Governor in Council shall deem most for the public advantage, or at any time previous to such periods upon such notice as shall be expressed in the said Debentures respectively, after which, or after the period fixed for the payment thereof if such notice be not given, no interest shall accrue thereon: Provided always, that no such Debenture shall issue until the total amount of the sums awarded to the said Claimants shall be ascertained, and if such total amount shall exceed the said sum of forty thousand pounds, then the said sum shall be apportioned among the Claimants in proportion to the sums awarded to them respectively.

Provide if the sums awarded exceed in the whole the said sum.

Provisions of Act of U. C. 7. Wm. IV. cap. 14, extended to Debentures issued under this Act.

II. And be it enacted, That all the provisions of the Act of the Legislature of Upper Canada, passed in the seventh year of the Reign of His late Majesty King William the Fourth, 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*, which relate to the punishment of persons counterfeiting or forging Debentures, or issuing or using any such forged or counterfeit Debentures, and generally all the provisions of the said Act relating to Debentures, and not inconsistent with the other provisions of this Act, shall be and are hereby extended to the Debentures to be issued under the authority hereof.

Monies arising from Tavern licenses to be applied to Municipal purposes.

III. And be it enacted, That the monies arising from the duties on Licenses to keep Houses of Public Entertainment, issued after the passing of this Act, shall, as well in Upper Canada as in Lower Canada, be appropriated to the uses and purposes of the Districts, or other Municipal Divisions of this Province, in which they shall be collected, and shall be paid over to the Treasurers thereof accordingly; and such payment may be made either directly by the District Inspector, or by the intervention of the Receiver General, or other proper officer, as the Governor in Council shall from time to time direct.

But such monies from Upper Canada shall be appropriated to pay the Debentures issued under this Act until the same and the interest thereon be paid.

IV. Provided always, That until the Debentures to be issued under this Act and all interest thereon shall have been paid, the monies arising from the duties on such Licenses in Upper Canada, shall be paid to the Receiver General, and shall be applied by him to form a fund for paying the said Debentures and interest, and in the last year in which such application shall be made, an equal per centage (if the whole be not required) shall be so applied from the monies collected in each District, and the balance shall be paid over to the District Treasurer for the purposes aforesaid.

V. And be it enacted, That the Receiver General shall keep separate accounts of all monies paid and received by him under the authority of this Act, and of the Debentures issued under the same and the interest thereon, so as to show at any time the amount due and outstanding for such Debentures and interest, and the amount received for the said Fund.

Separate accounts.

VI. And be it enacted, That all payments to be made by the Receiver General under the authority of this Act, shall be made on Warrants under the hand of the Governor, issued in the usual manner and form, and not otherwise.

Payments to be made by Warrant.

VII. And be it enacted, That the due application of all public monies paid or received under the authority of this Act, shall be accounted for to Her Majesty, Her Heirs and Successors, through the Lords Commissioners of Her Majesty's Treasury for the time being, in such manner and form as Her Majesty, Her Heirs and Successors, shall direct; and an account thereof shall be laid before the Provincial Legislature at the then next Session thereof.

Accounting-clause.

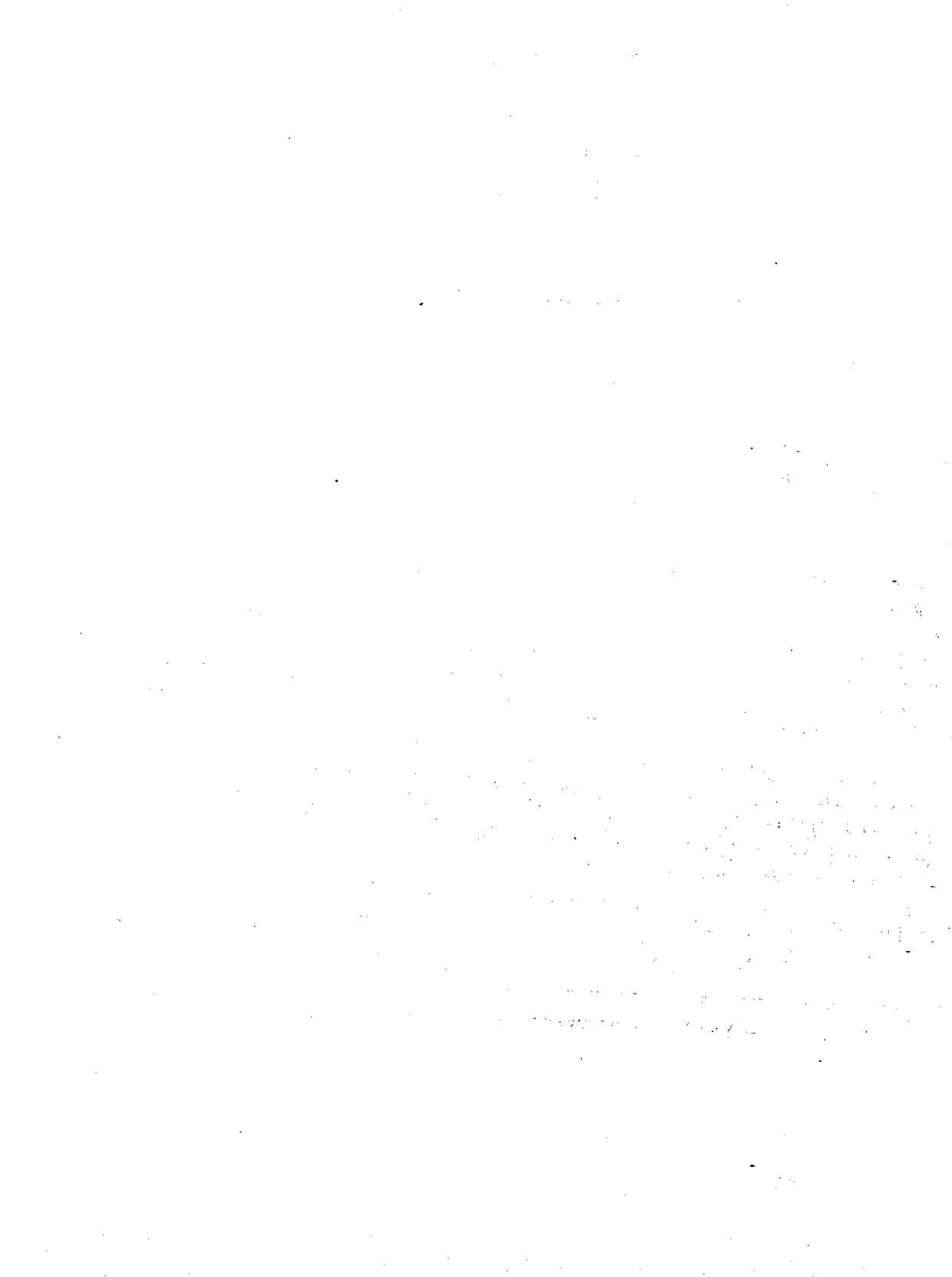
VIII. Provided always, and be it enacted, That the Commissioners to be appointed under the authority of the Act first above cited, shall not in their inquiries be bound by the strict legal rules of evidence, but may, if they think fit, examine the claimants themselves on oath, and may receive and admit all such evidence and information, whether documentary or otherwise, as they shall deem conducive to a correct decision on the merits of the respective claims brought before them, according to equity and good conscience, and to the true intent and meaning of the Acts hereinbefore cited, and of this Act.

Commissioners in their inquiry not to be bound by the strict legal rules of evidence.

IX. And be it enacted, That the words "Governor in Council" in this Act, shall mean the Governor, Lieutenant-Governor, or person administering the Government of this Province, acting by and with the advice of the Executive Council thereof; and the words "Upper Canada" shall mean all that part of this Province which formerly constituted the Province of Upper Canada; and the words "Lower Canada" shall mean all that part of this Province which formerly constituted the Province of Lower Canada.

Interpretation clause.

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ANNO OCTAVO

VICTORIÆ REGINÆ.

CAP. LXXIII.

An Act for granting a sum of Money for the Salary of the Speaker of the Legislative Council.

[29th March, 1845.]

WHEREAS it is necessary to provide for the payment of the Salary of the Speaker of the Legislative Council: 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 be granted to Her Majesty the sum of one thousand eight hundred and ninety-six pounds, fourteen shillings and nine pence currency, to enable Her Majesty to make up to the Speaker of the Legislative Council a salary of one thousand pounds per annum from the time of his appointment until the thirty-first day of December, one thousand eight hundred and forty-five.

Preamble.

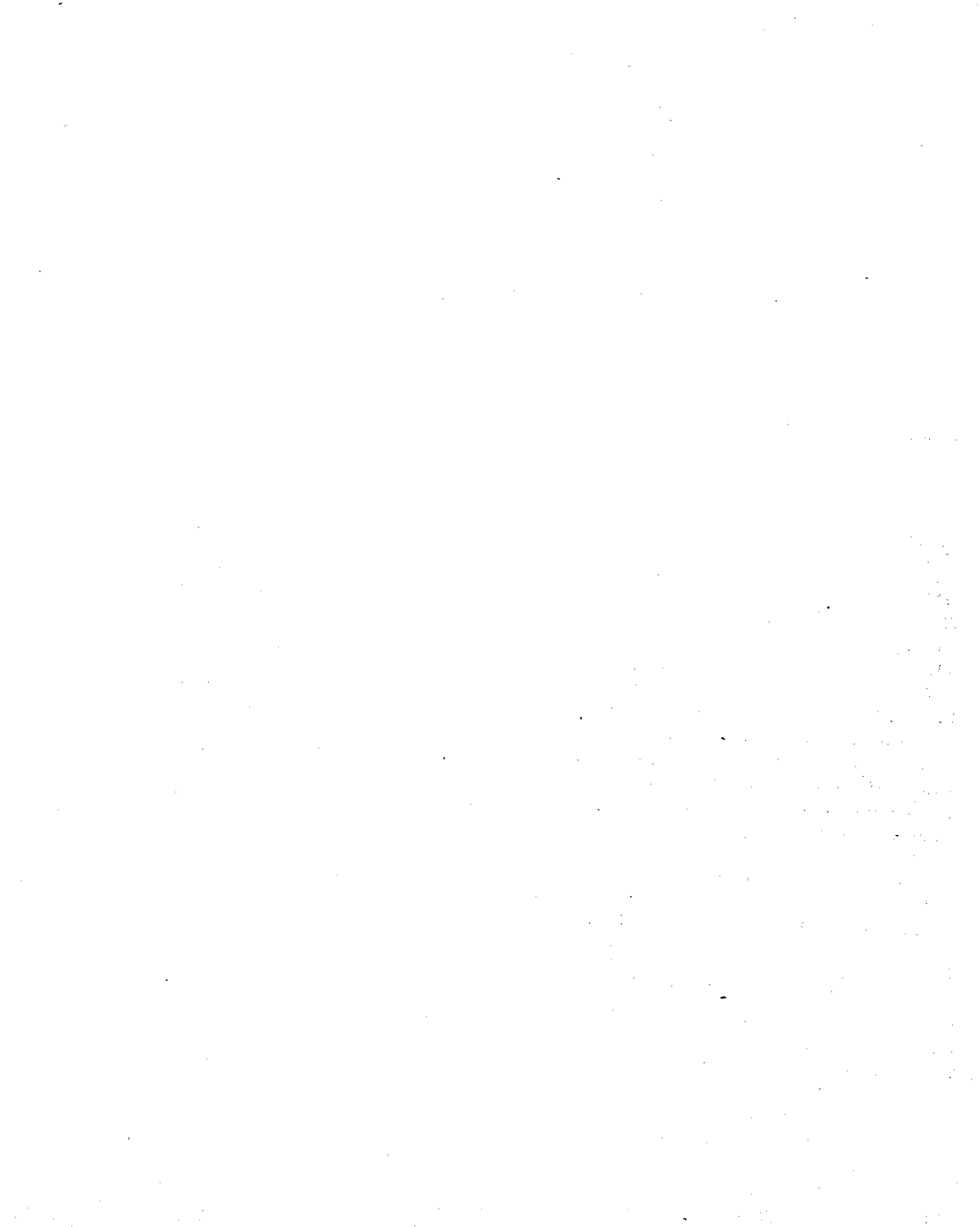
£1,896. 14. 9.

£1,000 per annum granted.

II. And be it enacted, That the said sum of money shall be accounted for through the Lords Commissioners of Her Majesty's Treasury in such manner and form as Her Majesty, Her Heirs and Successors shall please to direct.

Accounting clause.

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ANNO OCTAVO

VICTORIÆ REGINÆ.

CAP. LXXIV.

An Act to amend the Act for purchasing the Stock in the Welland Canal held by private Shareholders.

[29th March, 1845.]

WHEREAS by a certain Act of the Parliament of this Province, passed in the seventh year of Her Majesty's Reign, intituled, *An Act to repeal a certain Act therein mentioned, and to make further provision for enabling the Provincial Government to purchase the stock held by private parties in the Welland Canal*, a sum of one hundred and seventeen thousand eight hundred pounds currency, with interest thereon from the first day of January, one thousand eight hundred and forty-three, was charged on the Consolidated Revenue Fund, and debentures were authorized to be issued to the private stockholders to that amount: And whereas the shares in the said Welland Canal Company, were by the Act of Incorporation declared to be of the amount of twelve pounds ten shillings, currency, and were issued at that price and value in all parts of the Continent where the same were taken or subscribed; And whereas certain of the shares in the said Company were taken and subscribed in England, and the subscribers paid in England, for each share, the sum of eleven pounds five shillings, sterling money, and received from the duly authorized Officer of the Company, a certificate declaring the said subscribers entitled to the number of shares mentioned therein, at the rate of eleven pounds five shillings sterling per share; And whereas the several sums so paid by the subscribers in sterling money and received by the Welland Canal Company, amounted to a larger sum than the sum of twelve pounds ten shillings currency per share, inasmuch as the Welland Canal Company received the benefit of the exchange, the subscribers paying the amount of eleven pounds five shillings sterling, in London; And whereas the said sum of one hundred and seventeen thousand eight hundred pounds, so granted as aforesaid,

Preamble.

7 Vict. cap. 34.

was

was intended to repay to the private shareholders the full amount advanced by them, and debentures have been issued accordingly to the subscribers who paid twelve pounds ten shillings, currency, per share, and the sum granted is insufficient to pay to the subscribers who paid at the rate of eleven pounds five shillings, sterling, per share, in London, and it is just that all the subscribers should be paid for their respective shares in full : 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 be charged upon the Consolidated Revenue Fund of this Province, for the benefit of the private stockholders of the Welland Canal, the further sum of two thousand seven hundred and seventy-nine pounds, eighteen shillings and nine pence, currency of this Province, with interest thereon, from the first day of January, one thousand eight hundred and forty-three.

£2,779. 18s. 9d, granted to English holders of Welland Canal Stock.

Governor authorized to issue Debentures.

Proviso.

II. And be it enacted, That it shall be lawful for the Governor in Council to direct the Receiver General of this Province to issue the debentures to the private stockholders of the Welland Canal Company who subscribed and paid their stock in England as aforesaid, for such sums in Provincial currency as shall equal the sum of eleven pounds five shillings sterling, per share : Provided always, that the whole sum for which debentures shall be issued under this or the above recited Act shall not exceed the aggregate of the said respective sums of one hundred and seventeen thousand eight hundred pounds, and two thousand seven hundred and seventy-nine pounds, eighteen shillings and nine pence, currency.

Form and amount of Debentures.

III. And be it enacted, That the debentures to be issued by virtue of this and the said recited Act, shall be in the same form, and bearing the same date, and at the same rate of interest, and shall be made payable at the same dates, and be issued to the same persons, and subject to all and every the same provisions of law, as are required, directed, authorized and imposed, with respect to the debentures to be issued by the authority of the said recited Act.



ANNO OCTAVO
VICTORIÆ REGINÆ.

CAP. LXXV.

An Act to correct and amend an Act passed in the Session held in the fourth and fifth years of Her Majesty's Reign, intituled, *An Act to appropriate certain sums of money for Public Improvements in this Province, and for other purposes therein mentioned.*

[29th March, 1845.]

WHEREAS by an Act passed in the fourth and fifth years of Her Majesty's Reign, intituled, *An Act to appropriate certain sums of money for Public Improvements in this Province, and for other purposes therein mentioned*, the sum of thirty thousand pounds was intended to be appropriated for improving and completing the main Northern Roads from Lake Ontario, at Toronto, to Lake Huron, and certain roads in the District of Simcoe, which said District of Simcoe is in the said Act erroneously called the District of Barrie; And whereas it is necessary to amend so much of the said Act as relates to the appropriation of the said sum of thirty thousand pounds: 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 sum of thirty thousand pounds, or so much thereof as may be now unexpended, shall be expended in improving and completing the main Northern Road from Lake Ontario, at Toronto, to Lake Huron, continuing and perfecting the same from the termination of the portion already macadamised by the Home District, establishing toll bars thereon, and improving sundry parts thence to Penetanguishene, and improving the Cold Water Portage; and also in improving the road from Bond Head to Barrie, by covering the

Preamble.
Act 4 & 5
Vict. cap. 23,
cited.

In what manner the £30,000 for the main Northern Road from Toronto to Lake Huron shall be applied.

the long causeway with earth or gravel, and in other improvements on that line of road, and in draining, forming and grading that part of the Penetanguishene Road from Bradford, through West Gwillimbury and Innisfil, to Barrie in the District of Simcoe, in such manner as to the Board of Works may seem advisable.

Part of the
said Act re-
pealed.

II. And be it enacted, That so much of the first section of the Act above in part recited as relates to the appropriation and expenditure of the sum of thirty thousand pounds for improving the roads in the District of Simcoe, therein called the District of Barrie, and in the Home District, be, and the same is hereby repealed.

Monies to be
expended by
the Board of
Works.

III. And be it enacted, That the monies to be expended under this Act, shall be expended under the direction of the Board of Works, and the due application thereof accounted for in the same manner as that of other monies expended under the direction of the said Board.

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ANNO OCTAVO
VICTORIÆ REGINÆ.

CAP. LXXVI.

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.

[29th March, 1845.]

WHEREAS it is necessary and expedient to consolidate the various Acts and Ordinances now in force, under and by virtue whereof the Commissioners for the Improvement and Enlargement of the Harbour of Montreal exercise their powers and authority, and to authorize the borrowing of a further sum of money on more favourable terms than the same is now held, in order to continue and carry on the improvements of the said Harbour: 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 of the Legislature of Lower Canada passed in the Session held in the tenth and eleventh years of the Reign of His late Majesty King George the Fourth, intituled, *An Act to provide for the Improvement and Enlargement of the Harbour of Montreal*; and the Act of the said Legislature passed in the First year of the Reign of His late Majesty King William the Fourth, intituled, *An Act to authorize the Commissioners appointed under a certain Act passed in the Eleventh year of the Reign of His late Majesty, intituled, "An Act to provide for the Improvement and Enlargement of the Harbour of Montreal," to borrow an additional*

Preamble.

Former laws repealed.

10 & 11 Geo. 4 cap. 28.

1 Will. 4. cap. 11.

sum

sum of money, and for other purposes therein mentioned; and the Act of the said Legislature passed in the Second year of the same Reign, intituled, *An Act to authorize the Commissioners appointed under a certain Act therein mentioned, to borrow a further sum of money to be applied to the Improvement and Enlargement of the Harbour of Montreal, and for other purposes*; and the Ordinance of the Governor and Special Council for the affairs of the said Province of Lower Canada, passed in the first year of the Reign of Her present Majesty, intituled, *An Ordinance to authorize the Commissioners appointed under the Act of the Legislature of this Province therein mentioned, to borrow a further sum of money to be applied to the Improvement and Enlargement of the Harbour of Montreal, and for other purposes*; and the Ordinance of the said Governor and Special Council, passed in the Second year of the Reign of Her present Majesty, intituled, *An Ordinance for the more easy and certain Collection of the Harbour Dues at Montreal*; and the Ordinance of the said Governor and Special Council, passed in the Third year of the Reign of Her present Majesty, intituled, *An Ordinance to authorize the Commissioners for the Improvement and Enlargement of the Harbour of Montreal to borrow a further sum of money, and for other purposes*; and the Ordinance of the said Governor and Special Council, passed in the Third year of the Reign of Her present Majesty, intituled, *An Ordinance to render permanent a certain Ordinance therein mentioned, relative to the Improvement and Enlargement of the Harbour of Montreal*; and the Ordinance of the said Governor and Special Council, passed in the Fourth year of the Reign of Her present Majesty, intituled, *An Ordinance to authorize certain further Improvements in the Harbour of Montreal, to establish new rates of Wharfage therein, to authorize the Commissioners for the Improvement of the same to borrow a further sum of money, and for other purposes relative to the said Harbour*, be and the same are and each of them is hereby repealed.

Repeal.

Present commissioners to remain in office until removed, &c.

II. And be it enacted, That the Commissioners appointed under and by virtue of any or either of the Acts or Ordinances mentioned in the preceding section of this Act, who may be in office when this Act shall come into force, shall continue and be Commissioners for the purpose of carrying this Act into effect, until they or either of them shall be removed and another or others appointed in his or their place and stead as hereinafter provided.

Commissioners not to be exonerated from their obligations contracted under the laws repealed.

III. And be it enacted, That nothing in this Act contained shall operate or be construed to impair or render void any Contract or Undertaking made or entered into by the said Commissioners with any person or persons whomsoever under and by virtue of any or either of the Acts or Ordinances hereinbefore repealed, nor to exonerate the said Commissioners from the obligations imposed on them by any or either of the said repealed Acts or Ordinances, for any matter or thing by them done or omitted to be done during the continuance of the said Acts or Ordinances,

or

or from duly accounting for all and every the monies by them received under and by virtue of any or either of the said repealed Acts or Ordinances, in manner and form as prescribed by the said repealed Acts and Ordinances.

IV. And be it enacted, That the Steam Dredging Vessel mentioned in a certain Act of the Legislature of Lower Canada, passed in the session held in the tenth and eleventh years of the Reign of His late Majesty King George the Fourth, intituled, *An Act to appropriate a certain sum of money for the purchase of a Steam Dredging Vessel*, shall be and the same is hereby, with all its apparatus and machinery, and all the scows, barges and boats thereunto belonging, placed under the sole control, management and keeping of the said Commissioners and their successors in office, to work and use the same within the said Harbour for so long a period, in such manner and for such purposes as they and their Successors shall think fit.

Steam dredging vessel to be under the control of the commissioners.
10 & 11 Geo. 4. cap. 19.

V. And be it enacted, That the said Harbour of Montreal and the space which shall be and is hereby declared to be under the control and management of the said Commissioners, and their successors in office, shall be, and the same for the purposes of this Act is hereby declared to be bounded as follows, to wit: Such space shall begin at the lower extremity of the Lachine Canal Wharf, and shall extend downwards to the lower extremity of the Revetment wall, that is to the point where the said wall joins the Government Works at the Commissariat store and the Government wharf; and the boundary on the side next to the City of Montreal shall be the North West extremity of the water course running parallel with and adjoining the Revetment wall in the street or highway running along the whole line of the wharves now known as Commissioners Street; and all the portion between the said extremity of the said water course and the City of Montreal shall be under the control and management of the Corporation of the Mayor, Aldermen and Citizens of the said City of Montreal.

Boundaries of the space under the control of the commissioners.

VI. And be it enacted, That all and every the sums of money already borrowed by the said Commissioners, under and by virtue of any or either of the said repealed Acts or Ordinances, shall be payable together with the interest thereon, from and out of the monies to be borrowed by the Commissioners as hereinafter provided, and the said Commissioners and their successors in office are hereby required to pay and liquidate the debt now due by them, in sums of not less than ten pounds on every one hundred pounds due, according, and so soon as they may be able to borrow a sufficient sum for that purpose in the manner hereinafter provided, and the intended payment of the said sums so already borrowed, shall be announced by the said Commissioners and their successors in office, by an advertisement in the English language, to be inserted in some Newspaper published in the City of Montreal, for the

Monies now due by the commissioners to be payable out of the monies to be borrowed by them under this Act.

Such payment to be announced publicly.

Creditors to be
bound to re-
ceive payment.

the space of three successive weeks, and by an advertisement for a like space of time in the French language, in some Newspaper published in that language in the City of Montreal, (if such there be) and the persons to whom such monies are due, shall receive the portion thereof so announced to be payable, and shall grant to the said Commissioners an acquittance for the same, and no interest shall accrue or be payable on any such portion from and after the day on which the said Commissioners shall by such advertisement offer, and shall be ready to pay the same.

Amount to be
borrowed, and
where.

VII. And be it enacted, That it shall be lawful for the said Commissioners to borrow, in the City of London, in that part of the United Kingdom of Great Britain and Ireland called England, or elsewhere, for the purposes in this Act mentioned, and with the consent and approval of the Governor, Lieutenant-Governor, or person administering the Government for the time being, at any rate of interest not exceeding five per centum per annum, (but on the most advantageous terms in their power,) and for such length of time as may be agreed upon, or may be deemed expedient by the said Commissioners, and from time to time, as they may deem necessary and proper, any sum or sums of money, in the whole not exceeding one hundred and sixteen thousand two hundred and seventy-five pounds, currency, for which sum the said Commissioners are hereby authorized to issue Debentures, which said Debentures may be made redeemable, and the interest thereon payable half yearly, to wit, on the fifth day of January and fifth day of July, of each and every year, in the City of London aforesaid, or elsewhere.

Debentures.

Interest guar-
anteed by
Province.

VIII. And be it enacted, That for the due payment of the interest so to become due on the sum of money hereby authorized to be borrowed, it shall be lawful for the Governor, Lieutenant-Governor, or person administering the Government for the time being, by and with the consent of the Executive Council of this Province, to guarantee the true and faithful payment thereof by this Province, at the periods which the said Commissioners and their successors in office shall agree upon.

Application of
money borrow-
ed.

IX. And be it enacted, That the said sum of one hundred and sixteen thousand two hundred and seventy-five pounds, currency, so authorized to be borrowed by the said Commissioners as aforesaid, shall be applied by the said Commissioners and their successors in office as follows, to wit:

Payment of
debts due.

First. The sum of ninety-four thousand four hundred and seventy-five pounds, currency, in payment of the debt now due and owing by the said Commissioners, which said sum shall be payable in the manner prescribed by the sixth section of this Act.

Second.

Second. The sum of eighteen thousand eight hundred pounds, currency, in the construction of a Beach Wharf, nine hundred and sixty feet long by ninety feet wide, to run from the Government Wharf to the New Market Pier, for the convenience of persons engaged in the trade of Firewood and Lumber; in the construction of a Pier at the end of the above Wharf adjoining the Government Wharf, five hundred feet long by seventy feet wide; in constructing a Pier above the Island Wharf to run from the centre of the Basin in rear of the store owned by Andrew Shaw, Esquire, not more than four hundred feet in length by eighty feet wide; in extending the two Piers in rear of the stores owned by John Try, Esquire, not more than one hundred and twenty feet in length each, by eighty feet wide; in planking the two Piers at the New Market, for the convenience of the Ferry Boats and Market People; in planking the entire sides of the Island Wharf eighteen feet wide, for the accommodation of the shipping and travellers; the whole in conformity with the plans and specification of John Cliff, Architect, now deposited to remain of record in the office of the Secretary of the Province.

Construction
of wharves;

and Piers.

Third. The sum of three thousand pounds, currency, for planking the remainder of the Wharves, if the said Commissioners should think such work necessary.

Planking
wharves.

Fourth. The sum of one thousand pounds, currency, in carrying out and completing the repairs necessary to be done to the said Steam Dredging Vessel and Machinery, and a further sum of two thousand pounds, currency, for building a new Hull for the said Machinery, should such be required.

Repairing
dredging ves-
sel.

X. And be it enacted, That the moneys arising from the tolls, rates, and wharfage dues hereinafter imposed, shall be applied and paid by the said Commissioners, and their successors in office, as follows, viz :

Application of
tolls and dues.

First. To the payment of such reasonable expences of collecting the same as are hereby authorized, and of all other expences indispensably incurred by the said Commissioners or their successors in office, in the performance of the duties hereby assigned to them.

Expences of
collection.

Second. In defraying any expences by them incurred in keeping the works constructed or to be constructed by the said Commissioners, their predecessors or successors in office, for the improvement of the Harbour of Montréal, under the authority of any Act or Ordinance, in efficient repair, which said expences the said Commissioners and their successors in office are hereby authorized to incur, without any special application to or approval by the Governor, Lieutenant-Governor, or person administering the Government, any thing in any Act or Ordinance to the contrary notwithstanding.

Keeping in re-
pair.

Third.

Paying off
sums hereto-
fore borrowed.

Third. In paying off the principal of any sum or sums heretofore borrowed, which may be redeemable at some certain time before the said Commissioners are prepared to pay off the said principal sum by the new loan hereby authorized to be made.

Paying off
sums hereafter
to be borrowed.

Fourth. In paying off the principal of any sum or sums to be borrowed by the said Commissioners and their successors in office, under the authority of this Act, and which shall be redeemable at any certain time.

Interest there-
on.

Fifth. In paying off the interest of all sum or sums of money hereafter to be borrowed, at the periods mentioned in the seventh section of this Act.

Repayment to
Receiver Ge-
neral.

Sixth. In repaying to the Receiver General any sum or sums of money which may have been advanced by that officer out of the public funds of the Province, under the authority of this Act, or under the authority of any or either of the Acts or Ordinances hereby repealed.

Repayment of
other sums.

Seventh. In paying off the principal of any sum or sums of money to be borrowed by the said Commissioners and their successors in office, and which shall not have been made redeemable at any certain time.

Tolls, &c., to
be paid to
commissioners.

XI. And be it enacted, That the tolls, wharfage and harbour dues, of what nature and kind soever, hereinafter imposed, shall be levied by and paid to the said Commissioners and their successors in office, who are hereby directed and empowered to levy, receive, recover, and apply the same in the manner, and subject to the provisions hereinafter and hereinbefore contained.

Officers,
Clerks,
Agents, &c.

XII. And be it enacted, That the said Commissioners, and their successors in office, may, from time to time, appoint such and so many Officers, Agents, Clerks, or Servants, as they may deem necessary to carry out the provisions of this Act, and the same may, at their pleasure, remove, and may allow the said Officers, Agents, Clerks, and Servants, such reasonable compensation or salaries as to the said Commissioners and their successors in office shall seem meet; and the said Commissioners, and their successors in office, if they see fit, may require that such Officers, Agents, Clerks or Servants, shall furnish good and sufficient security to the satisfaction of the said Commissioners, for the due and faithful performance of the duties which they may be respectively called on or required to perform, and also for the proper and regular accounting for all and every the moneys to be received by such Officers, Agents, Clerks or Servants, respectively.

XIII. And be it enacted, That the Commissioners who may be in office at the time this Act shall come into force and effect, may be removed by the Governor, Lieutenant-Governor, or other person administering the Government for the time being, by and with the advice of the Executive Council of the said Province, and another and others appointed in their place and stead when need may be, and the same may be removed therefrom at pleasure, and the said Commissioners now appointed, and those to be appointed, shall have power and authority, in their own names as such Commissioners, to sue and be sued, plead and be impleaded, bring or defend, or cause to be brought or defended, all suit or suits at law or in equity, in all Courts and places whatsoever, and to take all proceedings necessary and requisite to enable them the said Commissioners, and their successors in office, to carry out and perform all and every the duties, terms and provisions in this Act contained.

Removal of
commissioners.

XIV. 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 on all ships, vessels, boats, barges, steam-boats, scows, rafts or other craft, and on all articles landed from or taken on board of all ships, vessels, boats, barges, steam-boats, 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 this Act, or lying, whether in the stream or otherwise, within any part of the Harbour of Montreal, as the same is hereinbefore declared to be bounded and to extend, the several rates of wharfage and dues mentioned in the Schedule A, appended to this Act, 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.

Rates of tolls,
&c.

Distinction
between out-
ward and in-
ward rates.

XV. And be it enacted, That the said rates of wharfage and harbour dues of any kind whatsoever shall be due and payable by and may be levied from the consignee or shipper of any goods imported or exported by sea, and from the owner, master, purser, conductor or person in charge of any ship, vessel, boat, barge, steam-boat, scow, raft or other craft of any kind (sea-going vessels excepted), upon which or in respect of articles shipped on board or landed from which such rates of wharfage may be due according to the rates mentioned in the said Schedule A, saving to such person or persons paying the same, the recourse which he or they may

Rates, &c, by
whom payable,
and to whom,
and how reco-
verable.

may by law have against any other person or persons for the recovery of the sums so paid: Provided always, that none but the master or person in charge of any sea-going vessel shall be liable for the Tonnage dues on the said vessel, and the said dues and rates of wharfage, shall be payable to the Collector of Customs at the Port of Montreal, for and on behalf of the said Commissioners and their successors in office, on demand; and the said Commissioners appointed or to be appointed as hereinafter provided, may sue for and recover any and all such rates and dues, from such owner, master, purser, conductor or consignee, before any Court of competent jurisdiction as hereinbefore provided, or if the said Commissioners deem it advisable, before any Magistrate residing in the City of Montreal, if the sum demanded do not exceed Eleven pounds currency, and if the sum demanded do exceed Eleven pounds currency, then before any Court of competent jurisdiction; and the said Commissioners shall also have power and authority, immediately upon non-payment of the said tolls, rates or dues, or any part thereof, even before judgment, to seize any ship, vessel, boat, barge, steam-boat, scow, raft or other craft, upon which the said rates, tolls and dues may be owing, or any goods, articles, or things, upon which the said rates, tolls and dues may be owing, and detain it or them at the risk, cost and charge of the owner, until the sum due and the costs and charges incurred in and about such seizure and detention be paid in full; and such seizure may be had and obtained upon the Order of any Judge or Magistrate for the District of Montreal, or upon the Order of the Collector of Customs at the Port of Montreal, which Order such Judge, Magistrate and Collector of Customs are and each of them is hereby authorized and required to give upon the application of the said Commissioners and their successors in office, or the person duly authorized by them as aforesaid, on the affidavit of any one credible person that any sum is due for such tolls, rates or dues as aforesaid; and the said Order may and shall be executed by any Constable, Bailiff or other person whom the said Commissioners and their successors in office may choose to entrust with the execution thereof, and which said Constable, Bailiff or other person is hereby authorized and empowered to take all necessary means, and to take and require all necessary aid to enable him to execute the said Order.

As to Steam-boats and their barges plying between ports in the River St. Lawrence.

XVI. And whereas from the short space of time during which certain of the steamboats and steamboat barges plying to and from the Port of Montreal, remain in the said Port, it is necessary that some special provision should be made for the collection of the dues on the same and on the articles by them carried and conveyed: Be it enacted, That the master or purser, conductor or person in charge, or agent of each and every steamboat and steamboat barges, plying between Montreal and Quebec, or any other ports in the River Saint Lawrence, steam ferry boats excepted, which shall not be required to report oftener than once each day, shall immediately on the arrival of the same in the Port of Montreal, make and deliver

deliver to the Commissioners, or their successors, or to the person authorized by them, to be signed and declared to, a report in writing, shewing the number of days such steamboat, or steamboat barge, shall have remained in the said harbour on its then last preceding voyage, which report also must contain a correct and true list of the goods, articles and things landed from or taken on board as freight during such time, and shall also exhibit the Bills of Lading of the said cargoes, when required so to do; and shall immediately and without delay pay all tolls, dues and rates chargeable thereon, and in default of exhibiting and giving communication of such Bills of Lading and reports, and of paying such dues, tolls and rates, the said Commissioners shall have power and authority forthwith to seize and detain the said steamboats, steamboat barges and ferry boats, in manner and form as prescribed by the fifteenth section of this Act, and to detain the same at the risk and charges of the owners thereof, until payment as aforesaid.

XVII. And be it enacted, That if any injury shall be done to the said wharves or quays, or to any of the works now erected under and by virtue of any or either of the Acts or Ordinances hereby repealed, or which may be erected under the authority of this Act, by any ship, vessel, steamboat, boat, barge, scow, raft or other craft, wilfully or by the carelessness of the crew, but not otherwise, it shall and may be lawful for the said Commissioners and their successors in office, or for any of the persons employed by them or under them as aforesaid, to seize and detain, in the manner prescribed by the fifteenth section of this Act, such ship, vessel, steamboat, boat, barge, scow, raft or other craft, until the injury so done shall have been repaired by the crew or persons belonging to the same, or until security shall have been given by the owner, manager, conductor, person in charge, agent or consignee of such ship, vessel, steamboat, boat, barge, raft or other craft, to the satisfaction of the said Commissioners, to pay such amount as shall be awarded, with costs, by the judgment which may be rendered as hereinafter mentioned, in any suit or action to be brought by the said Commissioners by reason of such injury; and for any injury done to the said wharves, quays, or other works as aforesaid, or for any other injury whatsoever, by any person or persons whomsoever the said Commissioners and their successors in office, may sue for, and recover with costs in any Court of competent jurisdiction, such damages as they may prove to have been occasioned; and such suit may be brought against the master or owner, or the conductor, or person in charge of the said ship, steamboat, vessel, boat, barge, scow, raft or other craft, or any of them: Provided always, that when the amount of the damage or penalty sued for by the said Commissioners, shall not exceed ten pounds currency, the same may be sued for and recovered, upon the oath of two credible witnesses, either before any Justice of the Peace, (any law, usage, or custom to the contrary notwithstanding) or before any Court of competent jurisdiction, as they may see fit.

Recourse
against parties
injuring
Wharves, &c.

Proviso, when
damage shall
not exceed
£10.

XVIII,

Fines and penalties imposed by this Act.

XVIII. And be it enacted, That all fines, forfeitures and penalties imposed by this Act, other than those for which special provision may have already been made, may be recovered with costs before any one Justice of the Peace for the District of Montreal, in a summary manner and on the oath of one credible witness other than the prosecutor, and one moiety thereof shall go to the prosecutor or informer, and the other moiety shall be paid into the hands of Her Majesty's Receiver General for the public uses of the Province, and the support of the Government thereof, and shall be accounted for to Her Majesty, Her Heirs and Successors, through the Lords Commissioners of Her Majesty's Treasury, for the time being, in such manner and form as Her Majesty, Her Heirs and Successors shall direct.

Accounting for the same.

Detailed statement to be yearly made by the Commissioners to the Governor.

XIX. And be it enacted, That the said Commissioners and their successors in office shall annually submit to the Governor, Lieutenant Governor or person administering the Government for the time being, a detailed and particular account of the monies received and expended by them under and by virtue of this Act, together with a statement of their proceedings in the execution of their duties.

General accounting clause.

XX. And be it enacted, That the due application of the monies advanced under the authority of this Act, shall be accounted for to Her Majesty, Her Heirs and Successors, through the Lords Commissioners of Her Majesty's Treasury for the time being, in such manner and form as Her Majesty, Her Heirs and Successors shall direct.

This act to be a public act.

XXI. 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.

SCHEDULE A.

SCHEDULE OF TOLLS, RATES AND WHARFAGE DUES TO BE LEVIED IN THE HARBOUR OF MONTREAL.

DESCRIPTION.	Rates in shillings, pence and parts of a penny, currency, for each day of twenty-four hours they remain in port reckoned from the hour of their arrival to that of their departure, and any period less than a day to be charged as a whole day.	
On Vessels from Sea, and River Craft, per Ton of their burthen, by Register,.....	s.	d.
On Steamboats, per Ton of their burthen, by Register,.....	0	0½
On Barges belonging to Steamboats, per Ton of their burthen, by Register,.....	0	0½
On Barges from Upper Canada and Durham Boats, if decked,.....	0	0¼
Do. do. do. if undecked,.....	2	0
On Boats employed in carrying Wood,.....	1	0
On Bateaux,.....	1	0
On Steam Ferry Boats, per Ton of their burthen, by Register,.....	0	0½

	Rates in shillings, pence and parts of a penny currency.			
	LANDED.		SHIPPED.	
	s.	d.	s.	d.
On Spirits and Wines of all kinds, Molasses and Fish Oil in pipes, butts or puncheons, for each,.....	0	6	0	3
On the same in hogsheads, for each,.....	0	3	0	1½
On the same in quarter casks or barrels, for each,.....	0	1½	0	0¾
On the same in cases or baskets of three dozens and under, for each,.....	0	1	0	0½
On the same in cases over three dozens or under six dozens, for each,.....	0	2	0	1
On the same in cases of six dozen and upwards, for each,.....	0	3	0	1½
On Coffee and Sugar, raw and refined, in packages of 300 lbs. gross and under, for each,.....	0	2	0	1
On Coffee and Sugars, in packages over 300 lbs. and under 1200 lbs. for each,.....	0	4	0	2
On the same in packages of 1200 lbs. and upwards, for each,.....	0	6	0	3
On Teas of all kinds in packages of 20 lbs. gross and under, for each,.....	0	0½	0	0¼
On the same in packages over 20 lbs. and under 60 lbs. for each,.....	0	1	0	0½
On the same in packages of 60 lbs. and upwards, for each,.....	0	2	0	1
On Tobacco and Snuff in packages of 300 lbs. gross and under, for each,.....	0	2	0	1
On the same in packages over 300 lbs. and under 1200 lbs. for each,.....	0	4	0	2
On the same, in packages of 1200 lbs. and upwards, for each,.....	0	6	0	3
On Salt, in bulk per 100 minots,.....	0	6	0	3
On Stoved or fine Salt, in casks or bags. for each,.....	0	2	0	1
On Hemp or Flax, per ton,.....	1	6	1	6
On Pitch, Tar, Turpentine or Rosin, in barrels or other packages, for each,.....	0	1	0	0½
On Coal, Coke or Cinders, per chaldron,.....	0	6	0	3
On Fish, dry and green, not in packages, per hundred weight,.....	0	0½	0	0¼

On

DESCRIPTION.	Rates in shillings, pence and parts of a penny currency.	
	LANDED.	SHIPPED.
	s. d.	s. d.
On the same, in hogheads, for each,	0 4	0 2
On the same, in tierces, for each,	0 2	0 1
On the same, in barrels, for each,	0 1	0 0½
On the same in kegs or kits, for each,	0 0½	0 0½
On Bricks, per 1000,	1 0	0 6
On Bar or Pig iron, per ton,	0 10	0 5
On Pot and Pearl Ashes, per barrel,	0 1½	0 3
On Pork, Beef, Tongues, Butter, Lard, Cheese, Rice, Honey and Bees Wax, in tierces, for each,	0 1½	0 3
On the same, in barrels for each,	0 1	0 2
On the same, in half barrels, kegs and kits, for each,	0 0½	0 1
On Flour, Meal, Apples and Onions, in tierces, for each,	0 1½	0 3
On the same, in barrels, for each,	0 0½	0 1
On the same, in half-barrels and bags, for each,	0 0½	0 0½
On Wheat, in bulk, per 100 minots,	0 9	1 6
On Oats, in bulk, per 100 minots,	0 3	0 6
On all other Grain and Seeds, in bulk, per 100 minots,	0 6	1 0
On Grain and Seeds of all kinds, in tierces, for each,	0 1½	0 3
On the same, in barrels or boxes, for each,	0 0½	0 1
On Biscuit, per hundred weight,	0 0½	0 1
On Leather, in sides or rolls, not exceeding 112 lbs. in weight, for each,	0 1	0 0½
On the same, exceeding 112 lbs. weight, in sides or rolls, for each,	0 2	0 1
On Stone, undressed, per toisc, .....	..	1 0
On dressed Stone, per 100 running feet, .....	..	0 6
On Sand and Lime, per barrique,	0 0½	0 0½
On Horses and neat Cattle, per head,	0 2	0 2
On Hogs alive or in carcass, Sheep and Calves, for each,	0 1	0 1
On Timber, square and round, per ton,	0 1½	0 3
On Standard Staves and Heading, per 1000 pieces,	2 0	4 0
On Puncheon Staves and Heading, per 1000 pieces,	0 8	1 4
On Barrel Staves and Heading, per 1000 pieces,	0 6	1 0
On Deals, 3 inches thick and under, per 100 pieces,	0 8	1 4
On Plank, two inches thick and under, per 100 pieces,	0 5	0 10
On Boards, one inch thick and under, per 100 pieces,	0 3	0 6
On Deal ends, per 100 pieces,	0 3	0 6
On Oars, rough or dressed, per 100 pieces,	0 6	1 0
On Handspikes, per 100 pieces,	0 5	0 10
On Puncheon or Pipe Packs, for each,	0 0½	0 1
On Fire Wood and Bark, per cord,	0 3	..
On Hay, per 100 bundles,	0 6	..
On Goods landed from Vessels from Sea or the Lighters thereof, or imported from the United States by inland navigation, subject to <i>ad valorem</i> duty, and not otherwise enumerated in this tariff, for every £100 of the amount entered for duty at the Custom House,	2 6	..
On Goods not subject to <i>ad valorem</i> duty, nor to specific rates under this tariff, per ton weight or measurement, at the option of the Collector,	0 6	..
On Goods landed from Steamboats, 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,	0 3	..
On Goods shipped, not subject to specific rates under this tariff, per ton weight or measurement, at the option of the Collector, .....	..	0 3
On Government Stores of all kinds, per ton, weight or measurement, at the option of the Collector,	0 6	..



ANNO OCTAVO

VICTORIÆ REGINÆ.

CAP. LXXVII.

An Act for ascertaining the Liabilities of the several Municipal Districts in Lower Canada, and their means of discharging the same.

[29th March, 1845.]

WHEREAS it is necessary to ascertain the amount of the debts and liabilities of the several Municipal Districts in Lower Canada, previous to the adoption of any Legislative measure to provide for the payment 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 forthwith after the passing of this Act, it shall be the duty of the Secretary of the Province to adopt measures for procuring from the Wardens of the several Municipal Districts in Lower Canada, and from the Clerks of the District Councils, detailed statements of the amount and nature of the debts and liabilities of such Councils respectively, and of the sums due to them by the inhabitants of each Parish or Township, or by any other party.

Preamble.

Secretary to obtain accounts from the District Warden and Clerks.

II. And be it enacted, That such Wardens and Clerks respectively, shall give public notice in at least one public newspaper in each language circulating in their respective Districts, and in such other manner as they may deem expedient, calling upon all persons having claims upon the said District Councils they respectively represent, to file such claims; and the said Wardens or Clerks, or the persons having then last held the said offices, shall and may publish such notice, receive such

Wardens and Clerks to call in all claims by public notice.

such claims, and make returns thereupon to the Secretary of the Province, although by any Act passed during this Session the Ordinance establishing Municipal Districts in Lower Canada may have been repealed.

Copies of the said statements to be laid before the Legislature.

III. And be it enacted, That copies of the Statements so received by the Secretary of the Province, shall be laid before each branch of the Provincial Legislature within fifteen days after the opening of the then next Session thereof.

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Law Printer to the Queen's Most Excellent Majesty.



ANNO OCTAVO

VICTORIÆ REGINÆ.

CAP. LXXVIII.

An Act to enable the Corporation of the Royal Institution for the Advancement of Learning, to dispose of certain portions of Land, for the better support of the University of McGill College.

[29th March, 1845.]

WHEREAS the Honorable James McGill, late of Montreal, now deceased, by his last Will and Testament, bearing date the eighth day of January, in the year of our Lord, one thousand eight hundred and eleven, did give and bequeath a certain estate called *Burnside*, near Montreal, containing about forty-six acres of land, together with the sum of ten thousand pounds, current money of this Province, to certain Trustees named in his said Will, in trust, to convey the same to *The Royal Institution for the Advancement of Learning*, upon condition that the said Royal Institution shall erect and establish, or cause to be erected and established thereupon a University or College for the purposes of Education and the Advancement of Learning; And whereas, by reason of a protracted litigation having ensued concerning the payment of the said sum of ten thousand pounds currency, it was deemed advisable by the said Royal Institution to receive in part satisfaction of the before mentioned sum of ten thousand pounds of the said currency, and interest accrued thereon a certain other portion of land of about seventeen acres, adjoining to the before mentioned estate called *Burnside*; And whereas the said Royal Institution have caused to be erected on the said estate of *Burnside* certain suitable buildings, and have obtained from His late Majesty King George the Fourth, his Royal Charter incorporating the said University or College by the name and title of *The Governors, Principal and Fellows of McGill College*; And whereas the net amount of income arising from so much of the aforesaid legacy of ten thousand pounds currency, as remains unexpended after the erection of buildings as aforesaid, is insufficient for the maintenance and support of the said College; And whereas parts or portions of the land bequeathed as aforesaid may with due advantage be disposed

Preamble.

disposed of and made productive for the better support of the College ; And whereas it is expedient that sufficient authority be given for effecting the disposal of parts or portions of its lands : 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, it shall be lawful for the Royal Institution for the Advancement of Learning, or such other body Corporate as may hereafter become duly seized and possessed of the aforesaid estate, to lease such portions of the said property, from time to time, and for such limited periods as they may think fit, or to dispose thereof in perpetuity for an annual irredeemable ground rent, (*rente foncière*,) or otherwise to alienate such parts and portions of the said lands, and on such terms and conditions as may be considered most advantageous for the present and permanent interests of the said College : Provided that such *rente foncière*, (in case any portion of such lands be disposed of in perpetuity for an annual irredeemable ground rent,) (*rente foncière*) shall be subject to an increase of not less than twenty-five per cent. on the original rent, at the expiration of every twenty years, for one hundred years : Provided always, that the lots or portions of land so to be leased, sold or otherwise alienated, shall be exhibited on one or more plans of the whole, correctly executed, and be publicly disposed of to the best and highest bidder after one month's public notice thereof, and of the terms and conditions connected therewith, in not less than two newspapers published in Montreal.

Royal Institution may dispose of lands.

Proviso, as to the increase of any *rente foncière*.

Proviso, as to notice of the time and terms of sale.

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Law Printer to the Queen's Most Excellent Majesty.



ANNO OCTAVO

VICTORIÆ REGINÆ.

CAP. LXXIX.

An Act to authorize the conveyance of certain real estates to the College of Regiopolis, and to enable the said College to acquire and hold real property to a certain amount.

[29th March, 1845.]

WHEREAS by the petition of "*The College of Regiopolis*," and the documents laid before the Legislature by the said Corporation, it appears that the late Honorable and Right Reverend Alexander M'Donell, Roman Catholic Bishop of Kingston, now deceased, by his last Will, devised to the Right Reverend Remigius Gaulin and the Very Reverend Angus M'Donell, their heirs and assigns (after sundry devises) all the rest and residue of his property, both real and personal, in trust to sell and dispose of the same, and apply the proceeds in their discretion for the benefit of the poor, and towards the erection and maintenance of the said College; and whereas the said Remigius Gaulin and Angus M'Donell, the said Trustees, are desirous of conveying to the said College certain of the real estate so held by them in trust, instead of selling the same and applying the proceeds thereof to the erection and maintenance of the said College as aforesaid; and whereas also, the success and usefulness of the said College would be greatly increased, if it were allowed to take, hold and purchase real as well as personal property: 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 of 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 the said Remigius Gaulin and Angus M'Donell, their heirs and assigns shall have full power and authority at any time or times hereafter

Preamble.

Power to
Remigius
Gaulin and
Angus Mac-
donnell to
to

convey to said
College real
estate.

to convey by any sufficient conveyance or conveyances in the law, to "The College of Regiopolis" aforesaid, such parts and portions of the said real estate so held by them in trust for the purposes aforesaid as in their discretion they may deem proper.

College em-
powered to
take and pur-
chase real pro-
perty, &c.,
and to demise
and alien the
same.

II. And be it further enacted, That "The College of Regiopolis" aforesaid, shall be able and capable in law, and have full power to take, purchase and hold, in fee simple, or other legal title, by conveyance, gift, devise, or otherwise, not only all such lands, buildings, hereditaments and possessions, as may be from time to time exclusively used and occupied for the immediate purposes of the said College, but also any other lands, buildings, hereditaments and possessions whatsoever situate in the Province of Canada, and that the said College shall be able and capable in law to grant, demise, alien, or otherwise dispose of all or any of the Property, real or personal, belonging to the said College: Provided always, that the net rents, issues and profits accruing from the said real property shall not at any time exceed the yearly sum of three thousand pounds current money of this Province.

Proviso.

College to
render annual
accounts.

III. And be it enacted, That it shall be incumbent on the said College to submit annually to each of the Three Branches of the Legislature, if so required, a detailed statement of the real property held by them under this Act, and of the annual revenue arising therefrom.

Public Act.

IV. And be it enacted, That this Act shall be deemed and taken to be a public Act, by all Judges and Officers of Justice, and by all other persons whomsoever, and shall be judicially taken notice of by them, without being specially pleaded.

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Law Printer to the Queen's Most Excellent Majesty.



ANNO OCTAVO

VICTORIÆ REGINÆ.

CAP. LXXX.

An Act to incorporate the Quebec School of Medicine.

[29th March, 1845.]

WHEREAS Joseph Painchaud, John Rowley, Joseph Parent, Charles Fremont, James Arthur Sewell, Pierre Martial Bardy, Joseph Morrin, Jean Blanchet, James Douglas, John Racey, A. Jackson, and J. Zephirin Nault, all of the City of Quebec, licensed Practitioners of Medicine and Surgery, have by their Petition to the Legislature represented that certain of their number connected with the Hospitals in the said City, have associated themselves to deliver Lectures on Anatomy, Surgery, the Practice of Medicine, and Midwifery, to a class of Students attending the said Hospitals; and that the said petitioners believe that if they and their successors were incorporated and invested with the powers hereinafter mentioned, they would be able still further to increase their means of affording adequate instruction to their pupils, and would be enabled to place within their reach such means of acquiring Medical knowledge as would render it unnecessary for them to spend any portion of their period of study out of this Province and frequently out of Her Majesty's Dominions, as many are under the necessity of doing at an expense which they can ill afford, and to their disadvantage in other respects; and whereas it is expedient to grant the prayer of the said petition: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to Re-union 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 Joseph Painchaud, John Rowley, Joseph Parent, Charles Fremont, James Arthur Sewell, Pierre Martial Bardy, Joseph

P. s. mble.

Certain persons under the name of

Morrin,

"The Quebec School of Medicine" incorporated, and empowered to hold real and personal property to the value of £5,000.

Morin, Jean Blanchet, James Douglas, John Racey, A. Jackson and J. Zephirin Nault, and their successors, and those who may be associated with them or their successors in the manner hereinafter mentioned, shall be and are hereby constituted a body politic and corporate by the name of "*The Quebec School of Medicine*," and by that name shall have perpetual succession, and a Common Seal, with power to break, alter or make anew the same, and may by that name sue and be sued, plead and be impleaded in all Courts of Law or Equity in this Province, and may purchase, take, and hold real and personal property, provided the real property so held by the said corporation do not at any time exceed the value of Five Thousand Pounds currency, and may alienate the same and acquire other property instead thereof.

On death removal or resignation of members, others to be appointed by public competition.

Corporation not exceed ten in number.

Governor's approval.

Lectures: 120 in French and English to be delivered annually.

II. And be it enacted, That whenever any of the members of the said corporation shall die, or shall become permanently resident out of the City of Quebec, or shall resign (and any member shall be at liberty so to resign) or it shall be deemed advisable by the corporation to increase the number of members thereof (which the said corporation may always do, provided the number of the members shall never at any time exceed ten,) then the said corporation shall give public notice of such vacancy in the manner to be provided by the By-Laws of the corporation, and that on a day to be appointed in such notice a member (or members as the case may be) will be chosen by public competition, and on the day so appointed the candidates shall attend at the place where the meetings of the corporation shall be held, and shall then and there be examined as to their qualifications as public teachers of the sciences they will be required to teach, in such manner as shall be appointed by the By-Laws of the corporation then in force; and the name of the candidate whom the corporation shall deem in all respects best qualified to fill the vacancy, shall be submitted to the Governor of this Province for his approval: or if the corporation shall be of opinion that none of the candidates are qualified to fill such vacancy, and the vacancy cannot be filled, then a new competition shall be had as aforesaid.

III. And be it enacted, That the said corporation shall yearly and every year cause to be delivered at least one hundred and twenty lectures of at least one hour each in the English language, and the like number and of the same duration in the French language, on the following branches of Medical Science, to wit: Anatomy and Physiology, Chemistry and Pharmacy, *Materia Medica*, Theory and Practice of Physic, Principles and Practice of Surgery and Midwifery, and Diseases of Women and Children, to be given by competent lecturers, at some place in the City of Quebec, between the first day of October and the last day of April.

IV. And be it enacted, That the fee to be demanded of any pupil on his entry or matriculation in the said School shall not exceed ten shillings currency, to be applied by the corporation to the purchase of books, specimens, and the improvement in other ways of their Library and Museum, which shall be open for the use of their pupils on all days except Sundays and Holidays, and an account of the sums received for such fees, and of the expenditure thereof, shall be rendered yearly to the Governor of this Province.

Fees payable by pupil, and application thereof.

To account annually to Governor.

V. And be it enacted, That the said corporation shall have power to make such By-Laws as may be necessary for the conduct of its affairs and business, the government of its pupils, and for carrying into effect the provisions of this Act, as to the members thereof shall from time to time appear expedient, and as shall not be in anywise repugnant to or inconsistent with this Act or to Law; and such By-Laws, being first approved by the Governor of this Province, shall have force and effect, and shall bind the members and pupils of the corporation and all others whom they may concern; and may in like manner be altered, amended or repealed, and others made in their stead as need shall be: Provided always, that no such By-Law shall impose any fine or penalty exceeding twenty-five shillings for any offence: And provided also, that a fair copy in both languages of the By-Laws then in force shall be at all times publicly posted in some conspicuous place in the lecture room; and any copy of such By-Laws, under the seal of the corporation and certified by the Provincial Secretary, shall be deemed authentic, and shall be received in evidence as the By-Laws in force at the date of such certificate.

By-Laws.

Approval by Governor.

Provisos.

VI. And be it enacted, That on the presentation by any pupil of the said Medical School, of his certificate of attendance from the said corporation, to the body, or persons appointed to examine applicants for licenses to practice Physic, Surgery, Midwifery, or Pharmacy, they shall examine the said certificate, and having done so, and ascertained in what capacity or department the applicant is therein certified as having attended such lectures, and having duly examined him, shall themselves certify accordingly to the Governor of this Province, a license to practice may accordingly be issued to such applicant in the usual manner and on payment of the usual fees.

Examination of pupils and licence to practice.

VII. And be it enacted, That each and every member of the said corporation shall, in his private capacity, be liable for any debts or obligations of the corporation.

Liability for debts.

VIII. And be it enacted, That all the powers of the said corporation may be validly exercised by any majority of the members thereof for the time then being; and that any deed or instrument under the seal of the corporation and signed by any such majority of the members for the time being, or by such person as shall be appointed

Majority of Corporation to exercise powers, and service of process on one to be valid

against Cor-
poration.

appointed by such majority as their attorney for that purpose, shall be held to be the deed of the corporation; and any service of process or otherwise made at the place at which the said Medical School shall be kept, and (if in such case personal service be required but not otherwise) on one of the members of the corporation, shall be deemed a valid service upon the said corporation.

Governor may
require ac-
count of pro-
ceedings and
appoint offi-
cer to inquire.

IX. And be it enacted, That the said corporation shall lay before the Governor of this Province at such times and in such manner and form as he shall direct, any statement by him required as to the affairs of the corporation, or their doings under the authority of this Act, and shall submit to such inquiry into and concerning the same as he shall direct to be made by any person or officer he may nominate for that purpose.

Public Act.

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

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



ANNO OCTAVO
VICTORIÆ REGINÆ.

CAP. LXXXI.

An Act to Incorporate the Montreal School of Medicine and Surgery.

[29th March, 1845.]

WHEREAS Francis C. T. Arnoldi, Francis Badgley, Pierre Munro, William Sutherland, and Horace Nelson, all of the City of Montreal, Licensed Practitioners of Medicine and Surgery, and divers others, Students under their tuition, have, by their Petition to the Legislature, represented, that the persons above named have, for the last two years, been engaged in giving Public Lectures and instructions in the various branches of science connected with the exercise of their profession, and have for that purpose established a Public Medical School, with suitable apparatus and conveniencies, and have commenced the formation of a Library and Anatomical Museum, which they are willing to appropriate for the purposes hereinafter mentioned; and that the said Petitioners believe that if the said persons, and their successors, were incorporated and invested with the powers hereinafter mentioned, they would be able still further to increase their means of affording adequate instruction to their pupils, and would be enabled to place within their reach such means of acquiring medical knowledge as would render it unnecessary for them to spend any portion of their period of study out of this Province, and frequently out of Her Majesty's Dominions, as many are under the necessity of doing at an expense which they can ill afford, and to their disadvantage in other respects; 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

Preamble.

Certain persons under the name of "The Montreal School of Medicine" incorporated and empowered to hold real and personal property to the value of £5,000.

authority of the same, That the said Francis C. T. Arnoldi, Francis Badgley, Pierre Munro, William Sutherland, and Horace Nelson, and their successors, and those who may be associated with them or their successors in the manner herein-after mentioned, shall be and are hereby constituted a body politic and corporate by the name of "The Montreal School of Medicine and Surgery," and by that name shall have perpetual succession and a Common Seal, with power to break, alter, or make anew the same, and may by that name sue and be sued, plead and be impleaded in all Courts of Law or Equity in this Province, and may purchase, take, and hold real and personal property, provided the real property so held by the said Corporation do not at any time exceed the value of five thousand pounds, currency, and may alienate the same and acquire other property instead thereof.

On death, removal or resignation of members, others to be appointed by public competition.

Corporation not to exceed ten in number.

Governor's approval.

II. And be it enacted, That whenever any of the members of the said Corporation shall die, or shall become permanently resident out of the City of Montreal, or shall resign, (and any member shall be at liberty so to resign,) or it shall be deemed advisable by the Corporation to increase the number of members thereof, (which the said Corporation may always do, provided the number of the members shall never at any time exceed ten,) then the said Corporation shall give public notice of such vacancy in the manner to be provided by the By-Laws of the Corporation, and that, on a day to be appointed in such notice, a member (or members as the case may be) will be chosen by public competition; and on the day so appointed the candidates shall attend at the place where the meetings of the Corporation shall be held, and shall then and there be examined as to their qualifications as public teachers of the sciences they will be required to teach, in such manner as shall be appointed by the By-Laws of the Corporation then in force; and the name of the candidate whom the Corporation shall deem in all respects best qualified to fill the vacancy shall be submitted to the Governor of this Province for his approval, or if the Corporation shall be of opinion that none of the candidates are qualified to fill such vacancy, and the vacancy cannot be filled, then a new competition shall be had as aforesaid.

Lectures: 120 in French and English to be delivered annually.

III. And be it enacted, That the said Corporation shall yearly and every year cause to be delivered at least one hundred and twenty lectures, of at least one hour each, in the English language, and the like number of the same duration in the French language, on the following branches of Medical Science, to wit: Anatomy and Physiology, Chemistry and Pharmacy, Materia Medica, Theory and Practice of Physic, Principles and Practice of Surgery and Midwifery, and Diseases of Women and Children, to be given by competent Lecturers at some place in the City of Montreal, between the first day of October and the last day of April.

IV. And be it enacted, That the fee to be demanded of any Pupil on his entry or matriculation in the said School shall not exceed ten shillings, currency, to be applied by the Corporation to the purchase of books, specimens, and the improvement in other ways of their Library and Museum, which shall be open for the use of their Pupils on all days except Sundays and Holidays, and an account of the sums received for such fees, and of the expenditure thereof, shall be rendered yearly to the Governor of this Province.

Fees payable
by pupil, and
application
thereof.

To account
annually to
Governor.

V. And be it enacted, That the said Corporation shall have power to make such By-Laws as may be necessary for the conduct of its affairs and business, the government of its Pupils, and for carrying into effect the provisions of this Act, as to the members thereof shall from time to time appear expedient, and as shall not be in any wise repugnant to or inconsistent with this Act or to Law; and such By-Laws, being first approved by the Governor of this Province, shall have force and effect, and shall bind the Members and Pupils of the Corporation, and all others whom they may concern; and may in like manner be altered, amended or repealed, and others made in their stead as need shall be: Provided always, that no such By-Law shall impose any fine or penalty exceeding twenty-five shillings for any one offence: And provided also, that a fair copy in both languages of the By-Laws then in force shall be at all times publicly posted in some conspicuous place in the Lecture Room; and any copy of such By-Laws under the Seal of the Corporation and certified by the Provincial Secretary, shall be deemed authentic, and shall be received in evidence as the By-Laws in force at the date of such certificate.

By-Laws.

Approval by
Governor.

Provisoes.

VI. And be it enacted, That on the presentation by any pupil of the said Medical School of his certificate of attendance from the said Corporation, to the body or persons appointed to examine Applicants for Licenses to practice Physic, Surgery, Midwifery or Pharmacy, they shall examine the said certificate, and having done so, and having ascertained in what capacity or department the Applicant is therein certified as having attended such lectures, and having duly examined him, shall themselves certify accordingly to the Governor of this Province, a License to practice may accordingly be issued to such Applicant in the usual manner and on payment of the usual fees.

Examination
of pupils and
license to prac-
tice.

VII. And be it enacted, That all the property real or personal immediately before the passing of this Act held by the persons herein first above named and incorporated, as appertaining to and being for the use of the said Medical School, and more especially the Library and Museum aforesaid, shall be vested in and held by the Corporation hereby created for the purposes aforesaid: Provided always, That if, by reason of any failure to comply with the provisions of this Act, the

Library mu-
seum, &c.,
vested in Cor-
poration.

Proviso.

privileges

privileges hereby granted shall be declared forfeited by any competent tribunal, then the property of the said Corporation shall be forfeited to Her Majesty, and (the debts of the Corporation being first paid out of the same) may be assigned by the Governor in Council to such Public Institution in this Province as he shall nominate for that purpose.

Liability for debts.

VIII. And be it enacted, That each and every Member of the said Corporation shall, in his private capacity, be liable for any debts or obligations of the Corporation.

Majority of Corporation to exercise powers, and service of process: on one to be valid against Corporation.

IX. And be it enacted, That all the power of the said Corporation may be validly exercised by any majority of the Members thereof for the time then being; and that any deed or instrument under the Seal of the Corporation, and signed by any such majority of the Members for the time being, or by such person as shall be appointed by such majority as their Attorney for that purpose, shall be held to be the deed of the Corporation, and any service of process or otherwise, made at the place at which the said Medical School shall be kept, and (if in such case personal service be required but not otherwise) on one of the Members of the Corporation, shall be deemed a valid service upon the said Corporation.

Governor may require account of proceedings and appoint officer to inquire.

X. And be it enacted, That the said Corporation shall lay before the Governor of this Province, at such times and in such manner and form as he shall direct, any statement by him required as to the affairs of the Corporation or their doings under the authority of this Act, and shall submit to such inquiry into and concerning the same as he shall direct to be made by any person or officer he may nominate for that purpose.

Public Act.

XI. And be it enacted, That this Act shall be a public Act and shall be judicially noticed as such 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 OCTAVO

VICTORIÆ REGINÆ.

CAP. LXXXII.

An Act to Incorporate the Roman Catholic Bishops of Toronto and Kingston, in Canada, in each Diocese.

[29th March, 1845.]

WHEREAS the Right Reverend Michael Power, Roman Catholic Bishop of Toronto, and the Right Reverend Patrick Phelan, Roman Catholic Bishop of Carrhæ and Administrator of the Diocese of Kingston, in this Province, have petitioned this Parliament to pass an Act incorporating the Roman Catholic Bishops of Kingston and Toronto severally, and enabling each to hold and acquire real estate in this Province for religious purposes; and whereas it is expedient to comply with the prayer of the said Petition: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, 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 said Michael Power and his successor and successors being Bishop of Toronto aforesaid in communion with the Church of Rome, and Remigius Gaulin and his successor and successors, being Bishop of Kingston aforesaid, in communion with the Church of Rome, shall be, and are hereby declared to be, each respectively, a Body Corporate in his respective Diocese aforesaid, in deed and in name, the said Michael Power and his successor and successors for the time being by the name of the "*Roman Catholic Episcopal Corporation for the Diocese of Toronto, in Canada*,"—and the Reverend Remigius Gaulin and his successor or successors for the time being by the name of "*The Roman Catholic Episcopal Corporation of the Diocese of Kingston, in Canada*,"

Preamble.

The Bishops of Toronto and Kingston, respectively, constituted corporations sole.

Corporate names.

Corporate
powers.

"*Canada*,"—and that each of them and his successors as aforesaid shall, by his separate name as aforesaid, have perpetual succession and a common seal, and shall have power from time to time (by and with the advice of his Coadjutor and Senior Vicar General or of two Clergymen for the time being as hereinafter mentioned) to alter and renew or change such common seal at pleasure, and shall respectively by his respective name as aforesaid, from time to time and at all times hereafter, be able and capable to have, hold, purchase, acquire, possess and enjoy for the general use or uses eleemosynary, ecclesiastical or educational of the said Church, or of the religious community, or of any portion of the same community within his diocese, any lands, tenements or hereditaments within the Province of Canada, and the same real estate or any part thereof from time to time (by and with the advice and consent hereafter mentioned) to sell or exchange, alienate, let, demise, lease, or otherwise dispose of, and in case of sale to purchase other real estate in lieu of that sold with the proceeds or purchase money arising from such sale, and to hold and enjoy such newly purchased or exchanged estate or estates for the religious, eleemosynary, ecclesiastical or educational purposes aforesaid, or any or either of them, and by the same name respectively each of the said Bishops and his successors shall and may be able and capable in law to sue and be sued, implead and be impleaded; answer and be answered in all Courts of Law and Equity and places whatsoever, in as large, ample and beneficial a manner as any other Body Corporate or as any other person may or can in law or equity sue or be sued, implead or be impleaded, answer or be answered unto in any manner whatsoever.

Holding Pro-
perty.

Alienating the
same.

Suing and be-
ing sued.

Churches, &c.,
in the said dio-
ceses respect-
ively vested in
the Bishop of
the Diocese.

II. And be it enacted, That the soil and freehold, as well as the fee of all lands, tenements, and hereditaments, and of all burial grounds and churches and chapels now belonging to and used, held, occupied, possessed, or enjoyed by the said Michael Power or his Church in communion with the Church of Rome as aforesaid, and of all churches and chapels now being erected or to be hereafter erected in his Diocese, shall be and are hereby declared to be vested in him and his successor and successors for the time being for the purposes aforesaid; and that the soil and freehold, as well as the fee of all lands, tenements and hereditaments, and of all burial grounds and churches and chapels now belonging to and used, held, occupied, possessed or enjoyed by the said Remigius Gaulin or his Church in communion with the Church of Rome as aforesaid, and of all churches and chapels now being erected or to be hereafter erected in his Diocese, shall be, and are hereby declared to be, vested in him and his successor and successors for the time being for the purposes aforesaid, the Acts of Parliament commonly called the Statutes of *Mortmain*, or other Acts, laws and usages to the contrary notwithstanding.

III.

III. And be it enacted, That all Deeds or Wills of any real estate made and executed by or in favor of either of the said Bodies Corporate, or his successor or successors for the time being, (except leases for a term not exceeding twenty-one years,) shall be duly registered according to law within twelve calendar months after the making and execution thereof, otherwise the same shall be void and of none effect.

Deeds and Wills of property in favour of the said Corporations to be registered.

IV. And be it enacted, That it shall be lawful for any person or persons within either of the said Dioceses of Toronto or Kingston, in whom or in whose name or names any lands, tenements, and hereditaments are now, or shall or may be hereafter vested in trust or otherwise for the benefit of the said Roman Catholic Churches, or either of them, from time to time to convey, assign, or transfer by deed under his hand or their hands and seals, in the usual legal way, all or any of the same lands, tenements, and hereditaments, unto the Bishop for the time being of the Diocese in which such real estate is situate, to be holden by the said Bishop and his successor or successors for the purposes aforesaid, as provided by this Act.

Persons holding property in trust for the benefit of such Churches may convey the same to the Bishop of the Diocese.

V. And be it enacted, That it shall not be lawful for either of the said Bishops, or for their successor and successors, for the time being, to make or execute any deed, conveyance, lease, or assignment of the whole or any part of the lands, tenements, and hereditaments acquired or held, or to be hereafter acquired by him, under and by virtue of this Act, or the title to which is confirmed to him by this Act, without the consent in writing of his Coadjutor and Senior Vicar General, and in case there shall happen to be no Coadjutor or Vicar General, or in case the said Coadjutor or Vicar General or either of them shall be incapacitated by sickness, infirmity or any other cause, or shall happen to be necessarily absent at the time, then of two Clergymen, to be selected or named by the Bishop of each respective Diocese; such selection or nomination, and such consent to appear upon the face of the deed or other instrument in writing intended to be executed by the parties, and to be testified by the said Bishop and Coadjutor, and Senior Vicar General, or such two Clergymen as aforesaid being made parties to and signing and sealing all the deeds, conveyances, leases, assignments, or other instruments, in the presence of two credible witnesses, as consenting parties thereto, respectively.

Functionaries whose consent shall be requisite to the alienation of any property held by the said Corporations.

Consent to appear on the deed and how to be testified.

VI. And be it enacted, That nothing in this Act contained shall extend or be construed to extend in any manner to confer any spiritual jurisdiction or ecclesiastical rights whatsoever upon either of the said Bishops hereinbefore mentioned, or upon his or their successor or successors, or other ecclesiastical person of the said Church or Churches in communion with the Church of Rome aforesaid.

This Act shall confer no spiritual or ecclesiastical jurisdiction.

VII.

Except as hereinafter provided, this Act shall apply only to Upper Canada.

VII. And be it enacted, That this Act shall extend only to that part of this Province which formerly constituted the Province of Upper Canada, (except that the said corporate bodies may respectively acquire, hold, and enjoy lands and hereditaments in any part of this Province for the purposes aforesaid,) and shall not in any wise extend to or affect that part of the Province formerly known as Lower Canada.

Co adjutors to have the powers of the Bishops in certain cases.

VIII. And be it enacted, That in case either of the said Bishops, or any new Bishops of any new Diocese that may be erected as aforesaid, or their or his successor or successors shall, from sickness, infirmity, or any other cause, become incapable or be incapacitated to perform his duties in his Diocese, then his Coadjutor, or the person or persons administering the Diocese, shall have the same powers as are by this Act conferred upon the Bishops of the said respective Dioceses.

Bishops of certain new Dioceses to have the same power as those of Toronto and Kingston.

IX. And be it enacted, That whenever it may be deemed expedient to erect any new Diocese or Dioceses in that part of the Province formerly called Upper Canada, the Bishop or Bishops of such new Diocese or Dioceses, and his or their successor or successors for the time being, shall have the same powers as are by this Act conferred upon the said Bishops of Kingston and Toronto respectively.

Rights of the Crown, &c., saved.

X. 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 herein before mentioned and provided for.

Public Act.

XI. 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 whatsoever, without being specially pleaded.

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Law Printer to the Queen's Most Excellent Majesty.



ANNO OCTAVO
VICTORIÆ REGINÆ.

CAP. LXXXIII.

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.*

[29th March 1845.]

WHEREAS the City of Toronto and Lake Huron Rail-Road Company have by their Petition prayed, that the Act of the Parliament of Upper Canada, passed in the sixth year of the Reign of His late Majesty King William the Fourth, incorporating the said Company, may be so amended as to empower the said Company, in their discretion, to construct in lieu of, or in addition to, any Rail-Road they are now authorized to construct, a planked, macadamized or blocked Road, and so as to render it unnecessary that the said Road so to be constructed shall be confined within the limits of the Home District, and so as to extend to them further time for the completion of the same; and whereas it is desirable that the prayer of their 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, 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, or in any other Act of the Province of Upper Canada contained, it shall and may be lawful for the said Toronto and Lake Huron Rail-Road Company to construct, in their discretion, in lieu of or in addition to any Rail-Road they are now authorized by law to construct, a planked, macadamized or blocked Road, upon the same terms and under the same conditions and

Preamble:
Act of U. C.
6 Will. IV.
cap. 5, cited.

Certain provisions of the said Act amended.

and restrictions as they are authorized to construct a Rail-Road, and to fix the terminus of any such rail, plank, macadamized or blocked Road at any point on Lake Huron they may deem most advisable, and that the time for the completion of any such Road shall be extended to the period of four years from and after the passing of this Act.

Law applicable to any new road.

II. And be it enacted, That all the provisions of the said hereinbefore recited Act, shall apply to and be in full force as regards any planked, macadamized or blocked Road hereby authorized to be constructed, or to any Rail-Road which the said Company may in their discretion construct.

Amount of Capital Stock £500,000.

III. And be it enacted, That notwithstanding any thing in the said Act contained, the capital stock in the said Company shall not exceed in value five hundred thousand pounds, divided into shares of five pounds each, and it shall and may be lawful for the said Company to sue for and recover the amount of any share or shares subscribed by any person or persons in the capital stock thereof in any Court having competent jurisdiction.

This Act not to prevent incorporation of any other Company for a like purpose.

IV. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to prevent the Legislature of this Province, from incorporating any other Joint Stock Company or Companies at any time hereafter, from any point on Lake Ontario, to any point on Lake Huron, any thing herein contained to the contrary notwithstanding.

Public Act.

V. 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.

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Law Printer to the Queen's Most Excellent Majesty.



ANNO OCTAVO

VICTORIÆ REGINÆ.

CAP. LXXXIV.

An Act to amend the Act authorizing the Establishment of Mutual Fire Insurance Companies, and the Act to continue and amend the same.

[29th March, 1845.]

WHEREAS the President and Directors of the Mutual Fire Insurance Company for the County of Montreal, have, by their Petition to the three branches of the Legislature of this Province, applied for certain amendments to the Act of the Legislature of the former Province of Lower Canada, passed in the fourth year of the Reign of His late Majesty William the Fourth, intituled, *An Act to authorize the Establishment of Mutual Fire Insurance Companies*, and to the Act of the same Legislature, passed in the sixth year of the Reign of His said late Majesty William the Fourth, intituled, *An Act to continue for a limited time and to amend a certain Act therein mentioned, relative to the Establishment of Mutual Fire Insurance Companies*, in virtue and by the authority of which said two Acts, the said Mutual Fire Insurance Company for the County of Montreal, has been established and exists; and whereas it is expedient to grant 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 Governement of Canada*, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, all and every the provisions of the two Acts cited in the preamble of this Act, which are hereinafter altered, or shall be inconsistent with the provisions of this Act, shall be and the same are hereby repealed in so far as regards the said Mutual Fire

Preamble:

4 Will. 4. L. C.

6 Will. 4.

Provisions of the Acts above cited repealed in so far as regards the Mutual Fire Insurance Company for County

Insurance

of Montreal
only.

Insurance Company for the County of Montreal only, and not with regard to any other Company established under the said two Acts, with regard to which said other Companies all and every the provisions of the said two Acts shall be in entire force as if this Act had not been passed.

Extension of
time to Direc-
tors for certain
purposes.

II. And be it enacted, That from and after the passing of this Act, the Directors of the said Company shall have ten days instead of five to make such answer in writing as is mentioned in the eleventh Section of the Act first above cited as aforesaid.

As to a mem-
ber suffering
loss by fire.

III. And be it enacted, That when any Member of the said Company shall have suffered any loss by fire, and it shall appear to the Directors that, by reason of such loss, such Member has no sufficient means or property to answer the amount of his promissory note deposited with the said Company; then, unless such Member shall otherwise secure the payment of his proportion of dividends or assessments which might be declared on his promissory note, pending the duration of his policy of Insurance or of its renewal, it shall be lawful for the Directors of the said Company to keep and retain in their hands, from and out of the amount allowed to such Member for such loss so by him suffered, the amount of the said promissory note, as a guarantee and security for the payment of such dividends or proportion of such assessments as might be declared on such promissory note, pending the duration of the policy, or a renewal, and the balance remaining on such promissory note, after the payment of such dividends, if any, shall be returned, and paid over to such Member, within thirty days after the expiration of his policy, or of the period for which it shall be renewed.

Death or In-
solveny of en-
dorsor upon a
note given to
Company by
a member.

IV. And be it enacted, That it shall be lawful for the Directors of the said Company to oblige any Member thereof, who shall have given his endorsed note either to obtain a policy of Insurance or to renew the same, to furnish and give a new endorser to the satisfaction of the said Directors, in case of the death or insolvency of the party who shall have endorsed such note; and if such Member shall neglect or refuse to give such new endorser within thirty days after he shall have been requested so to do by the Secretary of the said Company, it shall be lawful for the said Directors to cancel the policy of Insurance or the renewal of a policy for which such note shall have been given; and such person whose said policy or renewal of policy shall have been so cancelled, shall cease to be a Member of the said Company, but shall nevertheless be liable for the payment of his proportion of the losses sustained by the said Company up to the time when his said policy or renewal of policy shall have been cancelled, and after the payment of such proportion of the said losses, his promissory note shall be returned to him.

V.

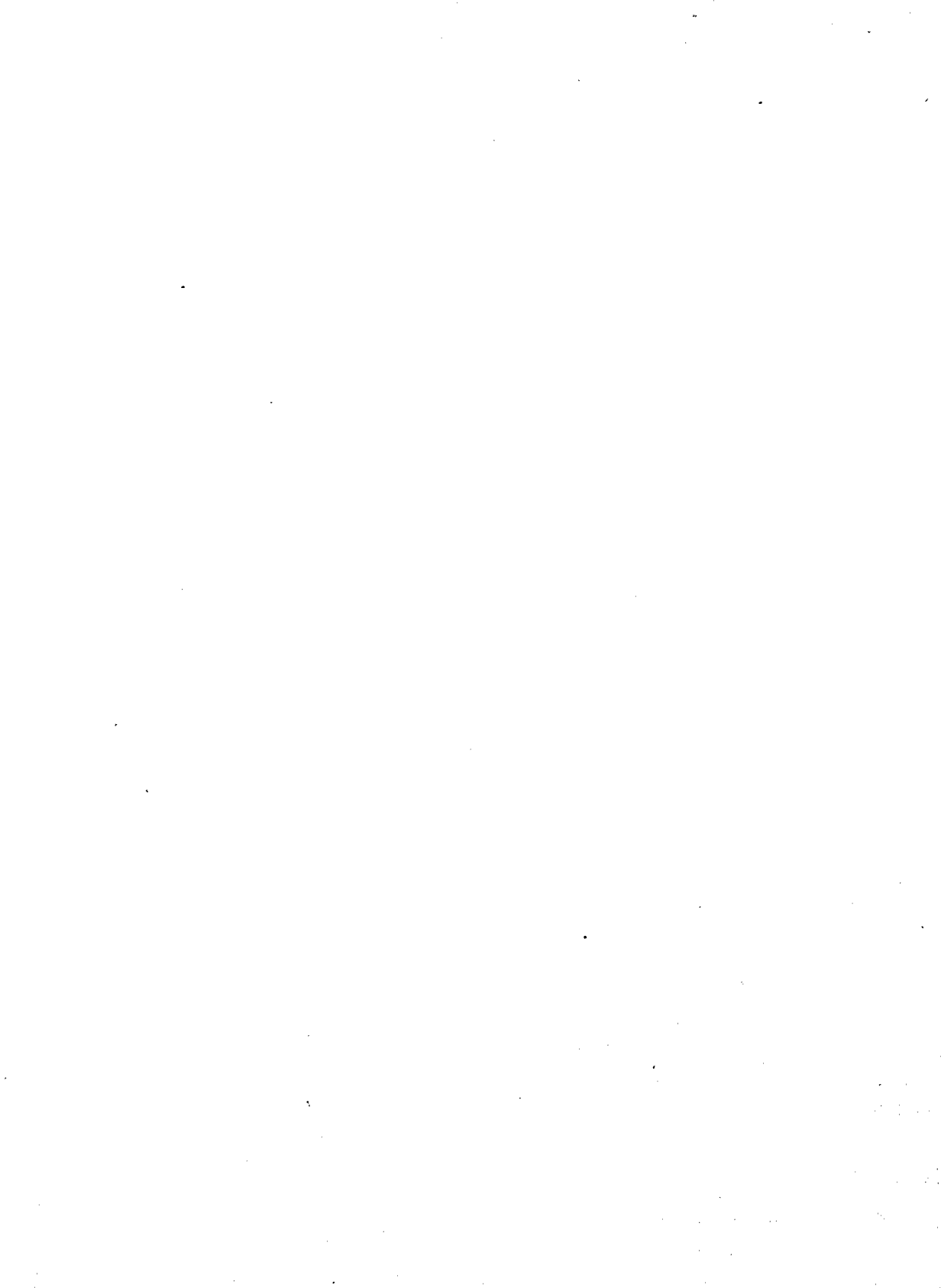
V. And be it enacted, That all extracts and copies of the Proceedings of the Directors of the said Company, and of the Registry kept by the said Company, and all copies of the entries of the same, and in general all certificates and papers signed by the President and under the Seal of the said Company, and countersigned by the Secretary thereof, shall be received in all Courts of Justice in this Province as *prima facie* evidence of the facts mentioned in such extracts, copies, certificates, and papers, respectively.

Extracts and minutes of proceedings, &c., to be evidence in Courts of Justice.

VI. And be it enacted, That this Act shall be considered a public Act, by all Judges, Justices of the Peace, and Officers of Justice, and by all other persons whomsoever, and shall be judicially taken notice of without being specially pleaded.

Public Act.

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





ANNO OCTAVO

VICTORIÆ REGINÆ.

CAP. LXXXV.

An Act to amend the Act of Incorporation of the City of Toronto Gas Light and Water Company.

[29th March, 1845.]

WHEREAS an Act was passed by the Legislature of this Province in the Session held in the fourth and fifth years of the Reign of Her present Majesty, intituled, *An Act to Incorporate a Company under the Style and Title of the "City of Toronto Gas Light and Water Company;"* And whereas Albert Furniss, one of the Members of the said Company, with the consent of the Mayor, Aldermen and Commonalty of the City of Toronto, has petitioned for certain alterations and amendments in the said Act; and whereas it is expedient to make such amendments: 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 not be lawful for any person or persons, except the said Corporation of the said City of Toronto, to sue for and recover any forfeitures and penalties heretofore incurred, or hereafter to be incurred, by the said City of Toronto Gas Light and Water Company, under the eighth Section of the said Act, for not finishing the work, and replacing the streets, squares and public places in the said City, in as good a condition as before the commencement of any work; and before any such penalty shall be recovered, it shall be necessary for the plaintiff or plaintiffs to prove that reasonable notice of such neglect or default was given by the City Inspector to the said Company or their Agent, before action brought.

Preamble.

4 & 5 Vict. Toronto Corporation only authorized to sue for forfeitures against the Gas Company.

Notice.

II. And be it enacted, That the tenth Clause of the said Act be, and the same is hereby repealed.

Tenth clause of said Act repealed.



ANNO OCTAVO
VICTORIÆ REGINÆ.

CAP. LXXXVI.

An Act to revive certain provisions of the Act incorporating "*The Great Western Rail-Road Company*," and to enable them to carry on that work.

[29th March, 1845.]

WHEREAS it is expedient to revive, with certain exceptions and amendments, the Act of the Legislature of Upper Canada, passed in the fourth year of the Reign of His late Majesty King William the Fourth, and intituled, *An Act to incorporate certain persons under the style and title of "The London and Gore Rail-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 the said Act passed in the fourth year of the Reign of His late Majesty King William the Fourth, and intituled, *An Act to incorporate certain persons under the style and title of "The London and Gore Rail-Road Company,"* shall be and is hereby revived, and shall be in full force and effect as if the several provisions thereof were herein repeated and re-enacted, subject to the provisions hereinafter made: Provided always, that the sixteenth, seventeenth and twenty-sixth sections of the said Act, and so much of the twenty-third section or of any other part thereof, as limits the duration of the said Act, or as assigns the corporate name of the Company thereby established, or is in any way inconsistent with or repugnant to the provisions of this Act, shall not be so revived, but shall be and remain repealed.

Preamble.

Act of U. C.
4 Will IV. c.
29, cited.

The said Act
revived with
certain excep-
tions.

Corporate name of the Company changed.

II. And be it enacted, That notwithstanding any thing in the said Act, the corporate name of the Company to be constituted under the authority thereof shall be "*The Great Western Rail-Road Company*," by which name, instead of "*The London and Gore Rail-Road Company*," the said Company shall have and exercise the privileges granted by the said Act or by this Act.

Powers of the Company extended to certain other lines of Road.

III. And be it enacted, That, notwithstanding as aforesaid, the said Company shall have full power to make or continue their Rail-Road, from the Town of London to Point Edward, at the foot of Lake Huron, and to the Detroit River, and to any point on the Niagara River, and that they may contract, compound, compromise and agree with the owners or occupiers of any lands upon which they may determine to construct such Rail-Road, either for the purchase of so much of the said lands and privileges as they shall require, or for any damage done either to or by the said Company, in the same manner as is provided by the Act hereby revived in cases of the same kind.

Capital stock of the Company £1,500,000.

Shares to be transferable.

IV. And be it enacted, That notwithstanding as aforesaid, the whole capital stock of the said Company, inclusive of any real estate which the said Company may have or hold by virtue of the Act hereby revived, or of this Act, may be equal to, but shall not exceed one million five hundred thousand pounds, currency, to be held in sixty thousand shares of twenty-five pounds each; and that the shares of the Capital Stock 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 a book or books to be kept for that purpose by the said Company: Provided always, that nothing herein contained shall authorize the said Company to act as Bankers, or in any way to carry on or use the business of Banking.

First meeting of Directors.

Proviso.

V. And be it enacted, That on the first Monday in February next, a meeting of the Stockholders in the said Company shall be held at London, at which meeting such Stockholders shall proceed in the manner provided by the Act hereby revived, 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 first Monday in June 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, on the said first Monday in February next, shares to the amount of twenty-five thousand pounds in the Stock of the said Company be not taken up, or if for any other cause the said meeting be not then held, then the said first meeting shall not be held until the said amount be taken up, and at least thirty days notice thereof given in any newspaper or newspapers published in the Districts of London and Gore; but at whatever time such first meeting

meeting shall be held, the Directors elected thereat shall remain in office until the first Monday in June next thereafter.

VI. And be it enacted, That the Rail-Road which the said Company are authorized to make by this Act and by the Act hereby revived, shall be commenced within four years from the passing of this Act, otherwise this Act and every matter and thing therein contained shall cease and be utterly null and void; and the several lines of Rail-Road which the said Company are authorized to make as aforesaid shall be respectively completed and fit for public use within twenty years from the passing of this Act, otherwise this Act shall cease to have force and effect with regard to all such lines or parts of lines as shall not then be completed as aforesaid, but shall remain in force with regard to such lines or parts of lines as shall be then so completed and in use.

Within what time the Rail-roads must be commenced and completed.

VII. And be it enacted, That the provisions of the twenty-fifth section of the Act hereby revived, shall apply to this Act and to the privileges hereby granted, as well as to the said Act and to the privileges granted by the same.

Provisions of section 25 of the said Act how to apply.

VIII. And be it declared and enacted, That except this Act and so much of the Act herein first above cited as is hereby revived, all other Acts and parts of Acts relative to *The London and Gore Rail-Road Company*, or to *The Great Western Rail-Road Company*, and more especially, the Act of the Legislature of Upper Canada, passed in the seventh year of the Reign of His late Majesty King William the Fourth, intituled, *An Act to alter and amend the Act incorporating sundry persons under the name of the London and Gore Rail-Road Company, and to grant them a sum of money by way of loan*; and the Act of the said Legislature passed in the same year of the same Reign, and intituled, *An Act to provide for the payment in certain cases of the Interest on the Loan for the construction of the Great Western Rail-Road*; and so much of the Act of the said Legislature, passed in the same year of the same Reign, and intituled, *An Act to make further provision respecting the affording public aid to the Great Western Rail-Road, and the Toronto and Lake Huron Rail-Road, and for other purposes therein mentioned*, as relates to the said Great Western Rail-Road, are and shall be null and void, and of no force or effect whatsoever.

All Acts on the same subject not hereby expressly revived shall be void.

Act of U. C. 7 Will. IV. c. 61.

Act of U. C. 7 Will. IV. c. 62.

Act of U. C. 7 Will. IV. c. 63.

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Law Printer to the Queen's Most Excellent Majesty.

THE
OFFICE OF THE
ATTORNEY GENERAL
STATE OF TEXAS
DALLAS, TEXAS

STATE OF TEXAS
COUNTY OF _____

Know all men that _____ of the County of _____ State of Texas, for and in consideration of the sum of _____ Dollars, to _____ of us, the undersigned, the receipt of which is hereby acknowledged, have granted, sold and conveyed, and by these presents do grant, sell and convey unto the said _____ of the County of _____ State of Texas, all that certain _____

WITNESSED my hand and seal this _____ day of _____ 19____.



ANNO OCTAVO

VICTORIÆ REGINÆ.

CAP. LXXXVII.

An Act to give further powers to the North American Colonial Association of Ireland.

[29th March, 1845.]

WHEREAS by an Act of the Parliament of the United Kingdom of Great Britain and Ireland, passed in the Session of the fifth and sixth years of the Reign of His late Majesty King William the Fourth, intituled, *An Act for Incorporating and granting certain powers to the North American Colonial Association of Ireland*, certain persons were incorporated into a Company, by the name and style of "*The North American Colonial Association of Ireland*," for carrying into execution the purposes of the said Act: And whereas, by another Act of the same Parliament, passed in the fifth year of the Reign of Her present Majesty, intituled, *An Act to amend an Act for Incorporating and granting certain powers to the North American Colonial Association of Ireland, and for explaining, altering and enlarging the provisions thereof*, the said first recited Act, and the provisions thereof were altered, enlarged and extended: And whereas, by the said last recited Act, it was enacted, among other things, that it should be lawful for the said company to be invested with and exercise any further powers which the Legislature of the Province of Canada should from time to time, by an Act or Acts, to be at any time passed thereby, give to the company, and to do all acts necessary for the exercise of such powers, in the same manner and to the same extent as if the said powers were expressly given, and the said Acts expressly authorized, by the said last mentioned Act of the Parliament of the United Kingdom; and that in such case, it should be lawful for the company, and in furtherance and execution of the power so given to them, and in doing the acts so authorized, to apply and deal with the property and capital, for the time being, of the company, and the monies then or thereafter authorized to be raised by the company, in the same manner and to the same extent,

Preamble.

5 & 6 W. 4.

5 Vict.

extent, as if such dealings with, and application of such property, capital and monies had been expressly authorized among the purposes for which the company were incorporated: and that the company should be bound and required to do all such acts, and to exercise all such further powers as might at any time be authorized or given to them by such authority as aforesaid, in such manner, and subject to all such limitations, conditions and provisions as might be prescribed and provided by any Act of such Legislature whereby such powers shall be given or such Acts authorized, and that such limitations, conditions and provisions should have effect in the same manner and to the same extent as if prescribed and provided by the said last mentioned or any other Act of the Parliament of the United Kingdom: And whereas it is desirable to enable the company to advance and lend money, on the security of real or personal property in the said 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 it shall be lawful for the company, from time to time, and at any time or times, to lend and advance money by way of loan or otherwise, on such security, either real or personal, or both real and personal, and upon such terms and conditions as to the said company shall seem satisfactory or expedient, and to do all acts that may be necessary for the advancing such sums of money, and for the recovering and obtaining repayment thereof, and for enforcing the payment of all interest (if any) accruing from such sums so advanced, or the observance or fulfilment of any conditions annexed to such advances, or any forfeitures consequent on the non-payment thereof; and to give receipts, acquittances, and discharges for the same, either absolutely and wholly, or partially, and for all and every or any of the foregoing purposes, to lay out and apply the capital and property, for the time being, of the company, or any part thereof, or any of the monies now raised or authorized to be hereafter raised by the company, in addition to their capital for the time being, and to do, assent to, authorize and exercise all acts and powers whatsoever, in the opinion of the Directors of the said company for the time being, requisite or expedient to be done or exercised, in the same manner as if the making such advances, and doing such acts, and so applying the said capital and monies, and the exercise and doing such powers and acts had been expressly authorized among the purposes for which the company were incorporated, and to which they were, by the said hereinbefore recited Acts, or either of them, authorized to apply such capital and monies; any thing to the contrary in the said recited Acts, or in any of them contained, notwithstanding: Provided always, that it shall not be lawful for the said company to exact or take a higher rate of interest than six per cent.

Power to company to lend money on real or personal security.

6 per cent.

II. And whereas it is desirable to enable the said company to lend and advance money to the Government of the said Province: Be it therefore enacted, That it shall be lawful for the said company, and the said company are hereby empowered to lend and advance money to the Government of the said Province, for any purpose whatsoever, or to any District Council in the said Province, or to any Corporate Body having Municipal authority in any City or Town in this Province, or to any Board, Trustees, Commissioners, or other person or persons having the care of, or making, or executing any public works in the said Province, at such rate of interest, not exceeding six per cent. as may be agreed upon in every such case, and to take and accept from such Government, or District Council, or any such Corporate Body, Board, Trustees, or Commissioners, or other person or persons, such assignment, grant, demise, or other security of or upon any public revenues or property of the said Province, or upon any property belonging to such Corporate Bodies, having Municipal authority as aforesaid, or upon any rates, tolls, charges, or assessments, within the said Province, or such other security for the repayment of the money so to be advanced, and also for the interest thereon, as to the said company shall appear satisfactory, and which shall be good, valid, and effectual for the purposes expressed therein, and shall and may be enforced for the benefit of the said company, and to do all acts that may be necessary for the advancing such sums of money, and for recovering and obtaining repayment thereof, and for enforcing the payment of all interest, (if any) accruing therefrom, or any conditions annexed to such advances, or any forfeitures consequent on the non-payment thereof, or any part thereof respectively, and to give receipts, acquittances and discharges for the same, either absolutely, wholly, or partially, and for all and every, or any of the foregoing purposes to lay out and apply the capital and property for the time being of the said company, or any part of the monies now raised, or authorized to be hereafter raised by the company, in addition to their capital for the time being, and to do, assent to, and exercise all acts whatsoever, in the opinion of the Directors of the said Company, for the time being, requisite or expedient to be done, in the same manner as if the making such advances and doing such acts, and so applying the said capital and monies, had been expressly authorized among the purposes for which the said Company were incorporated, and to which they were, by the said recited Acts, or either of them, authorized to apply such capital and monies, any thing to the contrary in the said recited Acts, or either of them contained, notwithstanding.

Power to company to lend money to the Government of the Province.

III. And whereas, by the said last mentioned Act of the Parliament of the United Kingdom, it was further enacted, that it should not be lawful for the said company, at any time after the passing of the said last mentioned Act, to purchase or acquire any additional lands and hereditaments within the Province of Canada, other than such lands as were then already acquired or agreed to be acquired therein
by

Power to acquire additional lands, &c.

by them or as were then held in trust for them, without the consent of the Legislature of the said Province, to be, from time to time, and at any time, signified by an Act or Acts of such Legislature; And whereas it is desirable to enable the company to purchase and acquire additional lands and hereditaments within the Province of Canada: Be it therefore enacted, That it shall be lawful for the company, and they are hereby empowered to acquire by purchase, mortgage or otherwise, and to hold, either absolutely or conditionally, any other property, lands and hereditaments in the said Province, in addition to the property, lands and hereditaments already acquired, or agreed to be acquired, by or for them therein, or held in trust for them, and to lay out and apply the capital and other property, for the time being, of the company, or any monies now or hereafter authorized to be raised by the company, in acquiring, by purchase, mortgage or otherwise, further and other property, lands and hereditaments in the said Province, any thing to the contrary in the said recited Acts, or any of them, notwithstanding: Provided always, that the whole of the real property in Lower Canada, of which the said company may be proprietors under and by virtue of the powers given to them by this Act, shall not at any time exceed in value one fifth part of the sums of money then due to the company for monies loaned by the company on the security of hypothecs and mortgages granted to them upon real property situated in Lower Canada.

Proviso.

Power to sell
and lease
lands.

IV. And be it enacted, That it shall be lawful for the company, from time to time, to deal with and dispose of all lands already acquired and possessed, or held in trust for the company, and of all lands to be hereafter acquired or contracted for, or to which the said company shall be entitled, or of any part thereof, by sale, exchange, mortgage, lease or other disposition thereof, which they may deem most conducive to the speedy and effectual settlement of the same, or to promoting the objects and advantages of the company; and the company shall be, and they are hereby authorized and empowered to lay out and invest their capital and property, for the time being, or any monies now or hereafter authorized to be raised by them, in so dealing with or disposing of such lands.

Conveyance
of lands in U.
C. to be made
according to
form in Sched-
ule A.

V. And whereas by the said last recited Act of the Parliament of the United Kingdom, it is enacted, that in case the Legislature of the Province of Canada should at any time, by an Act or Acts of the said Legislature, authorize or prescribe the use of any form for the conveyance to purchasers of any lands of the company within the said Province, such form of conveyance shall, whenever used by the company, operate and take effect in the same manner and to the same extent, as if expressly authorized by the said Act of the Parliament of the United Kingdom: Be it therefore enacted, That all conveyances to be made by the company, under or by virtue of, or in pursuance of the several powers and authorities given to it by
this

this Act, or by the said recited Acts of the Parliament of the United Kingdom of Great Britain and Ireland, or any of them, may when the real property concerning which the said conveyances are made is situated in Upper Canada, be made according to the form in the Schedule A, to this Act annexed, or as near thereto as the circumstances will admit.

VI. And be it enacted, That in every conveyance of lands situated in Upper Canada, to be made by the company, or their attorney or attorneys, to be appointed in pursuance of this Act, the word "grant", shall operate as express covenants by the company, for themselves and their successors, with the respective Grantees therein named, and the successors, heirs, executors, administrators and assigns of such Grantees, according to the quality or nature of such grants, and of the estate or interest therein expressed to be thereby conveyed, as follows, except so far as the same shall be restrained or limited by express words contained in any such conveyance, that is to say :

Effect of word
"grant" in
conveyance.

A Covenant, that notwithstanding any act or default done by the company, they were, at the time of the execution of such conveyance, seized or possessed of the lands or premises thereby granted for an indefeasible estate of inheritance, in fee simple, free from all incumbrances done or occasioned by them, or otherwise, for such estate or interest as therein expressed to be thereby granted, free from incumbrances done or occasioned by them.

Covenants.

A Covenant, that the Grantee of such lands, his heirs, successors, executors, administrators and assigns, (as the case may be,) shall quietly enjoy the same against the company and their successors, and all other persons claiming under them, and be indemnified and saved harmless by the company and their successors from all incumbrances created by the company.

A Covenant for further assurance of such lands at the expense of such Grantee, his heirs, successors, executors, administrators or assigns, (as the case may be,) by the company or their successors, and all other persons claiming under them, and all such Grantees, and their several successors, heirs, executors, administrators and assigns respectively, according to their respective quality or nature, and the estate or interest in such conveyance expressed to be conveyed, may, in all actions brought by them, assign breaches of Covenants, as they might do if such Covenants were expressly inserted in such conveyances.

VII. And be it further enacted, That every mortgage and bond for securing money, borrowed from the company on the security of real estate in Upper Canada, shall be by deed under seal, wherein the consideration shall be truly stated,

Mortgage and
bond to be ac-
cording to
form in Sche-
dule B.

stated, and every such mortgage or bond may be according to the forms in the Schedule B, to this Act annexed, or as near thereto as the circumstances of the case will reasonably admit, and any conveyance, act, deed, or other instrument, of or respecting real property in Lower Canada, to be executed by the company, or their attorney or attorneys, to be named as hereinafter mentioned, or to which the company, or their attorney or attorneys, may become a party under the powers hereby given to the company, shall and may be executed according to any form which may, according to the laws of Lower Canada, be used for a like purpose by any of Her Majesty's subjects, excepting only that the seal of the company shall be affixed thereto, as hereinafter mentioned.

The directors of the company appointed under the British Act of Parliament above cited, may exercise the powers conferred on the company by this Act.

VIII. And be it enacted, That the Directors of the company for the time being, and who shall under and by virtue of the said last recited Act of the Parliament of the United Kingdom, have the management and superintendence of the affairs of the company, are hereby empowered to exercise, in addition to all powers now possessed by them, all the powers conferred on the company by the present Act, and shall make any payments, loans and advances on such securities as they may deem expedient, and enter into all contracts, and make all conveyances, and do all acts and things which are hereby authorized to be made or done by or on behalf of the company, and to purchase, and contract to purchase, or take by way of mortgage, the lands and hereditaments hereby authorized to be acquired by purchase, mortgage, or otherwise, and held by the company, and generally to deal with, treat, sell, and dispose of, and exercise all other acts of ownership over such lands and hereditaments, in such manner as they shall deem expedient and conducive to the benefit of the company, in such and the same manner as if such lands and hereditaments were held and owned according to the tenure, and subject to the liabilities, if any, from time to time, affecting the same, not by a body corporate, but by any of Her Majesty's subjects, being *sui juris*, and of full age; but all the powers so to be exercised, shall be exercised in accordance with and subject to the provisions of this Act, and the exercise of all such powers shall be subject also to the control and regulation of any general meeting of the Shareholders of the company, specially convened for the purpose, according to the provisions of the said last recited Act of the Parliament of the United Kingdom, but not so as to render invalid any act done by the Directors, prior to any resolutions passed by such general meeting.

Such powers to be exercised subject to the control of the Shareholders.

Company must appoint two or more persons to be their attorneys in Canada.

IX. And be it enacted, That it shall and may be lawful for the said Company, and they are hereby required, by a warrant of attorney, or written instrument under their corporate seal, to constitute and appoint two or more persons to be jointly, or jointly and severally, as may be expressed in the said warrant of attorney or written instrument, the attorneys of the said Company in this Province, and to authorize

authorize and empower the attorneys so to be named, in the name and on behalf of the Company, to make loans and advances from the capital and monies of the Company on such securities, real or personal, or both real and personal, and upon such terms as their said attorneys may deem expedient, subject to such covenants and agreements on the part of the Company as may be in such mortgages set forth, and in the name and on behalf of the Company to make all sales and other conveyances, and to enter into all contracts which by the said Company may be made or entered into under the present Act, and to purchase, or contract to purchase, or take by way of mortgage, subject to such covenants and agreements on the part of the Company as may be in such mortgage set forth, the lands, tenements and hereditaments hereby authorized to be acquired by purchase, mortgage, or otherwise, and held by the Company, and generally to exercise all the powers conferred upon the Company by the present Act; and all deeds and conveyances of or respecting lands, tenements or hereditaments made or executed by any such attorney or attorneys of the Company, or to which any such attorney or attorneys of the Company may become a party or parties, shall be signed by such attorney or attorneys, and shall be under such seal as hereinafter mentioned, and all such conveyances made by any such attorney or attorneys in the name or on behalf of the Company, of any lands, tenements and hereditaments situated in Upper Canada, shall be made according to the form contained in the Schedule marked C, to this Act annexed, or as near thereto as the circumstances of the case will admit; and all such powers so to be granted by the Company to their said attorneys, shall be exercised by such attorneys, and be subject to the directions, restrictions, and limitations in such warrant of attorney or other written instrument set forth.

X. And be it enacted, That it shall and may be lawful for the said Company, from time to time, as occasion may require, and as to them may seem meet, to revoke any such warrant of attorney or instrument as aforesaid, and again to make and grant any other warrant or warrants of attorney, instrument or instruments for the like purpose, provided that such warrants of attorney, or instruments as aforesaid, be not addressed to fewer than two persons, and be made to take effect only and so long as the persons thereby appointed shall actually be within the said Province; and it shall also be lawful for the said Company to appoint and commit to the custody of such their attorneys, for the time being, a seal for the purpose of executing such conveyances, acts, deeds, and other instruments, as their said attorneys may make or execute, or become parties to, and such seal from time to time to break, alter or renew, as to them may seem meet; and every conveyance, act, deed or instrument as aforesaid, to be executed in manner aforesaid, by such attorneys or attorney, for the time being as aforesaid, of the said Company, shall be valid and effectual in law to all intents and purposes whatsoever: Provided always, that any act, deed or other instrument, executed by the Company, or to which

Powers granted to such attorneys may be revoked and other attorneys appointed.

Attorneys may be entrusted with a seal of the company.

Proviso.

the

the Company may be a party, under the powers hereby given to them, respecting personal property only, shall be sufficiently executed and attested, (so far as regards the execution of such act, deed or other instrument by the Company,) by the signatures or signature of the Directors or Director, or attorneys or attorney of the Company executing the same, and it shall not be necessary to execute any such act, deed, or other instrument concerning personal property only, under the seal of the Company.

The seal of the company to be sufficient evidence to warrant the registration of instruments to which it is affixed.

XI. And be it enacted, That the seal of the said Company, affixed by the direction of or by such attorneys to any conveyance, deed or instrument in writing, or to any memorial or memorials thereof, for the purpose of registration of the said conveyance, deed or instrument in writing, in the proper office for registering the same in this Province, shall of itself be sufficient evidence of the due execution of such conveyance, deed or instrument in writing, or the memorial thereof by the said company, for all purposes respecting the said registration, and no further evidence or verification of such execution, nor any evidence or verification of the signatures of the Directors, or of such attorneys who shall sign such conveyance, 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 in this Province notwithstanding.

And shall be *primâ facie* evidence of the power of the director or attorney to affix the same.

XII. And be it enacted, That in all actions to be brought in this Province, in which any conveyance, act, deed or other instrument so to be executed as aforesaid, shall be required to be given in evidence, the signatures of such directors or attorneys as aforesaid, to such conveyance, act, deed or other instrument, shall, as well for as against such Company, or others claiming in their right or interest, be sufficient *primâ facie* proof of the authority of such directors or attorneys as aforesaid to sign the same, and to affix the seal of the said Company thereto; and when any such conveyance, act, deed or other instrument, executed by the Company, or to which the Company shall be a party, shall have been executed in Lower Canada, in the notarial form, before two Notaries Public, or before a Notary Public and two witnesses, a notarial copy of such notarial conveyance, act, deed, or other instrument, when given in evidence in any action pending in any Court of Justice in Lower Canada, shall as well for as against the Company, and for and against all others claiming in their right and interest, be *primâ facie* proof, not only of all of which a notarial copy of a notarial act is *primâ facie* proof according to the laws of Lower Canada, but also of the authority of the directors, attorneys or attorney who may have signed such original conveyance, act, deed or other instrument, to sign the same, and affix the seal of the Company thereto; and the production by any person to any Registrar, or his deputy, in Lower Canada, at the proper office for registering the same, of a notarial copy of any such notarial conveyance, act, deed

deed or other instrument, executed in Lower Canada, shall be sufficient to authorize and oblige such Registrar, or Deputy Registrar, to register the same, without any requisition in writing from the person presenting the same, and without any further evidence or verification whatever, and any such registration so made shall be good and valid to all intents and purposes whatever.

XIII. And be it enacted, That in any case where any real property situated in Lower Canada, shall be brought to Sheriff's Sale, at the suit of the Company, for the satisfaction of the debt for the payment of which such real property shall have been hypothecated by the debtor in favor of the Company, the Company shall be bound to bid up such property so brought to Sheriff's Sale to the amount of the debt and interest for the payment of which such real estate shall have been hypothecated in their favor, and in default of their so doing, their claim for the debt and interest for the payment of which such real property shall have been so hypothecated shall, if it exceed, be thereby reduced to a sum equal to that at which the real property so sold shall have been adjudged at such Sheriff's Sale. And when any two or more separate and distinct pieces or parcels of real property situated in Lower Canada as aforesaid shall, by any conventional hypothec, be hypothecated in favor of the company for the payment of the same sum of money, the proportion and part of the capital sum or principal to be bid on each piece or parcel of land, shall be specified in the deed by which such conventional hypothec shall be created, and in default thereof the Company shall not by means of such deed have any hypothec upon the real estate therein mentioned, and the Company at the time of such Sheriff's Sale shall be bound to bid for each of such pieces or parcels of land not only that portion of the principal which they may be bound by such deed to bid for such piece or parcel of land, but also all interest due at the time of the sale upon the said portion of such principal, and in default of their so doing, their claim for that portion of the principal and interest due to them, the amount whereof should have been bid by the Company on such piece or parcel of land, shall, if it exceed, be thereby reduced to a sum equal to that at which such piece or parcel of land shall have been adjudged at such Sheriff's Sale; and such debtor at any time prior to the day of sale, shall have a right to determine in what order, as regards each other, the pieces or parcels of land so hypothecated, and which shall have been seized and taken in execution, and to the sale of which no opposition shall exist, shall be sold: Provided always, that two or more contiguous lots, pieces or parcels of land, possessed by the same person as the proprietor or reputed proprietor thereof, shall not for the purposes of this section of this Act be considered separate or distinct pieces or parcels of land.

When real property in Lower Canada shall be sold at Sheriff's sale at suit of company, company shall bid up such property to amount of debt and interest.

XIV. And be it enacted, That in every case where any piece or parcel of real property situated in Lower Canada, and hypothecated in favor of the Company, shall

When any real property in Lower

Canada shall be sold at the suit of Company and adjudged to it, the debtor shall within one year have a right to pay to Company the price at which such property may have been adjudged.

shall be sold at Sheriff's Sale at the suit of the Company, and shall be adjudged to the Company, the said sale so made as aforesaid and the said purchase so made by the said Company shall be deemed to be conditional and subject to the right of redemption hereinafter set forth, and the said sale so made conditionally as aforesaid, shall not be deemed or considered to transfer any absolute right of property whatever in the real estate so purchased, or to give the Company power to alienate, mortgage, or hypothecate the same until after the full and entire expiration of the period of one year as hereinafter stipulated; and in every such case the debtor or other person in possession of the hypothecated property as proprietor at the time of such Sheriff's Sale thereof shall, within one year from the day of the adjudication of such real property, have a right to pay to the Company the price at which such piece or parcel of land may have been adjudged to the Company, with interest thereon from the day of the adjudication of such piece or parcel of land to the day of the repayment of such price and adjudication money to the Company, and also the debt and interest, or such balance as may be due upon the debt and interest for the payment of which the property so sold was hypothecated in favor of the Company, with the costs incurred in bringing the property to sale, and then unpaid, as well the costs before as the costs after judgment, and all incidental expenses and reasonable disbursements incurred or made by the Company, *frais, mises et loyaux coûts*, and thereupon the sale so made to the Company of such property shall be null and void as if the said Sheriff's sale had never taken place, and the Company shall at the request and expense of the person making such payment, execute an act or instrument to evidence the payment so made, and it shall be lawful for the person making such payment, or for any other person, to cause the act or instrument evidencing the same, or a memorial thereof, to be registered in the Registry Office of the place where such real property shall be situated, in the same manner as any other act or deed executed by the Company may be registered under the provisions of this or any other Act, and no *quint, lods et ventes*, or other mutation fine shall be due upon any such Sheriff's Sale so annulled, or be exigible upon any such Sheriff's Sale during the time it shall be liable to be annulled by such payment as aforesaid.

Company shall not acquire by private sale any piece or parcel of land in Lower Canada hypothecated in their favour.

XV. And be it enacted, That it shall not be lawful for the said Company, either directly or indirectly, to acquire by private sale, or in any other manner than by a judicial sale not at the instance of the Company, any piece or parcel of land situated in Lower Canada, which may be hypothecated in their favour, by any conventional hypothec as aforesaid, for any less sum than the Company would have been obliged under the deed creating such conventional hypothec and the provisions of this Act, to have bid for such real property, had the same been sold at Sheriff's Sale at the suit of the Company; and any deed of sale or other conveyance,

conveyance, made to the Company, contrary to the provisions of this section of this Act shall be null and void; and in the event of the Company acquiring by private sale any real property in Lower Canada, so hypothecated in their favor, for a sum equal to or exceeding that which they would as aforesaid have been bound to bid for such real property, had the same been sold by Sheriff's Sale, at the suit of the Company as aforesaid, the said sale so made as aforesaid, and the said purchase so made by the said Company shall be deemed to be conditional and subject to the right of redemption hereinafter set forth, and the said sale so made conditionally as aforesaid, shall not be deemed or considered to transfer any absolute right of property whatever in the real estate so purchased, or to give the Company power to alienate, mortgage or hypothecate the same until after the full and entire expiration of the period of one year as hereinafter stipulated; and in every such case the seller shall, within one year from the date of such sale, have the right to pay to the Company the price at which such piece or parcel of land may have been sold by him to them, with interest thereon from the day of the sale to the day of the payment of such price, or the debt and interest, or the balance which may be due upon the debt and interest, for the payment of which such piece or parcel of land was hypothecated in favor of the Company, and all expenses incidental to the sale, and other reasonable disbursements made by the Company, *frais, mises et loyaux coûts*, and thereupon the deed of sale or other conveyance so made to the Company, shall be null and void as if the said sale had never taken place, and the Company shall, at the request and expense of the seller re-acquiring the property so sold by him, execute an act or instrument to evidence the payment so made by him, in order to re-acquire such real property, and it shall be lawful for the person making such payment, or for any other person, to cause the said act or instrument evidencing the same, or a memorial thereof to be registered in the Registry Office, of the place where such real property shall be situated, in the same manner as any other act or deed executed by the Company may be registered, under the provisions of this Act, or any other Act, and no *quint, lods et ventes*, or other mutation fine, shall be due upon any such sale so annulled, or be exigible upon any such sale during the time that it is liable to be annulled by such payment as aforesaid; and nothing in this section of this Act, or in the two sections of this Act next before this section contained, shall be construed to relate in any manner to any real property situate in Upper Canada.

Right of redemption.

XVI. And be it enacted, That all Writs and Process at law or in equity, to be issued in the commencement of any action against the said Company, upon any deed, conveyance, contract or agreement made, executed or entered into within this Province, or upon any cause of suit or action arising out of, upon, or respecting such deed, conveyance, contract or agreement as aforesaid, and all papers and proceedings in any such action, may be served on any of the attorneys to be appointed

How Writs and Process may be served on the Company.

appointed as aforesaid in any part of this Province; and any such Writs and Process issued out of any of the Courts of Common Law of superior jurisdiction in this Province within whose jurisdiction the cause of action arose, or within whose jurisdiction the real estate which may be the object of such action may be situated, may in Upper Canada be addressed to the Sheriff of the District within which the venue in such action shall be laid, and in Lower Canada to the officer or officers by whom such Writs and Processes are usually served, and a copy thereof may be served on any of such attorneys by a literate person in any part of this Province, out of the limits of the District or place within which the Sheriff or other officer to whom such Writ was addressed could have served the same, and such service being duly verified on oath according to the law and practice of such courts respectively, shall in Upper Canada be of the like force and effect as if the service had been made by such Sheriff in the usual manner and within his District, and shall in Lower Canada be of like force and effect as if the service had been made by any officer who might have legally served the same in the usual manner and within the jurisdiction of the court from which such Process may have issued, and the affidavit verifying the service of such Writ, shall, as regards the parties to such suit, have, and be construed to have, the like force and effect for the purposes of such suit as if the said Sheriff or other officer to whom such Writ was addressed had returned the Writ served in the usual form; and that upon the due proof of such service in manner aforesaid, the Plaintiff may enter an appearance for such Company or otherwise proceed against the Company, according to the law and practice of the court in which such suit shall be brought, in like manner as in cases where any natural person has been served with Process in the ordinary manner, within the jurisdiction of such courts respectively; and that all papers and proceedings in any such action, may by any literate person be served on any of such attorneys in any part of this Province, whether within or without the jurisdiction of the court in which such action may be pending; and that Process out of the Court of Chancery in Upper Canada, may be in any such suit or action, the cause whereof arose within the jurisdiction of such court, served on any of such attorneys in any part of this Province by any person to be authorized by the said court in that behalf, and such service being verified in such manner as the said court may prescribe, shall be deemed and taken to be of the like force and effect for all purposes as if such Process had been served within the jurisdiction of the said Court of Chancery and a due return had been made thereof.

Company to
open an office
in district of
Montreal.

XVII. And be it enacted, That so soon as the said Company shall under the provisions of this Act be in operation in this Province, they shall open an office or counting house within the District of Montreal for the transaction of their business, and shall notify the same, and any subsequent change thereof, in the Canada Gazette,
and

and service of any Process instrument or document at such office or counting house for the time being shall be legal and valid service thereof upon the said Company.

XVIII. And be it enacted, That this Act shall be deemed and taken to be a Public Act. Public Act.
 of by all Judges, Justices and other persons whomsoever, without being specially pleaded.

SCHEDULES

REFERRED TO IN THE FOREGOING ACT.

SCHEDULE A.

By virtue of an Act of the Legislature of Canada, passed in the year of the Reign of Queen Victoria, intituled (*here set forth the title of this Act,*) we, the North American Colonial Association of Ireland, in consideration of the sum of _____, to us paid by A. B., of _____ do hereby grant to the said A. B., his heirs and assigns, all (*describing the premises to be conveyed*) together with all ways, rights and appurtenances thereto belonging, and all such estate, right, title and interest in and to the same, as we, the said Company, are, or shall become possessed of, or are by the said Act empowered to convey, to hold the premises to the said A. B., his heirs or assigns for ever.

Given under our Common Seal, this _____ day of _____
 in the year of our Lord _____

SCHEDULE B.

By virtue of an Act of the Legislature of Canada, passed in the _____ year of the Reign of Queen Victoria, intituled, (*here insert the title of this Act,*) I, A. B. of _____ in consideration of the sum of _____ paid to me by the North American Colonial Association of Ireland, do hereby, pursuant to the said Act, convey to the said Company, their successors and assigns, all (*describing the real or personal property to be conveyed*) and all such estate, right, title, and _____

and interest in and to the same as I am or shall become seized or possessed of to hold the same to the said Company, their successors and assigns for ever, subject to redemption on payment to the said Company, their successors or assigns, of the said sum of _____ on the _____ day of _____ 18____ with interest for the same at the rate of _____ for every one hundred pounds by the year, payable half-yearly, on the _____ day of _____ and _____ day of _____ in every year.
(Add any special powers which may be agreed on.)

In witness whereof, I have hereunto set my hand and seal, the
 day of _____ in the year of our Lord

FORM OF BOND.

By virtue of an Act of the Legislature of Canada, passed in the year of the Reign of Queen Victoria, intituled, (*title of this Act*), I, A. B., in consideration of the sum of _____ to me in hand paid by the said North American Colonial Association of Ireland, do bind myself, and my heirs, executors and administrators, unto the said North American Colonial Association of Ireland, their successors and assigns, in the penal sum of _____ pounds, to be paid to the said Company, their successors or assigns.

The condition of the above obligation is such that if the said A. B., his heirs, executors or administrators, shall pay to the said Company, their successors, or assigns, on the _____ day of _____ which will be in the year 18____ the principal sum of _____ together with interest for the same at the rate of _____ per centum per annum, payable half-yearly, on the _____ day of _____ and _____ day of _____ then the above written obligation is to become void, otherwise to remain in full force.

In witness whereof I have hereunto set my hand and seal, the _____ day
 of _____ in the year of our Lord

SCHEDULE C.

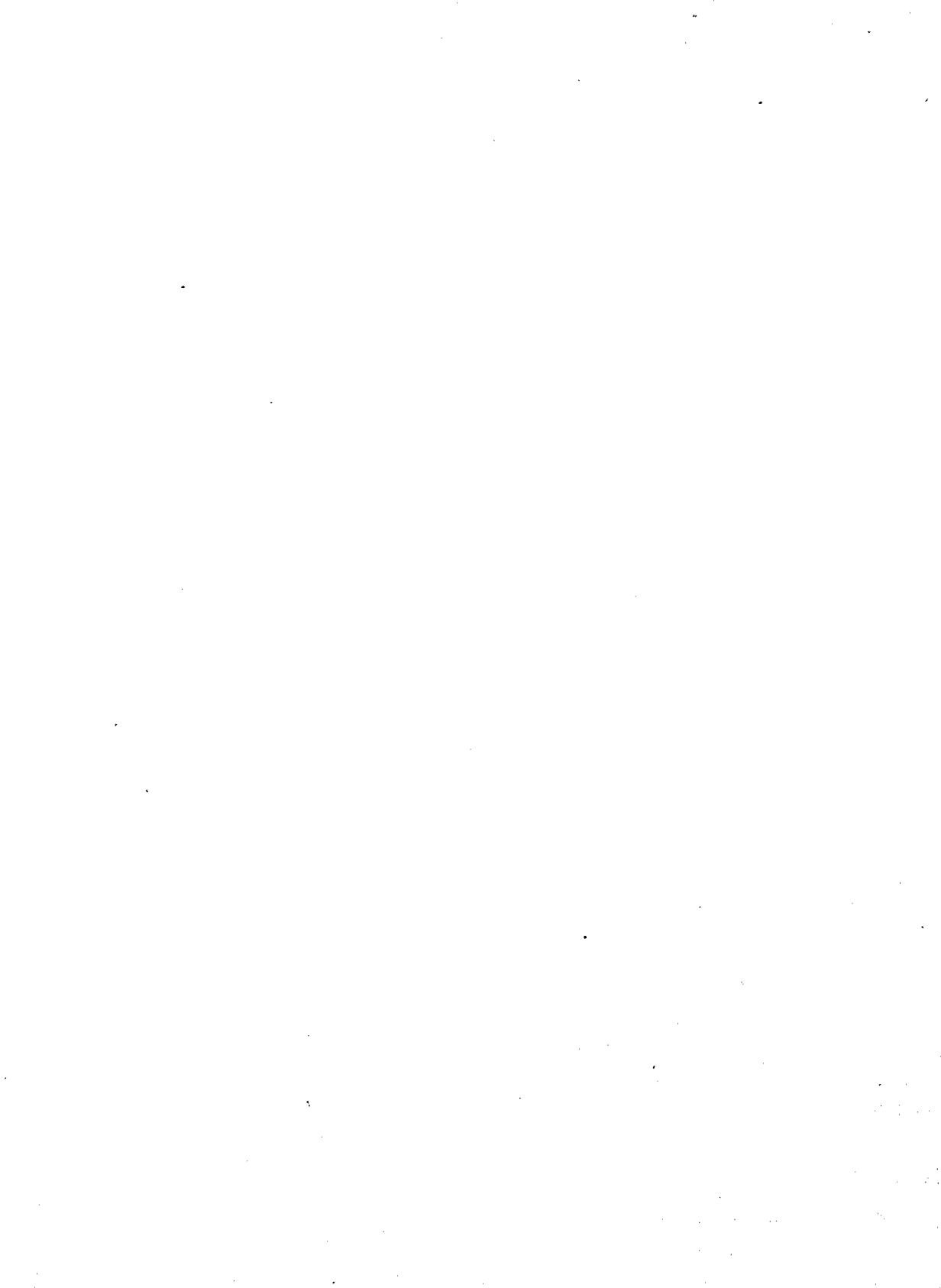
I, A. B., the Attorney (or we, A. B. and C. D. the Attorneys) of the North American Colonial Association of Ireland, incorporated under and by virtue of an Act of the Imperial Parliament, passed in the Session of the fifth and sixth years of the Reign of His late Majesty King William the Fourth, intituled, *An Act for incorporating and granting certain powers to the North American Colonial Association of Ireland*, being constituted and appointed such Attorney, (or Attorneys, as the case may be) by virtue and in pursuance of an Act of the Parliament of the Province of Canada, passed in the _____ year of the Reign of Her Majesty Queen Victoria, intituled, (*insert here the title of this Act*) do hereby, in consideration of the sum of _____ to me as such Attorney (or to us as such Attorneys) as aforesaid paid, grant, release and convey to E. F., of the _____ of _____ in the said Province, all that piece or parcel of land, situate, &c., (*here set forth the particulars and description of the land*), and all the right, title and interest of the said North American Colonial Association of Ireland, to and in the same and every part thereof, to have and to hold unto the said E. F. _____ and _____ heirs and assigns for ever.

As witness my hand (or our hands) and the seal of the said Company, this
 day of _____ in the year of our Lord

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



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





ANNO OCTAVO
VICTORIÆ REGINÆ.

CAP. LXXXVIII.

An Act to Incorporate certain persons as *The Niagara and Ten Mile Creek Plank Road Company*, for the purpose of constructing a Plank Road from a certain place in Niagara to the Ten Mile Creek in Grantham.

[29th March, 1845.]

WHEREAS certain inhabitants of the District of Niagara, and others, have petitioned for the passing of a Law incorporating a Joint Stock Company, for the purpose of constructing a Plank Road commencing at Queen's Street, in the Town of Niagara, at the north-east corner of lot number seventy-four, then in a course about south thirty-five degrees west, along the street running in rear of the Presbyterian Church to the limit of the Town, where the swamp Road enters the same, then along the said swamp Road to the Ten Mile Creek in the Township of Grantham, diverging at what is styled the Stone Ridge near the Ten Mile Creek, to intersect the Road leading from Queenston to the Forty Mile Creek in the Township of Grimsby; And whereas it is expedient to incorporate a Joint Stock Company, 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 Charles Richardson, Robert Melville, George Brock, H. E. Graham, William Bowers Winterbottom, W. G. F. Downs, William Johnson, James E. Johnston, William Armstrong, John Simpson, Joseph Crouch, Warren Claus, Walter Wilson, John Burns, William H. Garrett, John Burns, Alexander Davidson, Daniel McDougall,

Preamble.

Direction of
Plank Road.

Certain persons incorporated as *Niagara Plank Road Company*.

McDougall, Bernard Roddy, Thomas Burke, Henry Burke, Henry Telford, Charles Copeland, Robert Miller, Thomas Hodgman, Joseph A. Woodruff, Stephen H. Follett, Cornelius Simmons, John McBride, Robert Connor, Richard Wolfe, John Nisbet, Lewis Donnelly, Joseph Archer, Ezekiel Archer, Charles Fields, George Winterbottom, Alexander R. Christie, F. A. B. Clench, Robert Kay, Henry Charles, George D. Atkins, Thomas Flemming, John Davidson, P. Shaw, William Davidson, Walter Davidson, Duncan Forbes, William Senior, William Wills, James Munroe, John Graham, George Watts, Robert Cole, John McLean, John Andrew, William Lockhart, Andrew Finlay, Martin Kearn, John Swinton, Walter Follett, John Rogers, Francis Conner, Nicholas Watt, W. F. Cameron, with all such other persons as shall become Stockholders in such Joint Stock or Capital, as is herein-after 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 Niagara and Ten Mile Creek Plank Road Company*, and by that name they and 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 Niagara and Ten Mile Creek 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, using and preserving the said Plank Road, and for objects immediately connected therewith.

Proviso.

Their powers.

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 Road, at their own costs and charges, on and over any part of the country lying between the Ten Mile Creek and Queen Street in the Town of Niagara; any thing herein contained to the contrary thereof in any wise notwithstanding.

Company may contract, &c., with land-owners.

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 Plank 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

may be entitled to receive of the said Company, in consequence of the said intended Plank 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 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.

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 said District of Niagara, 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 shall meet and ballot for the additional Arbitrator or Umpire.

Appointment
of 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 arbitrament thereupon in writing, which award or arbitrament shall be final as to the value so in dispute as aforesaid.

Duty of arbi-
trators.

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 this Province formerly Upper Canada, next after making of 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.

At the end of
two terms af-
ter tender of
award, Direc-
tors may take
possession of
land.

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

And may plead
award in bar
of action of
ejectment.

Proviso: appeal to Court of Q. B.

Proviso.

Power given to Company to explore lands and take what they may require for making the Road.

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 award, or their agent, by counsel, at any time within the two 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.

VIII. And be it enacted, That the said *Niagara and Ten Mile Creek Plank Road Company* shall have full power and authority to explore the country lying between the Ten Mile Creek and Queen's Street, in the Town of Niagara, and to designate and establish, and for the said company to take, appropriate, have, and hold, to and for the use of them and their successors, the line and boundaries of a Plank Road to connect the Ten Mile Creek and Queen Street, in the Town of Niagara; 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 the said Plank Road, and all such matters and conveniences as they shall think proper and necessary for making, effecting, preserving, completing, and using of the said intended Plank Road; and also to make, build, erect and set up, in and upon the said route of the Plank 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 Plank 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 Plank 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 Plank 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 Plank 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,

making, using, maintaining, and repairing the said Plank 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, improving, completing, and using the said Plank 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.

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 repassing over the said Plank Road hereby authorized to be constructed, erected, built, made and used.

Tolls may be collected.

X. And be it enacted, That the said Plank 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.

Tolls and materials of Road vested in Company.

XI. 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 Plank 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.

Erection of Toll Gates and Houses.

XII. 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 of Niagara.

Punishment of persons damaging Toll Gates or Houses.

Penalty.

XIII. 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

Fines, &c., leviable by distress.

that purpose to be issued by any one of Her Majesty's Justices of the Peace for the District of Niagara, who are hereby authorized and empowered to grant the same.

Commutation
of Tolls.

XIV. 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.

Penalty for
evading pay-
ment of Tolls.

XV. 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 same 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 of Niagara shall, on conviction of such offender, fine such person in the said penalty, and from his judgment there shall be no appeal.

And for as-
sisting persons
to evade pay-
ment.

XVI. 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.

Attendance on
Funerals and
at Divine ser-
vice Toll free.

XVII. 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.

Powers of
Company
strictly limited
by provisions
of this Act.

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 construct, erect, and build a Plank Road as aforesaid, on any part or portion of the Country, lying between the Ten Mile Creek and Queen Street, in the Town of Niagara, and also that the said Plank Road contemplated by this Act, shall not in any degree interfere with or encroach upon any fee simple, right
or

or private easement or privilege of any individual now holding and enjoying the same or entitled thereto, without the permission first had and obtained either by the consent of the owner thereof, or by virtue of reference authorized by this Act.

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 be elected on the first Monday in May, in each and every year, at the Town of Niagara, 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 District of Niagara, 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 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, 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 as soon as may be after 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.

Number of directors, and term of office.

Election Ist. of May, annually.

Public notice.

Proxies.

Ballot.

President.

Death or other vacancies.

XX. 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 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.

Number of votes proportioned to number of shares.

XXI. 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 where 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.

Default to elect not to operate dissolution of Company.

Rules and
Regulations.

XXII. 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, with such salaries and allowances as to them shall seem fit.

Meeting of
Stockholders.

XXIII. And be it enacted, That on the first Monday in the Month of May next, a meeting of the stockholders shall be held in the Town of Niagara, 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 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 or until such time thereafter as other Directors are appointed.

Amount of
Capital Stock.

960 shares of
£6. 5s. each.

Transferable.

Proviso,
against Bank-
ing.

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 six thousand pounds, 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 nine hundred and sixty shares of the value of six pounds five shillings currency, each, 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.

Calls for in-
stalments upon
shares.

Proviso.

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 newspaper published in the said Niagara District 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, shall agree upon, so that no such instalment shall exceed twenty 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 Plank Road or way until the first instalment shall be paid in.

XXVI.

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 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 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.

Mode of election.

Scrutineers.

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 as 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 ten days notice of the sale of such forfeited shares shall be given in any newspaper or newspapers published in the Niagara 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.

Forfeitures of shares upon non-payment.

Proviso.

Proviso.

XXVIII. 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.

Annual dividends.

XXIX. 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 to afford an annual income to the said Company

Surplus profits above 10 per cent to constitute a sinking fund.

of ten per cent 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.

Legislature
may purchase
Road from
Company.

XXX. 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 ten per cent 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 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 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.

Annual state-
ment of affairs
of the Compa-
ny.

XXXI. And be it enacted, That it shall be the duty of the said Corporation, and of the person intrusted with the chief gestion 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, shewing 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 of 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 this
Act.

XXXII. 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 corporate or politic, in respect to their estate, property or rights, or any interest therein, or any advantage, privilege or convenience connected therewith,

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.

XXXIII. 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.

XXXIV. 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.

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





ANNO OCTAVO
VICTORIÆ REGINÆ.

CAP. LXXXIX.

An Act to incorporate the Quebec Charitable Firewood Society.

[29th March, 1845.]

WHEREAS an Association has existed for some time past in the City of Quebec under the name of *The Quebec Charitable Firewood Society*, for the purpose of purchasing firewood for the poor of the City and Suburbs of Quebec, during the summer months, when the price is low, and afterwards, in the course of the winter, distributing a part of the same to such of the poor as are totally destitute of the means of purchasing Fuel, and disposing of the remainder to those recommended by the Members of the Society, at five shillings per cord, cartage included, the Members of the Society being left to judge who are able and who are not able to pay the said price; And whereas the Association is composed of the members hereinafter mentioned, and others, who have by their petition represented that the advantages arising from the said Association would be greatly extended and confirmed by the legal incorporation thereof, and have prayed that they and their successors may be incorporated, under certain regulations and 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 the Right Reverend George Jehosaphat, Lord Bishop of Montreal, the Reverend John Clugston, the Reverend George Mackie, the Reverend John Cook, D. D., the Reverend William Squire, the Reverend Daniel Wilkie, L. L. D., the Reverend C. L. F. Haensel, Noah Freer, Jeffrey Hale, Henry Jessopp, James H. Kerr, R. J. Young,

Preamble.

Certain persons incorporated as Quebec Charitable Firewood Society.

Young, William Higginbotham, William Graham Roxburgh, Archibald Campbell, William McMaster, Thomas Morkill, John Paul, Thomas Cary, Nathaniel Neilson Ross, John Scobie Hossack, Peter Sinclair, J. C. Overell, James Foster, Peter Holt, John Patterson, David Morris Wright, John Campbell, Samuel Corneil, and Thomas Henning, with such other persons as shall, under the provisions of this Statute become Members of the said Institution, shall be and are hereby declared to be a body politic and corporate in deed and in name, by the designation of the Quebec Charitable Firewood Society, and by that name shall have perpetual succession and a common seal, and shall have power from time to time to alter, renew, or change such common seal at their pleasure, and shall, by the same name, from time to time, and at all times hereafter, be able and capable to purchase, acquire, hold, possess and enjoy, and to have, take and receive to them and their successors to and for the uses and purposes of the said Corporation, any lands, tenements, and hereditaments, and real or innoveable property and estate, situate, lying and being within this Province, not exceeding in yearly value the sum of one thousand pounds currency, and the same to sell, alienate and dispose of, and to purchase others in their stead for the same purpose; and by the same name shall and may be able and capable in law to sue and be sued, implead and be impleaded, answer and be answered unto, in all Courts of law and places whatsoever, in as large, ample and beneficial a manner as any other body politic or corporate, or as any persons able or capable in law, may or can sue or be sued, implead or be impleaded, answer or be answered unto, in any manner whatsoever, and shall have power and authority to make and establish such rules, orders and regulations not being contrary to this Statute nor to the laws in force in this Province, as shall be deemed useful or necessary for the interests of the said Corporation and for the management thereof, and for the admission of Members into the said Corporation, and from time to time to alter, repeal, and change the said rules and regulations or any of them, and shall and may do, execute and perform all and singular other matters and things relating to the said Corporation and the management thereof, which shall or may appertain thereto, subject nevertheless to the rules, regulations, stipulations and conditions herein prescribed and established.

Powers.

Funds applicable to purchase of Firewood only.

II. Provided always, and be it enacted, That all the property and sums of money which shall at any time belong to the said Corporation, shall at all times be exclusively applied and appropriated for the purchase of fuel for the poor of the City and Suburbs of Quebec, as before specified, and to no other object.

General meeting: 3d. Monday in April, annually.

III. And be it enacted, That an annual General Meeting of the Members of the said Corporation shall be held on the third Monday of April, and a semi-annual Meeting on the third Monday of November in each and every year, for the general business

business of the Corporation ; that the members of the said Corporation, or the majority thereof, shall have power at the annual General Meeting to elect a Committee of Management not exceeding twenty persons, including the office bearers ; and the said Committee so elected shall have full power to choose or elect out of the Committee a President, Vice-President, Treasurer, Sub-Treasurer and Secretary ; that the Members of the Society, or the majority, shall at the said annual or semi-annual Meeting, have power and authority to introduce any new rules, or to revise, alter or rescind any of the rules and regulations now existing, or which may then exist, and generally to do and perform all such matters and things as may be conducive to the well-being of the said Corporation.

IV. And be it enacted, That all and every the estate and property, real and personal, now belonging to or hereafter to be acquired by the Members of the said Society as such, and all debts, claims and rights whatsoever due to them in that quality, shall be and are hereby vested in the Corporation hereby established : the present Committee, (including the President, Vice-President, Treasurer, Sub-Treasurer and Secretary) shall be held under the authority of this Act, and shall be and continue to be the Committee, as if appointed or chosen as hereinbefore mentioned (including the President, Vice-President, Treasurer, Sub-Treasurer and Secretary,) of the said Corporation, until others in their stead be elected in the manner herein provided ; and the rules and regulations now made or to be made, shall be and continue to be the rules and regulations of the said Corporation, until altered or repealed in the manner herein provided ; and the said rules and regulations shall be submitted to the Members of the said Corporation for their approval or confirmation, at the said annual Meeting, or semi-annual Meeting, at which they may be confirmed, rejected, altered or amended, or new rules substituted for them as aforesaid.

Vesting
clause.

V. And be it enacted, That the Committee (including the President, Vice-President, Treasurer, Sub-Treasurer and Secretary for the time being) shall have power to appoint such officers and servants of the said Corporation as shall be necessary for the well conducting of the business of the same, and to allow them such compensation for their services respectively as shall be reasonable and proper ; and the said Committee (including the President, Vice-President, Treasurer, Sub-Treasurer and Secretary) shall be capable of exercising such other powers and authority for the well governing and ordering of the affairs of the said Corporation, as shall be prescribed by the rules and regulations of the said Corporation.

Officers and
servants of
Company.

VI. And be it enacted, That nothing herein contained shall have the effect of rendering all or any of the said several persons hereinbefore mentioned, or all or any of the Members of the said Corporation, or any person whatsoever, individually

Members not
individually
liable.

liable

liable or accountable for or by reason of the said Corporation, or for or on account or in respect of any matter or thing whatsoever relating to the said Corporation.

Rights of the
Crown saved.

VII. 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.

Public Act.

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

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



ANNO OCTAVO

VICTORIÆ REGINÆ.

CAP. XC.

An Act to authorize John Yule the Younger to build a Toll-Bridge over the River Richelieu, in the Parish of *Saint Joseph de Chambly*, to fix the rates of Toll for passing thereon, and to provide Regulations for the same.

[29th March, 1845.]

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 Richelieu, in the vicinity of the village of Chambly, in the county of Chambly, at some point or place between the property now appertaining to Louis Perrault, Esquire, at the Canton of Chambly, and the premises known as Hatt's Mills, at Sainte Therese; And whereas John Yule the younger of Chambly, 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 John Yule the younger, 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 Richelieu, at some convenient point or place situate in the intermediate space between the premises of Louis Perrault, Esquire, at the Canton of Chambly, and Hatt's Mills aforesaid at Sainte Therese, 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

Preamble.

John Yule
Junnr. authorized to build a
Bridge over
the Richelieu.

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.

Power given
to take lands
necessary for
the said
Bridge.

II. And be it enacted, That for the purpose of erecting, building, maintaining and supporting the said Bridge, the said John Yule the younger, 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 John Yule the younger, 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 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 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 John Yule the younger, 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 John Yule the younger, shall have deposited it at the office of the Prothonotary of the Court of Queen's Bench for the said District of Montreal.

Proviso.

Bridge, &c.,
vested in John
Yule Junr. for
50 years.

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 John Yule, the younger, 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

and be free for Public use, and it shall then be lawful for the said John Yule the younger, 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, 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 John Yule the younger, 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 John Yule, the younger, his heirs or assigns the full and entire value which the rights and privileges hereby granted to him and them may 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 Board of 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 Toll 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 the ascents and approaches thereto, upon paying to the said John Yule, the younger, his 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.

Proviso.
Bridge may
be assumed
by HerMajes-
ty at any time
upon payment
of value.

Proviso—in-
habitants may
purchase
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 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 rafts 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 John Yule, the younger, 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.

Space to be
left for Rafts,
&c. to pass un-
der Bridge.

Proviso.

Amount of
Tolls to be
levied.

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 advertized in one of the public newspapers published in Montreal in both languages, it shall be lawful for the said John Yule the younger, 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 :

For every description of Summer or Winter Vehicle, drawn by one Horse or other beast, the sum of Six Pence.

For every additional Horse or other beast, Four Pence.

For every Saddle Horse, Ass or Mule, with its rider, Four Pence.

For every Horse, Mare, Gelding, Ass, Mule, Bull, Ox, Cow, or head of Cattle, Three Pence.

For every Sheep, Calf, Lamb, Goat, or Hog, One Penny.

For every person on foot, One Penny.

Persons ex-
empted from
payment of
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, 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 John Yule the younger, 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 John Yule the younger, 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.

Proviso.

VII.

VII. And be it enacted, That the said Tolls shall be and the same are hereby vested in the said John Yule the younger, 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.

Tolls vested
in John Yule,
Junr.

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 John Yule the younger, 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.

Forfeitures.

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 Richelieu, from the lower end of Grosse Isle, or Johnson's Island to a point situated four hundred yards below the inferior extremity of the *Grande Isle de Sainte Thérèse*, 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 John Yule, the younger, 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 carriage without gain or hire; and provided that the said John Yule the younger shall be bound, so soon as the said Bridge shall be open for the use of the public, to indemnify any person or persons for any horse-boat now in use, and that may at that time be still in use, and also 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

No one else to
erect a Bridge.

Proviso.

Proviso.

transported along the line of the said Rail-Road, but on no other account and in no other way whatever.

Malicious destruction of Bridge, felony.

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.

Bridge must be built within four years; and kept in repair afterwards.

XI. And be it enacted, That the said John Yule the younger, 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 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 John Yule the younger, 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 John Yule the younger, 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 John Yule the younger, 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 John Yule the younger, 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.

In default of repairs, the Bridge to become the property of Her Majesty.

Proviso, as to a ferry.

Rights of Crown 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

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 John Yule the younger, 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.

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, 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.

Penalties may be levied by distress.

XIV. And be it enacted, That the monies to be levied by virtue of this Act, and not hereinbefore granted to the said John Yule the younger, 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.

Proceeds of fines, &c., granted to Her Majesty.

Annual accounts.

XV. Provided always, and be it enacted, That the said Bridge hereby authorized to be built and erected over and upon the said River Richelieu, 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.

Elevation of principal arch.

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.

Public Act.



ANNO OCTAVO

VICTORIÆ REGINÆ.

C A P. XCI.

An Act to incorporate the Sherbrooke Cotton Factory.

[29th March, 1845.]

WHEREAS the several persons hereinafter named have, by their humble petition represented, that they are desirous of being formed into an Incorporated Joint Stock Company, in the Town of Sherbrooke, in the District of Saint Francis, in this Province, to be called *The Sherbrooke Cotton Factory*, with power to raise the Capital, and to do such other acts as are necessary for accomplishing that purpose; 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 Alexander T. Galt, Arba Stimson, Willim Ritchie, George W. Brooks, William Arms, Daniel Thompson, Hollis Smith, Joseph Pennoyer, William Lloyd, William Brooks, Joseph H. Terrill, R. D. Morkill, Charles E. Stimson, William Walker, Henry Beckett, Walter W. Beckett, Lisnard C. Ball, George Robertson, John Griffith, Alexander Osgood, Horace Barber, John Low, Levi Morrell, Thomas Griffith, Joseph W. Stockwell, Samuel G. Smith, Sewell Haskill, and all and every such other person and persons, body and bodies politic or corporate, as 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 Sherbrooke Cotton Factory*, and by that name shall and may have perpetual succession and a Common Seal, with power to break and alter the same, and

Preamble.

Certain persons incorporated as "The Sherbrooke Cotton Factory."

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.

Corporate powers,

II. And be it enacted, That the said Corporation shall be and they are hereby authorized to lay out and invest their Capital or any part thereof, in carrying on the manufacture of Cotton Cloth, or other Cloth or Fabric, or other manufactures, and in the doing, purchasing or providing whatsoever shall be requisite or expedient for the interests of the said Company, in carrying on such Manufactures, and for no other purpose whatsoever.

Power to hold lands, &c.

III. And be it enacted, That it shall be lawful for the said Corporation to acquire by purchase, Lease or otherwise, and to hold absolutely or conditionally any Lands, Tenements, Real or Immoveable Estate for the convenient conduct and managing of the business of the said Corporation, not exceeding the yearly value of seven hundred pounds, currency, and to sell, alienate, let, release and dispose of the same and others to acquire in their stead, not exceeding the value aforesaid.

Capital—
£8,000.

Shares.

IV. And be it enacted, That the Capital of the said Corporation shall not exceed the sum of eight thousand pounds currency, and shall be divided into shares of Twenty-five pounds, currency each, which Shares shall be held to be personal estate and property.

Proprietors.

V. And be it enacted, That all and every person and persons, body and bodies politic or corporate, by or from whom any subscription or payment shall have been or shall be made or accepted, towards the raising of the capital of the said Corporation and their several and respective successors, executors, administrators and assigns, (no such subscription being for less than Twenty-five pounds, currency,) shall have and be entitled to a share or shares of, and in the Capital of the said Corporation, in proportion to the sums they shall have so subscribed, and shall have and be entitled to a proportionate share of the profits, and advantages attending the business and undertakings of the said Company, and shall be Proprietors of and in the same.

Register Book of Shareholders.

VI. And be it enacted, That the said Corporation shall keep a Book in duplicate, to be called the Register Book of Shareholders; and in such Book shall be fairly and distinctly entered the names of the several Corporations, and the names and additions of the several persons being Shareholders of the said Corporation, the number of shares to which such Shareholders shall be respectively entitled, or which shall have been by them sold and transferred, and the amount of subscriptions paid on such shares respectively; and such book shall be authenticated by the common seal of the said Corporation being affixed thereto, and shall be numbered

numbered and authenticated by the initials of any President of the said Corporation, on each and every page or leaf.

VII. And be it enacted, That on demand of the holder of any share, the said Corporation shall cause a Certificate of the Proprietorship of such share, to be delivered to such Shareholder, and such Certificate shall have the common seal of the said company, and the signatures of the President or acting President, and Secretary of the company affixed thereto, and shall specify the number of shares to which such shareholder is entitled, at the time of delivering such Certificate, and shall be in the form of the Schedule, A. to this Act annexed, or to the like effect.

Shareholder's certificate.

VIII. And be it enacted, That any Shareholder may sell and transfer his, her, or their share or shares, by a written assignment thereof, under his hand in the form of the Schedule B. or by a Notarial Deed, which assignment or Deed, or a Duplicate or Notarial copy thereof shall be delivered to the Secretary of the Corporation, who shall retain the same and shall enter a note thereof, in the Register Book of Shareholders.

Transfer of Shares.

IX. And be it enacted, That from time to time the said Corporation may make such calls of money upon the respective Shareholders, in respect to the amount of Capital respectively subscribed or owing by them, as they shall think fit, provided that thirty days notice at the least be given of each call, in any newspaper published in the District of Saint Francis, if any there be, and if there be none, then by a Circular, delivered at the usual place of residence or business, of each Shareholder resident, or being within the said District, or of the known Agent of such Shareholder, or forwarded to him by post; and provided that no call shall exceed the amount of twenty-five per cent, per share, and that successive calls be not made at less than the interval of two months, and the several Shareholders shall be liable to pay the amount of the calls so made in respect of the shares, held by them respectively, to the persons, and at the times and places, from time to time, appointed by the said Corporation.

Calls upon the Shareholders—the amount, &c., at what intervals.

X. And be it enacted, That if, upon or before the day appointed for the payment thereof, any Shareholder do not pay the amount of any call to which he, she or they may be liable, then such Shareholder shall be liable to pay legal interest upon the same from the day so appointed, to the time of the actual payment, and may be sued both for the amount of the said call and of the interest thereon, in any Court of Law or Equity having competent jurisdiction: Provided always, that in any such suit or action to be brought by the said Corporation against any Shareholder, it shall not be necessary to set forth the special matter, but it shall

Mode of recovering arrears from Shareholders.

Proviso.

be

be sufficient for the said Corporation to declare that the Defendant is a holder of one share or more in the said Corporation, and is indebted for arrears of payments due on such share or shares to the said Corporation, in the sum of money to which the call or calls in arrear (with interest, if any,) shall amount, nor shall it be necessary to prove the appointment of the President or of the Directors of the said Corporation who made such call or calls.

Forfeiture of Shares and sale by auction.

XI. And be it enacted, That if the holder of any share or shares shall fail to pay any call payable in respect thereof, together with the interest, if any, as aforesaid, the Directors may, at any time after the expiration of three months from the day appointed for payment of such calls, declare such share or shares forfeited, whether the amount of such call and interest have been sued for or not, and may sell the same by public auction, after notice given in the manner laid down of giving notice of calls in the ninth section of this Act.

Title of the new holder of forfeited share.

XII. And be it enacted, That a declaration in writing, made and signed by the President or acting President of the said Company, before any Justice of the Peace for the District of Saint Francis, (which declaration such Justice shall certify,) that the call in respect of a share was made, and notice thereof given, and that default in payment of the call (and interest, if any,) was made, and that the forfeiture of the share was declared and confirmed in manner hereinbefore prescribed, and that such share was accordingly sold by public auction to the party named in such declaration, shall be sufficient evidence of the facts therein stated, and such declaration, and the receipt of the Secretary of the said Corporation for the price of such share, shall constitute a good title to such share, and thereupon the purchaser shall, on the entry of such declaration and receipt in the said Register Book of Shares, be deemed the proprietor thereof, and any such declaration made in like manner shall, on proof or admission of the signature of such Justice of the Peace, be received in any Court in this Province as evidence of such call and notice in any action for the amount due by any Shareholder on any call or calls.

Surplus produce on sale of defaulter's share.

XIII. And be it enacted, That the said Corporation shall not sell or transfer any greater number of the shares of any such defaulter than will be sufficient, as nearly as can be ascertained at the time of the sale, to pay the arrears then due by such defaulter on account of any calls and interest thereon, and of the expenses attending such sale and declaration of forfeiture, and if the money produced by the sale of any such forfeited share be more than sufficient for the above purpose, the surplus shall, on demand, be paid to the defaulter.

Limited liability of Shareholders.

XIV. 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

demand due by the said Corporation, beyond the extent of his, her or their share in the Capital of the said Corporation not paid up.

XV. And be it enacted, That it shall be lawful for the said Corporation to borrow, on mortgage, hypothecation or bond, such sum or sums of money as shall be authorized at a general meeting of Shareholders, not exceeding in the whole (exclusive of the Capital hereinbefore authorized) the sum of six thousand pounds, currency, and for securing the repayment of the same with interest, to hypothecate or mortgage all or any of the lands, tenements, real and immoveable estate of the said Corporation, and to give and execute bonds, hypothecs and mortgages for that purpose : Provided always, that it shall not be lawful for the said Corporation to borrow any part of the said sum of six thousand pounds, until the Capital of eight thousand pounds shall have been paid up.

Power to mortgage and borrow.

Proviso.

XVI. And be it enacted, That it shall be lawful for the Shareholders in the said Corporation from time to time, at any general meeting to be held for that purpose, in manner hereinafter provided, by a majority of votes, to ordain, establish, and put in execution, such By-Laws, Rules and Regulations, not being repugnant to the Laws of this Province, nor inconsistent with the true intent and meaning of this Act, as may be expedient for the management of the said Corporation, its business and affairs, and may from time to time alter and repeal the same or any of them, and also may alter and repeal any By-Laws, Rules and Regulations that may be ordained and established by the Directors of the said Corporation as hereinafter provided ; and may elect from among the Stockholders not more than seven Directors of the said Corporation, one of whom shall be by the said general meeting named President of the said Corporation, and also may remove the said Directors, or any of them, and elect others in their stead, and may fill up any vacancies that may occur among the said directors from whatever cause arising : Provided always, that the Directors of the said Company, originally elected under the provisions of this Act, or subsequently elected in their stead, or elected for the purpose of filling any vacancies as aforesaid, and forming at any time the Board of Directors of the said Corporation, shall be possessed of shares therein to the amount of one eighth of the stock of the said Corporation.

Rules and Regulations.

Proviso.

XVII. And be it enacted, That it shall be lawful for ten or more Shareholders in the said Corporation, at any time, by writing under their hands, to require the Directors of the said Corporation to call a General Meeting of the Shareholders, expressing at the same time the object of the meeting, so to be called, and it shall be incumbent on the said Directors forthwith to convene such General Meeting for the object set forth, giving at least fifteen days public notice thereof, in the manner hereinbefore provided for notices of calls, and if after the expiration of fifteen days the

General Meeting.

the Directors shall fail so to convene such General Meeting, or if there be no Directors chosen or in office at that time, then the said Shareholders shall convene such General Meeting after notice as aforesaid.

Shareholder's
number of
votes.

Proxies.

Proviso.

XVIII. And be it enacted, That at all General Meetings of the Shareholders, any Shareholder may be chosen to preside; and each Shareholder shall be entitled to vote, either in person or by proxy, (such proxy being also a Shareholder and having written authority to that effect) according to the following scale, that is to say: each Shareholder holding one and not more than three shares, shall have one vote, and an additional vote for every three shares beyond such first three; but no Shareholder shall have, nor shall act as proxy for more than ten votes, and no Shareholder shall be entitled to vote unless he, or she, or they shall have paid all calls due upon the share or shares held by him, her, or them: Provided always, that no Shareholder who shall not be a natural born, or naturalized subject of Her Majesty, or who shall be a subject of any Foreign Prince or State, shall either in person or by proxy, vote at any meeting whatever of the Shareholders of the said Corporation, or shall assist in calling any meeting of the Shareholders, any thing in this Act to the contrary notwithstanding.

Contractor
with Company
cannot be a
Director.

XIX. And be it enacted, That no person shall be capable of being a Director of the said Company if he be interested directly or indirectly in any contract with the said Company.

Act cannot go
into effect
until half the
capital has
been paid up.

Notice—Cana-
da Gazette.

XX. And be it enacted, That before this Act shall have its full effect and the said Company be operative, evidence satisfactory to the Governor of this Province or person administering the Government thereof for the time being, shall be laid before him, that the requirements of this Act have been *bonâ fide* complied with, and that one-half at least of the said capital sum of eight thousand pounds has actually been paid up by the Subscribers or Stockholders of the said Company, and at the disposal of the Directors thereof, for the purposes of the Company; in accordance with this Act, and notice thereof given in the *Canada Gazette* published by authority.

Powers of Di-
rectors.

XXI. And be it enacted, That the Directors of the said Corporation shall have the management and superintendence of its affairs, and may lawfully exercise all its powers, except such as are directed by this Act to be exercised by General Meetings of the Shareholders, and also 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, and no other shall be held to be the Act and Deed of the Corporation); may fix the salaries

salaries and remuneration of the Officers, Agents and Servants of the said Company, except as hereafter provided; may appoint stated times of holding General Meetings; 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, 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 appoint and displace the Officers, Agents and Servants of the said Corporation, except as hereafter provided; and may make By-Laws, Rules and Regulations for the management of the affairs of the said Corporation in all its particulars and details: Provided always, that all the powers conferred shall be subject to the control of any General Meeting of the Shareholders in the said Company, and shall not be in contravention of any By-Law, Rule or Regulation ordained at any such General Meeting of Shareholders, (but not so as to render invalid any act done by the said Directors prior to the ordaining of such By-Law, Rule or Regulation having reference thereto at such General Meeting) and shall not be exercised in any way contrary to the provisions of this Act: And provided further, that the choice and removal of the President and Directors of the said Company, the fixing of their remuneration, the determination as to the borrowing of money, and the declaration of dividends, shall not be comprised within the powers conferred upon the said Directors, but shall be exercised only by General Meetings of the Shareholders.

Proviso.

Proviso.

XXII. And be it enacted, That it shall be incumbent upon the said Corporation to publish lists annually, under oath of the President or acting President, of the names of all and each of the Stockholders who may hold shares in the stock of the said Corporation, and also a statement or account of the affairs, assets and liabilities thereof, mentioning especially the sum or amount paid up, and in the hands and at the disposal of the said Corporation, and also to lay copies of the same before the Legislature within the first fifteen days of each Session.

Annual Lists
of Stockholders.

XXIII. And be it enacted, That in any action, suit, demand or proceeding against the said Corporation in any competent Court of law or equity, service of the Summons, Writs or Process of Court issuing in any such action, suit or demand, at the ordinary office or counting house of the said Corporation, or of the President or Secretary thereof, shall be a sufficient service thereof on the said Corporation, to hold the said Corporation to appear and plead to such action, suit or demand, or for such other purpose as to law may appertain.

What shall be
deemed service
of Process
against Corporation.

XXIV. And be it enacted, That the Directors of the said Corporation shall and may hold meetings at such times and places as they shall appoint for the purpose,
and

Meetings of
Directors.

and may meet and adjourn as they shall think proper; and at any time the President or any two of the said Directors may require a General Meeting of Shareholders to be called, and in order to constitute a Meeting of Directors, there shall be present at least a majority of their number, and all questions shall be determined by a majority of votes, and the President shall have the casting vote in addition to his vote as a Director.

Irregularity not
to invalidate.

XXV. And be it enacted, That no act done by any General Meeting of Shareholders of the said Corporation or by the Directors thereof, shall be invalidated by any defect or irregularity in the qualification or election of any Shareholder or Director concerned therein.

Public Act.

XXVI. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

SCHEDULE A.

SHERBROOKE COTTON }
FACTORY. }

This is to certify that A. B. of C., yeoman, is at this day a proprietor of share in the Sherbrooke Cotton Factory, of twenty-five pounds currency, (each) and that the said A. B. his successors, executors, administrators and assigns is and are entitled to the profits and advantages thereof.

Given under our hands and the Common seal of the said Corporation, at
this day of in the year of our
Lord 184 .

D. E., President.

F. G., Secretary.

[L. S.]

SCHEDULE B.

SHERBROOKE COTTON }
FACTORY. }

For value received, I hereby assign to of
shares in the stock of the Sherbrooke Cotton Factory, subject
to the By-Laws, Rules and Regulations of the said Corporation.

Witness my hand, this day of 184 .
A. B.

I hereby accept the assignment of the Shares above mentioned, subject to the
By-Laws, Rules and Regulations aforesaid.

Witness my hand, this day of 184 .
C. D.



ANNO OCTAVO
VICTORIÆ REGINÆ.

CAP. XCII.

An Act to incorporate the Chambly Cotton Manufacturing Company.

[29th March, 1845.]

WHEREAS the several persons hereinafter named have, by their humble petition, represented that they are desirous of being formed into an Incorporated Joint Stock Company in the Parish of Chambly, in the District of Montreal in this Province, to be called, *The Chambly Cotton Manufacturing Company*, with power to raise the Capital, and to do such other acts as are necessary for accomplishing that purpose; 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 Thomas Mills, Richard B. Hatt and Thomas C. Hatt, Esquires, and all and every such other person and persons, body and bodies politic or corporate, as 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 Chambly Cotton Manufacturing 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 as the "Chambly Cotton Manufacturing Company."

II. And be it enacted, That the said Corporation shall be and they are hereby authorized to lay out and invest their capital or any part thereof in carrying on the manufacture

Business which the Corporation may carry on.

manufacture of cotton cloth or other cloth or fabric, or other manufactures, and in the doing, purchasing or providing whatsoever shall be requisite or expedient for the interests of the said Company, in carrying on such manufactures, and for no other purpose whatsoever.

Corporation may hold real estate to a certain amount

III. And be it enacted, That it shall be lawful for the said Corporation to acquire by purchase, lease or otherwise, and to hold absolutely or conditionally any lands, tenements, real or immoveable estate, for the convenient conduct and managing of the business of the said Corporation not exceeding the yearly value of seven hundred pounds currency, and to sell, alienate, let, release and dispose of the same, and others to acquire in their stead, not exceeding the value aforesaid.

Amount of capital.

IV. And be it enacted, That the Capital of the said Corporation shall not exceed the sum of twelve thousand five hundred pounds currency, and shall be divided into shares of fifty pounds currency each, which shares shall be held to be personal estate and property.

Shareholders to have an interest proportionate to their respective shares.

V. And be it enacted, That all and every person and persons, body and bodies politic or corporate, by or from whom any subscription or payment shall have been or shall be made or accepted towards the raising of the capital of the said Corporation, and their several and respective successors, executors, administrators and assigns, (no such subscription being for less than fifty pounds currency,) shall have and be entitled to a share or shares of and in the capital of the said Corporation, in proportion to the sums they shall have so subscribed, and shall have and be entitled to a proportionate share of the profits and advantages attending the business and undertakings of the said Company, and shall be proprietors of and in the same.

Register of shareholders and of all sales and transfers of shares to be kept and duly authenticated.

VI. And be it enacted, That the said Corporation shall keep a book in duplicate to be called the Register Book of Shareholders; and in such book shall be fairly and distinctly entered the names of the several Corporations, and the names and additions of the several persons being Shareholders of the said Corporation, the number of shares to which such Shareholders shall be respectively entitled, or which shall have been by them sold and transferred, and the amount of subscription paid on such shares, respectively; and such book shall be authenticated by the Common Seal of the said Corporation being affixed thereto, and shall be numbered and authenticated by the initials of any President of the said Corporation on each and every page and leaf.

Certificates to be delivered to the shareholders.

VII. And be it enacted, That, on demand of the holder of any share, the said Corporation shall cause a certificate of the proprietorship of such share to be delivered to such Shareholder, and such certificate shall have the Common Seal of the
the

the said Company, and the signatures of the President or acting President and Secretary of the Company affixed thereto, and shall specify the number of shares to which such Shareholder is entitled at the time of delivering such certificate, and shall be in the form of Schedule A to this Act annexed, or to the like effect.

VIII. And be it enacted, That any Shareholder may sell and transfer his, her, or their share or shares by a written assignment thereof, under his hand, in the form of the Schedule B, or by a Notarial Deed, which assignment or deed, or a duplicate, or Notarial copy thereof, shall be delivered to the Secretary of the Corporation, who shall retain the same, and shall enter a note thereof in the Registry Book of Shareholders.

Mode in which shares shall be transferred.

IX. And be it enacted, That from time to time the said Corporation may make such calls of money upon the respective Shareholders, in respect to the amount of capital respectively subscribed or owing by them, as they shall think fit, provided that thirty days notice at the least be given of each call in any newspaper published in the district of Montreal, or by a circular delivered at the usual place of residence or business of each Shareholder, resident or being within the said district, or of the known agent of such Shareholder, or forwarded to him by post; and provided that no call shall exceed the amount of twenty-five pounds currency per share, and that successive calls be not made at less than the interval of two months, and the several Shareholders shall be liable to pay the amount of the calls so made, in respect of the shares held by them respectively, to the persons and at the times and places from time to time appointed by the said Corporation.

Mode in which instalments may be called in and payment enforced.
Notice.

X. And be it enacted, That if upon or before the day appointed for the payment thereof, any Shareholder do not pay the amount of any call to which he, she, or they may be liable; then such Shareholder shall be liable to pay legal interest upon the same, from the day so appointed to the time of the actual payment, and may be sued both for the amount of the said call and the interest thereon, in any Court of law or equity having competent jurisdiction: Provided always, that in such suit or action to be brought by the said Corporation against any Shareholder, it shall not be necessary to set forth the special matter; but it shall be sufficient for the said Corporation to declare that the defendant is a holder of one share or more in the said Corporation, and is indebted for arrears of payments due on such share or shares to the said Corporation, in the sum of money to which the call or calls in arrear (with interest if any) shall amount, nor shall it be necessary to prove the appointment of the President or of the Directors of the said Corporation who made such call or calls.

The amount of any instalment in arrear, recoverable, with interest.

Form of declaration, &c.

Shares forfeited for non payment, and may be sold.

XI. And be it enacted, That if the holder of any share or shares shall fail to pay any call payable in respect thereof, together with the interest, if any, as aforesaid, the Directors may, at any time after the expiration of three months from the day appointed for payment of such call, declare such share or shares forfeited, whether the amount of such call and interest have been sued for or not, and may sell the same by public auction, after notice given in the manner laid down for giving notice of calls in the ninth section of this Act.

A declaration made by the President to be sufficient evidence of certain facts.

XII. And be it enacted, That a declaration in writing, made and signed by the President or acting President of the said Company, before any Justice of the Peace for the District of Montreal, (which declaration such Justice shall certify) that the call in respect of a share was made and notice thereof given, and that default in payment of the call (and interest if any) was made, and that the forfeiture of the share was declared and confirmed in manner hereinbefore prescribed, and that such share was accordingly sold by public auction to the party named in such declaration, shall be sufficient evidence of the facts therein stated; and such declaration and the receipts of the Secretary of the said Corporation for the price of such share, shall constitute a good title to such share, and thereupon the purchaser shall, on the entry of such declaration and receipt in the said Registry Book of Shares, be deemed the proprietor thereof; and any such declaration made in like matter shall, on proof or admission of the signature of such Justice of the Peace, be received in any Court in this Province as evidence of such call, and notice in any action for the amount due by any Shareholder on any call or calls.

No more shares to be sold than will cover the arrears, and surplus to go to the owner.

XIII. And be it enacted, That the said Corporation shall not sell or transfer any greater number of the shares of any such defaulter than will be sufficient, as nearly as can be ascertained at the time of the sale, to pay the arrears then due by such defaulter on account of any calls and interest thereon, and of the expenses attending such sale and declaration of forfeiture, and if the money produced by the sale of any such forfeited share be more than sufficient for the above purpose, the surplus shall, on demand, be paid to the defaulter.

Limited liability of shareholders.

XIV. 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 extent of his, her, or their share in the capital of the said Corporation not paid up.

Corporation may raise money by mortgage, &c.

XV. And be it enacted, That it shall be lawful for the said Corporation to borrow on mortgage, hypothecation, or bond, such sum or sums of money as shall be authorized at a general meeting of Shareholders, not exceeding in the whole (exclusive of the capital hereinbefore authorized) the sum of ten thousand pounds, currency;

currency; and for securing the repayment of the same with interest, to hypothecate or mortgage all or any of the lands, tenements, real and immoveable estate of the said Corporation, and to give and execute bonds, hypothecs and mortgages for that purpose: Provided always, that it shall not be lawful for the said Corporation to borrow any part of the said sum of ten thousand pounds, until the capital of twelve thousand five hundred pounds shall have been paid up.

Proviso.

XVI. And be it enacted, That it shall be lawful for the Shareholders in the said Corporation from time to time, at any general meeting to be held for that purpose in manner hereinbefore provided, by a majority of votes, to ordain, establish, and put in execution, such By-Laws, Rules and Regulations, (not being contrary to this Act or Law,) as may be expedient for the management of the said Corporation, its business and affairs, and from time to time to alter and repeal the same, or any of them, and also to alter and repeal any By-Laws, Rules and Regulations that may be ordained and established by the Directors of the said Corporation, as hereinafter provided, and to elect from among the Stockholders not less than five Directors of the said Corporation, one of whom shall be by the said general meeting named President of the said Corporation, and also to remove the said Directors, or any of them, and elect others in their stead, and to fill up any vacancies that may occur among the said Directors, from whatever cause arising: Provided always, that the Directors of the said Company, originally elected under the provisions of this Act, or subsequently elected in their stead, or elected for the purpose of filling any vacancies as aforesaid, and forming at any time the Board of Directors of the said Corporation, shall be possessed of shares therein to the amount of one-eighth of the stock of the said Corporation.

Shareholders may at any general meeting make By-Laws.

And may elect or remove Directors.

Proviso.

XVII. And be it enacted, That it shall be lawful for ten or more Shareholders in the said Corporation at any time, by writing under their hands, to require the Directors of the said Corporation to call a general meeting of the Shareholders, expressing at the same time the object of the meeting so to be called; and it shall be incumbent on the said Directors forthwith to convene such general meeting for the object set forth, giving at least fifteen days public notice thereof, in the manner hereinbefore provided for notices of calls; and if, after the expiration of fifteen days, the Directors shall fail so to convene such general meeting, or if there be no Directors chosen or in office at the time, then the said Shareholders shall convene such general meeting after notice as aforesaid.

Mode of calling general meetings.

XVIII. And be it enacted, That at all general meetings of the Shareholders, any Shareholder may be chosen to preside, and each Shareholder shall be entitled to vote either in person or by proxy, (such proxy being also a Shareholder, and having written authority to that effect,) according to the following scale, that is to say:

Who shall preside at general meetings, and what votes each shareholder shall be entitled to.

Proviso.

say : each Shareholder holding one and not more than three shares shall have one vote, and an additional vote for every three shares beyond such first three, but no Shareholder shall have, nor shall act as proxy for more than ten votes, and no Shareholder shall be entitled to vote unless he, she, or they shall have paid all calls due upon the share or shares held by him, her, or them : Provided always, that no Shareholder who shall not be a natural born or naturalized subject of Her Majesty, or who shall be a subject of any foreign Prince or State, shall, either in person or by proxy, vote at any meeting whatever of the Shareholders of the said Corporation, or shall assist in calling any meeting of the Shareholders ; any thing in this Act to the contrary notwithstanding.

Contractor with Company cannot be a Director.

XIX. And be it enacted, That no person shall be capable of being a Director of the said Company, if he be interested directly or indirectly in any contract with the said Company.

Act cannot go into effect until half the Capital has been paid up.

XX. And be it enacted, That before this Act shall have its full effect, and the said Company be operative, evidence, satisfactory to the Governor of this Province, or person administering the Government thereof for the time being, shall be laid before him, that the requirements of this Act have been *bonâ fide* complied with, and that one half at least of the said Capital sum of twelve thousand five hundred pounds has actually been paid up by the Subscribers or Stockholders of the said Company, and at the disposal of the Directors thereof for the purposes of the Company, in accordance with this Act, and notice thereof given in the Canada Gazette published by authority.

Notice—Canada Gazette.

Powers of the Directors.

XXI. And be it enacted, That the Directors of the said Corporation shall have the management and superintendence of its affairs, and may lawfully exercise all its powers, except such as are directed by this Act to be exercised by general meetings of the Shareholders, and also may use and affix, or cause to be used and affixed, the Common Seal of the said Corporation to any document 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, and no other, shall be held to be the Act and Deed of the Corporation;) may fix the salaries and remuneration of the officers, agents and servants of the said Company, except as hereinafter provided ; may appoint stated times for holding general meetings ; 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, 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

May fix salaries.

Appoint meetings.

Dispose of property.

Institute and defend actions.

appoint

appoint and displace the officers, agents, and servants of the said Corporation, except as hereinafter provided; and may make By-Laws, Rules and Regulations for the management of the affairs of the Corporation, in all its particulars and details: Provided always, that all the powers hereby conferred shall be subject to the control of any general meeting of the Shareholders in the said Corporation, and shall not be in contravention of any By-Law, Rule or Regulation, ordained at any such general meeting of Shareholders, (but not so as to render invalid any act done by the said Directors prior to the ordaining of such By-Law, Rule or Regulation, having reference thereto, at such general meeting,) and shall not be exercised in any way contrary to the provisions of this Act: And provided further, that the choice and removal of the President and Directors of the said Company, the fixing of their remuneration, the determination as to the borrowing of money and the declaration of dividends, shall not be comprised within the powers conferred upon the said Directors, but shall be exercised only by general meetings of the Shareholders.

Appoint Officers.

Make By-Laws.

Such powers subject to control of general meeting.

Certain matters exempted from the control of the Directors.

XXII. And be it enacted, That it shall be incumbent upon the said Corporation to publish lists, annually, under oath of the President or Acting President, of the names of all and each of the Stockholders who may hold shares in the Stock of the said Corporation, and also a statement or account of the affairs, assets and liabilities thereof mentioning especially the sum or amount paid up and in the hands and at the disposal of the said Corporation, and also to lay copies of the same before the Legislature within the first fifteen days of each Session.

Annual lists of Stockholders.

XXIII. And be it enacted, That in any action, suit, demand, or proceeding against the said Corporation in any competent Court of Law or Equity, service of the Summons, Writ, or Process of Court issuing in any such action, suit or demand, at the ordinary office or counting-house of the said Corporation, or of the President or Secretary thereof, shall be a sufficient service thereof on the said Corporation, to hold the said Corporation to appear and plead to such action, suit, or demand, or for such other purpose as to law may appertain.

What shall be good service of Process on the Corporation.

XXIV. And be it enacted, That the Directors of the said Corporation shall and may hold meetings at such times and places as they shall appoint for the purpose, and may meet and adjourn as they shall think proper; and at any time the President or any two of the said Directors may require a general meeting of Shareholders to be called; and in order to constitute a meeting of Directors there shall be present at least a majority of their number; and all questions shall be determined by a majority of votes; and the President shall have a casting vote in addition to his vote as a Director.

Directors' meetings.

XXV.

Want of form
not to invali-
date certain
matters.

XXV. And be it enacted, That no act done by any general meeting of Shareholders of the said Corporation, or by the Directors thereof, shall be invalidated by any defect or irregularity in the qualification or election of any Shareholder or Director concerned therein.

Public Act.

XXVI. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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SCHEDULE A.

CHAMBLY COTTON MANUFACTURING }  
COMPANY. }

This is to certify that A. B., of C., Yeoman, is at this date a Proprietor of Share in the Chambly Cotton Manufacturing Company, of Fifty Pounds, Currency, (each,) and that the said A. B., his successors, executors, administrators and assigns, is and are entitled to the profits and advantages thereof.

Given under our hands and the Common Seal of the said Corporation, at  
this day of in the year  
of our Lord 184 .

D. E., *President.*  
F. G., *Secretary.*

~~~~~  
SCHEDULE B.

CHAMBLY COTTON MANUFACTURING }
COMPANY. }

For value received I hereby assign to of
Shares in the Stock of the Chambly Cotton Manufacturing Company,
subject to the By-Laws, Rules and Regulations of the said Corporation.

Witness my hand, this day of , 184 .

A. B.

I hereby accept the assignment of the Shares above mentioned, subject to the By-Laws, Rules and Regulations aforesaid.

Witness my hand, this day of , 184 .

C. D.



ANNO OCTAVO

VICTORIÆ REGINÆ.

CAP. XCIII.

An Act to Incorporate *The Mechanics' Institute of Montreal.*

[29th March, 1845.]

WHEREAS an Association hath been formed in the City of Montreal, in this Province, by divers persons engaged as Mechanics and otherwise, resident in that City and the neighbourhood thereof, under the name of *The Mechanics' Institute of Montreal*, 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 of the said Association, acting in behalf of the members thereof, have by their Petition to the Legislature, represented that the said Association was originally founded in the year eighteen hundred and twenty-eight, with the object of affording instruction to its members in the principles of the Arts, and in the various branches of Science and useful knowledge, necessary or advantageous to the said Associates in their pursuits in life; And the Petitioners have further 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, 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 Ostell, Thomas M'Ginn,

Preamble.

William

Certain persons incorporated as the

"Mechanics'
Institute of
Montreal."

Common Seal.

Property.

Suing and
being sued.

How Process
shall be served
on the Corpo-
ration.

What Officers
shall be ap-
pointed.

General Com-
mittee.

William Footner, William Telfer, Charles Garth, Andrew Cowan, George Dickenson, John Fletcher, William M. Milln, John Lambert, John Hilton, James Morice, William Watson, Charles Shrimpton, Donald M'Nevan, James Turner, John George, and Joseph Busby Bronsdon, with all such other persons as now are, or, being duly competent, may hereafter be associated with them for the purposes hereinbefore mentioned, and their successors forever, shall be one Body Politic and Corporate, in deed and in name, by the name and style of *The Mechanics' Institute of Montreal*, 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, 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, or 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.

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 anywise notwithstanding.

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, a Second Vice-President, a Third Vice-President, a Fourth Vice-President, a Corresponding Secretary, a Recording Secretary, a Treasurer, a Librarian, and a 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

shall be elected from among the operative Mechanics then Members of the Corporation.

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 in which the usual meetings of the said Corporation are held, on the first Monday in November in each and every year: Provided always, that whenever the said first Monday in November shall happen on a Holiday or *Fête d'Obligation*, the said Annual Meeting shall take place in manner hereafter 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 offices 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, then, and in every such case, it shall be competent to the Members of the said Corporation and their successors, or to the major part of such of them as may be present at a meeting 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 they had been made on such first Monday in November: Provided always, that the President, Vice-Presidents, Secretaries, Treasurer, Librarian and Cabinet Keepers, with the twelve other 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.

Annual elections of Officers and Members.

Proviso.

Proviso,—
Members not to enter upon office until the Monday after their election.

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 Montreal, 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 Montreal, (by public advertisement, to be published ten days at least previously in one or more newspapers at Montreal,) 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,

Present Officers of the Association to be Officers of the Corporation for a certain time.

First election.

President, a Third Vice-President, and a Fourth 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 places and shall enter upon the duties of their offices in the manner aforesaid.

Such Officers to continue in office until the first annual election.

Mode of filling casual vacancies in the offices or Committee.

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 or 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.

Proviso.

Who shall be Members of the Corporation.

Ordinary Members.

Corresponding Members.

Honorary Members.

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 forms 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 Montreal, 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 the Honorary Members being those only who being distinguished for their scientific attainments, 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.

How Members shall be proposed and admitted.

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, 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 some conspicuous part of the room or place where the meetings of

of the said Corporation are usually held, and shall there remain until 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-fourths 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.

Three-fourths of the Members present requisite to an election.
Quorum necessary.

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.

Quorum at meetings of the Committee or of the Corporation.

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 such 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 meeting, unless fifteen Members thereof are present, nor such extraordinary meetings of the Committee unless there be seven Members present.

Committee may hold extraordinary meetings.

Proviso as to *Quorum*.

XI. And be it enacted, That the said Corporation shall, from time to time, for ever 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 or 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

Corporation may make By-Laws for certain purposes.

Proviso,—as to the mode of passing such By-Laws.

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.

Corporation may be required to give statements of its receipts and expenditures.

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 Branches 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 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.

Statements of its property to be laid annually before the Legislature.

Present Property and liabilities of the Association transferred to the Corporation.

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.

Members not to be individually liable.

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.

Saving of rights not expressly affected.

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.

This Act to be a public Act.

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

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



ANNO OCTAVO

VICTORIÆ REGINÆ.

CAP. XCIV.

An Act for the Incorporation of certain individuals under the name and style of *The Montreal Building Society*.

[29th March, 1845.]

WHEREAS it is desirable to afford encouragement and protection to the establishment of certain Societies commonly called *Building Societies*, for the purpose of raising by small periodical subscriptions a fund to assist the Members thereof, among the industrious and other classes, in obtaining a small Freehold or Leasehold property, and the persons hereinafter mentioned have prayed to be incorporated as a Society for such purposes, in the City of Montreal: 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 David Davidson, Chas. H. Castle, John T. Brondgeest, John M. Tobin, John Leeming, John T. Badgley, and George Grundy, and their several respective heirs, executors, curators, administrators, successors and assigns, shall be and are hereby ordained, constituted and declared to be a Corporation, Body Corporate and Politic, by the name and style of *The Montreal Building Society*, for the purpose of raising by monthly or other subscriptions of the several Members of the said Society, and in shares not exceeding the value of one hundred pounds for each share, (such subscriptions not to exceed twenty shillings per month for each share,) a stock or fund for the purpose of enabling each Member thereof to receive out of the funds of the said Society the amount or value of his or her share or shares therein, to erect or purchase one or more dwelling

Preamble.

A Society established for the purchase or erection of dwelling Houses.

"Montreal Building Society."

dwelling house or houses, or other Freehold or Leasehold Estate, to be secured by way of mortgage or otherwise to the said Society, until the amount or value of his or her Shares shall have been fully repaid to the said Society with the interest thereon, with all fines or other payments incurred in respect thereof,— and to and for the several Members of the said Society, from time to time to assemble together, and to make, ordain and constitute such proper and wholesome rules and regulations for the government and guidance of the same, as the major part of the Members of the said Society so assembled together shall deem meet, so as such Rules shall not be repugnant to the express provisions of this Act, and to the general Laws of this Province, and to impose and inflict such reasonable fines, penalties and forfeitures upon the several Members of the said Society who shall offend against any such rules, as the Members may think fit, to be respectively paid to such uses for the benefit of the said Society, as the said Society by such rules shall direct, and also from time to time to amend and alter such rules as occasion may require, or annul or repeal the same, and to make new rules in lieu thereof, under such restrictions as are in this Act contained: Provided that no Member shall receive or be entitled to receive from the funds of the said Society any interest or dividend by way of annual or other periodical profit upon any shares in the said Society, until the amount or value of his or her share shall have been realized, except on the withdrawal of such Member according to the Rules of the said Society then in force.

Proviso.

Bonus on shares not deemed usury.

II. And be it enacted, That it shall and may be lawful to and for the said Society to have and receive from any Member or Members, such sum or sums of money by way of *Bonus* on any share or shares, for the privilege of receiving the same in advance prior to the same being realized, and also any interest for the share or shares so received or any part thereof, without being subject or liable on account thereof to any of the forfeitures or penalties imposed by any Act or Acts of Parliament, or by any Laws in force in that part of the Province heretofore called Lower Canada, relating to Usury.

Appointment of Directors.

III. And be it enacted, That the said Society, shall and may from time to time, elect and appoint any number of the Members of the said Society to be a Board of Directors, (who shall choose a President and Vice-President,) the number thereof to be declared in the Rules of the said Society, and shall and may delegate to such Directors all or any of the powers given by this Act to be executed, who being so delegated shall continue to act as such Directors for and during such time as shall be appointed by the said Society, for general purposes, the powers of such Directors being first declared in and by the Rules of the said Society, confirmed as aforesaid; in all cases where Directors shall be appointed for any particular purpose, the powers delegated to such Directors shall be reduced to

Powers of Directors to be declared in the

writing

writing and entered into a book by the Secretary or Clerk of the said Society, and a majority of the number of such Directors shall at all times be necessary to concur in any act of such Directors, and shall in all things delegated to them act for and in the name of the said Society; and all acts and orders of such Directors, under the powers delegated to them, shall have the like force and effect, as the acts and orders of the said Society at any General Meeting thereof could or might have had in pursuance of this Act: Provided always, that the transactions of such Directors shall be entered in a book belonging to the said Society, and shall from time to time and at all times be subject and liable to the review, allowance and disallowance and control of the said Society, in such manner and form as the said Society shall by their general Rules, confirmed as aforesaid, have directed and appointed or shall in like manner direct and appoint.

Rules of the Society, and of particular ones entered in a Book.

Proviso.

Directors controllable by the Society.

IV. And be it enacted, That the said Society, so to be established as aforesaid, before any of the Rules thereof shall be confirmed in the manner hereinafter directed, shall, in or by one or more of the Rules to be so confirmed, declare all and every the intents and purposes for which said Society is intended to be established, and shall also in and by such Rules, direct all and every the uses and purposes to which the money which shall from time to time be subscribed, paid or given to or for the use or benefit of the said Society, or which shall arise therefrom, or in any wise shall belong to the said Society, shall be appropriated and applied, and in what shares and proportions, and under what circumstances, any member of such Society or other persons, shall or may become entitled to the same, or any part thereof: Provided that the application thereof shall not in any wise be repugnant to the uses, interests and purposes of the said Society, or any of them to be declared as aforesaid; and all such Rules, during the continuance of the same, shall be complied with and enforced, and the monies so subscribed, paid or given, or so arising to or for the use or benefit of the said Society, or belonging thereto, shall not be diverted or misapplied either by the Treasurer or Directors, or any other Officer or Member of the said Society entrusted therewith, under such penalty or forfeiture as the said Society shall by any Rule impose and inflict for such offence.

Society initiates Rules to declare the purposes thereof

Proviso.

V. And be it enacted, That the Rules for the management of the said Society shall be entered into a book, to be kept by an Officer of the said Society appointed for that purpose, and which book shall be open at all reasonable times for the inspection of the Members of the said Society; but nevertheless nothing contained herein shall extend to prevent any alteration in, or amendment of any such Rules in the whole or in part, or making any new Rules for the management of the said Society, in such manner as by the Rules of the said Society shall from time to time be provided.

Rules of the Society to be entered in a Book open to public inspection.

VI.

Rules binding
on Members
and Officers.

VI. And be it enacted, That all Rules from time to time made and in force for the management of the said Society as aforesaid, and confirmed and recorded as aforesaid, shall be binding on the several Members and Officers of the said Society, and the several contributors thereto and their representatives, all of whom shall be deemed and taken to have full notice thereof by such confirmation and record as aforesaid; and the entry of such Rules in the book or books of the said Society as aforesaid, or a true copy of the same, examined with the original, and proved to be a true copy, shall be received as evidence of such Rules respectively, in all cases, and no *certiorari*, suspension, advocacy, reduction, or other legal process, shall be brought or allowed to remove any such Rules into any of Her Majesty's Courts of Record.

Entry or copy
of the Rules
to be evidence
in the Courts.

No confirmed
Rule to be al-
tered but by a
general meet-
ing of the So-
ciety.

VII. And be it enacted, That no Rule confirmed in manner aforesaid shall be altered, rescinded or repealed, unless at a General Meeting of the Members of the said Society as aforesaid, convened by public notice, written or printed, signed by the Secretary or President of the said Society, in pursuance of a requisition for that purpose by not less than twenty members of the said Society, which requisition shall state the objects for which the meeting is called, and shall be addressed to the President and Directors; whereupon each member shall be notified of the proposed alterations through the Post-Office, within fifteen days, such meeting to consist of not less than one-third of the Shareholders, three-fourths of whom must concur in such alterations or repeal.

Rules shall
specify place
of meeting and
duty of Offi-
cers.

VIII. And be it enacted, That the Rules of the said Society formed under the authority of this Act, shall specify the place or places at which it is intended that the said Society shall hold its meetings, and shall contain provisions with respect to the powers and duties of the Members at large, and of such Officers as may be appointed for the management of the affairs of the said Society.

Directors may
appoint Offi-
cers.

IX. And be it enacted, That the Directors of the said Society, shall and may from time to time, at any of their usual meetings, elect and appoint such person or persons to be Officers of the said Society, as they shall think proper, and grant such salaries and emoluments as they shall deem fit, and pay such necessary expenses attending the management of the said Society, as may be incurred; and shall and may from time to time elect, when it shall be deemed necessary to carry into execution the purposes of the said Society, for such space of time, and for such purposes as shall be fixed and established by the Rules of the said Society, and may from time to time discharge such person and persons, and elect and appoint others in the room of those who shall vacate or die, or be so discharged; and all and every such Officer or other person whatsoever, who shall be appointed to any office, in any wise touching or concerning the receipt, management or expenditure
of

Securities to
be given for
offices of
Trust, if re-
quired.

of any sum of money collected for the purposes of the said Society, before he shall be admitted to take upon him the execution of any such office or trust, shall become bound in a bond in such form and for such an amount as the Directors may determine, with two sufficient sureties, for the just and faithful execution of such office of trust, and for rendering a just and true account, according to the Rules of the said Society, and in all matters lawful to pay obedience to the same.

X. And be it enacted, 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 that the said Society shall have the power of investing, in the names of the President and Treasurer for the time being, any surplus funds in the stocks of any of the chartered Banks or other public securities of the Province, and that all dividends, interests and proceeds arising therefrom, shall be brought to account and applied to and for the use of the said Society, according to the Rules thereof.

Holding real Estate as Security for advances and investments of surplus money.

XI. And be it enacted, That if any person appointed to any office by the said Society, and being entrusted with, and having in his or her hands or possession, by virtue of his or her said office, any monies or effects belonging to the said Society, or any deeds or securities relating to the same, shall die or become a bankrupt or insolvent, his or her executors or administrators, or assigns, or other persons having a legal right, shall, within fifteen days after demand made by the order of the Directors of the said Society, or the major part of them assembled at any meeting thereof, deliver over all things belonging to the said Society, to such persons as the said Society shall appoint, and shall pay out of the estates, assets or effects of such person, all sums of money remaining due, which such person received by virtue of his or her said office, before any of his or her other debts are paid or satisfied, and all such assets, estates and effects shall be bound to the payment and discharge thereof accordingly: Provided always, that the same be not paid or satisfied to the prejudice of mortgages or privileges on real estate, and of liens or privileges on personal estate only, duly executed previous to the appointment of any such officer.

Executors, &c. to pay money due to the Society (before any other debts) by individuals holding office in such Society.

Proviso.

XII. And be it enacted, That all real and heritable property, monies, goods, chattels and effects whatever, and all titles, securities for money or other obligatory instruments, and evidences or muniments, and all other effects whatever, and all rights or claims belonging to or had by the said Society, shall be vested in the President and Treasurer of the said Society for the time being, for the use and benefit

Effects of the Society to be vested in the President and Treasurer for the time being who may bring and defend actions, of

of the said Society and the respective Members thereof, their respective heirs, executors or administrators, according to their respective claims and interests, and after the death or removal of any President or Treasurer, shall vest in the succeeding President and Treasurer for the same estate and interest, as the former President and Treasurer had therein, and subject to the same trusts, without any assignment or conveyance whatever, and also shall for all purposes of action or suit, as well criminal and civil, in law as in equity, in any wise touching or concerning the same, be deemed and taken to be, and shall in every such proceeding (when necessary) be stated to be the property of the persons appointed to the offices of President and Treasurer of the said Society for the time being, in the proper names of such President and Treasurer, without further description, and such persons shall, and they are hereby authorized to bring or to defend, or cause to be brought or defended, any action, suit or prosecution, criminal as well as civil, in law or in equity, touching or concerning the property, right or claim aforesaid, of or belonging to, or had by the said Society, and in all cases concerning the property, right or claim aforesaid of the said Society, may sue and be sued, plead and be impleaded in their proper names as President and Treasurer of the said Society, without other description, and no such suit, action or prosecution shall be discontinued or abated by the death of such persons, or their removal from the offices of President and Treasurer, but shall continue in the proper name of the persons commencing the same, any law, usage or custom to the contrary notwithstanding; and the succeeding President and Treasurer shall have the same rights and liabilities and shall pay or receive like costs, as if the action or suit or prosecution had been commenced in their names for the benefit of, or to be satisfied out of the funds of the said Society

President not responsible in his private capacity.

XIII. And be it enacted, That the President, Vice-President and Directors of any such Society named or hereafter to be named, shall, in their private capacity, be exonerated from all responsibility in relation to the liabilities of the said Society.

Society shall make annual audits and statements of the funds to the Members.

XIV. And be it enacted, That the Rules of the said Society shall provide that the Treasurer, or other Principal Officer thereof, shall, once in every year at least, prepare or cause to be prepared a general statement of the funds and effects of or belonging to the said Society, specifying in whose custody or possession the said funds or effects shall be then remaining, together with an account of all and every the various sums of money received and expended by or on account of the said Society, since the publication of the preceding periodical statement; and every such periodical statement shall be attested by two or more members of the said Society appointed auditors for that purpose, who shall not be Directors, and shall be countersigned by the Secretary or Clerk of the said society, and every member shall be entitled to receive from the said society a copy of such periodical statement without charge.

XV.

XV. And be it enacted, That the word "society" in this Act shall be understood to include the said Building Society and Institution; the word "rules" to include rules, orders and regulations; and every word importing the singular number shall extend and be applied to several persons and things as well as one person and thing, and bodies corporate 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 and things; and every word importing the masculine gender only shall extend and be applied to a female as well as a male; the words "real estate" shall extend and apply to immoveable estate and property generally, and the word "securities" shall extend and apply to privileges, mortgages and hypotheques and incumbrances, upon real and immoveable estate, as well as to other rights and privileges upon personal estate and property; "member" shall include members and honorary members; and that this Act shall extend to aliens, denizens and females, both to make them subject thereto, and to entitle them to all the benefits given thereby; and that this Act shall be construed in the most beneficial manner for promoting the ends thereby intended.

Construction
of Act.Singular num-
ber.Plural num-
ber.

Gender.

General Rule.

XVI. And be it enacted, That this Act shall be deemed a Public Act, and shall extend to all Courts of Law or Equity in this Province, and be judicially taken notice of as such by all Judges, Justices and other persons whatsoever, without the same being specially shown or pleaded.

Public Act.

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



ANNO OCTAVO
VICTORIÆ REGINÆ.

CAP. XCV.

An Act to incorporate certain persons under the name and style of
The President, Directors and Company of the Humber Harbour
and Road.

[29th March, 1845.]

WHEREAS the construction of a safe and commodious harbour at the mouth of the River Humber, and the improvement of the Roads on the east and west side leading from the deep waters of the same to the four corners at Conat's Tavern, in the Township of Etobicoke, on the west side, or to cross, or to intersect the western Road Company's road in the Township of York, on the east side, or such other termination or extension as the interests of the said Company and the wants of the public may warrant, would manifestly tend to the advancement of that part of this Province; And whereas Wm. Gamble, J. Scarlett, Charles Wadsworth, W. R. Wadsworth, Wm. A. Gibson, E. C. Scarlett, J. A. Scarlett, John Wolfe, Wm. P. Howland, James Haines, Samuel Snelgrove, Robert Craig, Edward Mussen, George Baker and Robert Porritt, have petitioned to be by law incorporated for the purpose of effecting the construction of such harbour and roads by means of a Joint Stock 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 the said William Gamble, J. Scarlett, Charles Wadsworth, W. R. Wadsworth, William A. Gibson, E. C. Scarlett, J. A. Scarlett, John Wolf, P. Howland, James Haines, Samuel Snelgrove, Robert Craig, Edward Mussen, George Baker and Robert Porritt, together with all such other persons

Preamble.

Certain persons incorporated as the "Humber Harbour and Road Company."

persons as shall become Stockholders in such Joint Stock or Capital as is hereinafter mentioned, shall be and are hereby ordained, constituted and appointed to be a body corporate and politic in fact and in law, by and under the name and style of the President, Directors and Company of the Humber Harbour and Road, and that by this 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 suits, actions, 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 by the said name of the President, Directors and Company of the Humber Harbour and Road, shall be in law capable of purchasing, having and holding to them and their successors any estate, real, personal and mixed, to and for the use of the said Company, and of letting, conveying or otherwise departing therewith, for the benefit and on the account of the said Company, from time to time as they shall deem necessary and expedient.

Company to
construct a
Harbour.

II. And be it enacted, That the said Company are hereby authorized and empowered, at their own costs and charges, to construct a Harbour at the mouth of the River Humber aforesaid, which shall be accessible to, and fit, safe and commodious for the reception of such description and burthen of Vessels as commonly navigate Lake Ontario, and to improve the Roads leading thereto; and also to erect and build all such needful moles, piers, wharves, buildings and erections whatsoever as shall be safe and proper for the protection of the said Harbour, and for the accommodation and convenience of vessels entering, lying, loading and unloading within the same, and to alter and amend, repair and enlarge the same, as may be found expedient and necessary.

Capital of
Company
£10,000.

Shares trans-
ferable.

III. And be it enacted, That the whole Capital or Stock of the said 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 eight hundred shares of twelve pounds ten shillings each, and that the shares of the said Capital Stock may, after the first instalment shall have been paid in, be transferred by the respective persons subscribing or holding the same to any other person or persons, and such transfer shall be entered or registered in a book or books to be kept for that purpose by the said Company.

Surveying
Commission-
ers, &c.

IV. And be it enacted, That J. Rankin, Esquire, Surveyor, Toronto, Robert Lynn, District Surveyor, and Wm. Cambers, of Etobicoke, Engineer, shall be and they are hereby appointed Commissioners to ascertain, determine and point out what portion or portions of land it shall and may be necessary for the said Company to have possession

possession of and occupy in order to construct the said Harbour and Roads, with all necessary and convenient Roads, Streets and approaches thereto, which portion or portions of land so ascertained and pointed out, the said Company are hereby authorized to enter into and upon, and to take possession of and hold and enjoy the same for the purposes aforesaid upon payment, or tender within one month, to the owner or owners thereof or party entitled to receive the same, of the value of such property so required, and the said value shall be ascertained by the award of the said Commissioners, and by three persons to be chosen by the party whose property is to be taken, and in case they cannot agree they shall choose an umpire and the decision of the majority shall be final, and that reasonable notice shall be given to the person or persons whose property is intended to be taken, and if such person or persons fail to appoint three persons to act as arbitrators, or the said arbitrators should neglect to act, then it shall be the duty of the Chairman of the Quarter Sessions of the District, together with the said three Commissioners, to make the said valuation, and the same shall be binding and final; and the said Commissioners shall and they are hereby required to attend from time to time at some convenient place in the vicinity of the said intended Harbour or Roads to be appointed by the Directors of the said Company for the time being, after eight days notice given them for that purpose by the said Directors, then and there to do and perform all things necessary to be by them done under and by virtue of this Act: Provided always, that any award or awards 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 reference may be again had in the manner aforesaid: Provided always, that the Commissioners aforesaid shall not be authorized to select, nor the said Company to take possession of a greater portion of land than one acre, with a front not more than one hundred feet on the water in any one locality for the purpose of the erection of wharves and storehouses, or one chain in width for the said Roads.

Arbitrators.

Proviso.

Proviso.

V. And be it enacted, That as soon as the said Harbour and Roads shall be so far completed as to be capable of receiving and sheltering Vessels and being travelled upon, the said Company shall have full power and authority to ask for and demand, receive, recover and take as Toll to and for their own proper use, benefit and behoof, on all goods, wares and merchandize shipped or landed in or out of any Vessel or Boat from or upon any part of the Lake shore lying within Humber Bay, eastward and westward of the said Humber River, or from or upon the Banks of the said River within the distance of one quarter of a mile on each side from the mouth thereof, and upon all Vessels and Boats entering the said Harbour, not exceeding the rates following, that is to say: Pot and Pearl Ash per barrel, six pence; Pork, Whiskey, Salt Beef and Lard, per barrel, four pence half-penny; Flour per barrel, two pence, and not to exceed four pence; Merchandize per barrel bulk,

Tolls and Harbour dues.

Amount of Tolls, &c.

bulk, six pence ; Butter and Lard per keg, one penny ; Merchandize per hundred weight, two pence ; West Indian Staves per thousand, two shillings and six pence ; Pipe Staves per thousand, one shilling and six pence ; Wheat and other Grain per sixty pounds, one half penny ; Lumber per thousand feet, Board measure, one shilling and three pence ; Pine Timber per thousand feet, running measure, two shillings and six pence ; Oak Timber per thousand feet, running measure, five shillings ; Boats and Vessels above five and under twelve tons, one shilling and three pence ; Boats and Vessels above twelve tons and not over fifty, five shillings ; Vessels over fifty tons, seven shillings and six pence ; Boats and Vessels under five tons, free ; On every cord of Firewood, seven pence half-penny ; and all articles not enumerated to pay in proportion to the above rates, subject to the direction of the Directors appointed by virtue of this Act : Provided nevertheless, that the said Directors shall have power to reduce the said Tolls should they see fit, and for any improvements on the said line of Roads by railway, planking or macadamizing, the said Company shall have full power and authority to ask for, sue, demand, recover and take toll, for each Waggon or Carriage of one load conveying not exceeding three thousand pounds, exclusive of team or vehicle, for every mile, not exceeding two pence ; and for every evasion of the said Toll, parties to be proceeded against according to an Act passed in the third year of the Reign of Her present Majesty Queen Victoria, chapter fifty-three, intituled, *An Act to repeal, alter and amend the Laws now in force for the regulation of the several Macadamized Roads within this Province.*

3 Vict. c. 53.

Improvements.

VI. And be it enacted, That in case any individual or individuals are desirous of improving or shall have improved any portion of the said line of Roads, the same to be paid for in shares of the Capital Stock of the said Company by his or their consent, then it shall be the duty of the said before named Commissioners to estimate the value of such work ; and upon their reporting to the Directors of the said Company the amount of such valuation, the individual or individuals who have improved the same, shall be entitled to have transferred to them in the Books of the said Company as many Shares of the Capital Stock as will cover the amount reported of such estimated improvements, as they may have performed on either of the said lines of Roads.

Harbour, &c.,
vested in Com-
pany.

VII. And be it enacted, That the said harbour, moles, piers, wharves, buildings, erections, road, and all materials which shall from time to time be got or provided for constructing, building, maintaining or repairing the same, and the Lands so to be occupied as hereinbefore is provided, together with the said tolls on goods, wares or merchandize, as hereinbefore mentioned, shall be and the same are hereby vested in the said Company and their successors for ever.

VIII.

VIII. 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, boats, carriages, or animals, on which the same were due and payable, until such Tolls are paid; and if the same shall be unpaid for the space of six days next after such seizure, the said Company, or their Officer, Clerk or Servant, as aforesaid, may sell or dispose of the said goods, vessels, boats, carriages or animals, or such part thereof as may be necessary to pay the said Tolls, by public auction, giving six days notice thereof, and returning the overplus if any, to the owner or owners thereof.

Seizure of
goods for non-
payment of
Tolls.

IX. 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 one year, which said Directors shall be Stockholders to the amount of at least four shares as well as Inhabitants of this Province, and to be elected on the first Monday in May, in each and every year, at such place in the Township of Etobicoke, and at such time of the day as a majority of the Directors for the time being shall direct and appoint, and public notice thereof shall be given in the Upper Canada Gazette, or in any newspaper or newspapers that may be published in the Home District, 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 person 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 shall have an equal number of votes in such 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 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 named by a majority of the Directors.

Appointment
and duties of
Directors.

X. And be it enacted, That each Stockholder shall be entitled to a number of votes proportioned to the number of shares which he or she shall have held in his or her own name at least one month prior to the time of voting according to the following

Votes of
Stockholders.

following rates, 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,—but no person to have more than ten votes.

Corporation
not to be dis-
solved for in-
formality.

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, and in such manner as shall have been regulated by the By-Laws and Ordinances of the said Corporation.

Rules and
regulations.

XII. And be it enacted, That the Directors for the time being or the major part of them, shall have power to make and prescribe 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, Clerks and Servants, and all such other matters 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 fit.

Meetings of
Stockholders.

XIII. And be it enacted, That on the first Monday in May after the passing of this Act, a meeting of the Stockholders shall be held at the mouth of the Humber-River, in the Township of York or Etobicoke, 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 such Election, and who during such continuance in office shall discharge the duty of Directors in the same manner as if they had been elected at the annual election.

Instalments
upon shares.

XIV. And be it enacted, That as 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 in the Upper Canada Gazette, or in any newspaper or newspapers that may be published in the said District, for an instalment of ten 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 and in such proportion as a majority of the Stockholders, at a meeting to be expressly convened for that purpose, shall agree upon, so as no such instalment shall exceed ten per cent, nor become payable in less than thirty days after public notice in the Upper Canada Gazette or other newspaper or newspapers as aforesaid : Provided always, that the said Directors shall not commence the construction of the said Harbour until the first instalment shall be paid in.

Proviso.

XV. 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 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 not exceeding one instalment, and that the said share or 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 moneys 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 so purchased as aforesaid : Provided always nevertheless, that thirty days notice of the sale of such forfeited share shall be given in the Upper Canada Gazette, or in any newspaper or newspapers published in the said 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.

Non-payment
of instalments.

Proviso.

Proviso.

XVI. 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 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 or her reasonable request.

Annual divi-
dends.

XVII. And be it enacted, That the said Company shall forfeit and lose all benefit of this Charter and the privileges and powers hereby conferred, unless the said Harbour shall be begun within two years and completed within four years from the passing of this Act, and the roads shall be in a progressive state of extension and improvement.

Harbour to be
begun within
two and finish-
ed within four
years.

XVIII. And be it enacted, That at any time before or after the making and completing the said Harbour and Roads, it shall and may be lawful for Her Majesty, Her Heirs and Successors, to assume the possession and property of the same, and of all and every the works and dependencies thereunto belonging or in any wise appertaining, upon paying to the said Company of proprietors, their successors and assigns, the full amount of their respective shares as paid up, or of the sums furnished or advanced by each subscriber towards making and completing the said Harbour and Roads and the work connected therewith, together with such further sum as will amount to twenty *per centum* upon the moneys so advanced and paid as a full indemnification to the Stockholders, and the said Harbour and Roads and

Crown may
assume the
Harbour, &c.,
on payment.

all

all the works and dependencies thereunto belonging shall from the time of such assumption in manner aforesaid, appertain and belong to Her Majesty, Her Heirs and Successors, who shall from thenceforward be substituted in the place or stead of the said Company of proprietors, their successors and assigns, for all and every the purposes of this Act, in so far as regards the said Harbour and Roads or undertaking.

Act may be altered.

XIX. And be it enacted, That it shall be in the power of the Legislature to make any alterations in the provisions of this Act, or any addition thereto, which may seem to them expedient.

Company may make a Rail Road, or Plank Road, &c.

XX. And be it further enacted, That the said Company, and their Agents and Servants, 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, or Macadamized or Planked Road, or both at their own costs and charges, on and over any part of the Country lying between the deep waters of the river Humber and the four corners, or Conat's Tavern, or other termination in the Township of Etobicoke, on the west side, and from Dennis's corner on the Weston-Road Company's Road, in the Township of York on the east side, or from Weston Village to the same, or both, or all, as may be most advantageous, and to take, carry and transport thereon, passengers, goods and property, in carriages used and propelled either by the force of steam or by the power of animals, or by any Mechanical or other power, which the said Company may choose to employ.

Authority given to purchase lands for Rail Road, &c.

XXI. And be it enacted, That the said Company be, and they 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 Railway, or Macadamized or planked Road or track, or both, either by purchase of so much of the said land 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 Rail-way or Macadamized or planked Road or track 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 have the same valued by award in the manner hereinbefore provided in the fourth section of this Act, which award shall determine the respective sums of money which the said Company shall pay to the respective persons entitled to receive the same, and the arbitrators named shall, and they are

are hereby required to attend at some place convenient to the said intended Railways or Roads to be appointed by the said Company, then and there to arbitrate, award and adjudge, and determine such matters and things as shall be submitted to their consideration by the parties interested.

XXII. And be it enacted, That whatever sum of money may be finally awarded to any persons for compensation for property required to be occupied, or for damages occasioned by the interference of the said Company with his, her or their property, rights or privileges, shall be paid or tendered within one month from the time of the same being awarded; and in case the 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 to resume his occupation of such property, and to possess fully his rights and privileges in respect thereof, free from any claim or interference of the said Company, and to have redress from the said Company for any damages done by them.

Tender of payment to private land-owners, by Company.

XXIII. And be it enacted, That the said Humber Harbour and Road Company, shall have full power and authority to explore the Country lying between the deep waters of the river Humber and the four corners, or Conat's Tavern in the Township of Etobicoke on the west side, and the Weston Road Company's Road, in the Township of York, on the east side, or to Weston Village, or both or all, as may be most advantageous, and to designate and establish and to take, appropriate, have and hold, to and for the uses of them and their successors, the line and boundaries of a double or single Rail-way, or a Macadamized or Plank road or both as aforesaid, with the necessary Rail-ways or Roads to connect the said Harbour with the aforesaid points; 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 and belonging to the Queen's Majesty, Her Heirs and Successors, or to any person, 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 may be actually necessary and proper for making the said double or single Rail-way or Roads, and all such matters and conveniences as they may think proper and necessary for making, effecting, preserving; improving, completing and using the said Rail-ways or Roads or both, to the best advantage, and also to make, erect, build and set up Toll Gates in and upon the route of the Rail-ways or Roads, or upon the lands adjoining or near the same, and all such ways, roads and conveniences as the said Company shall think requisite and convenient for the purpose of the said Rail-ways or Roads, and also from time to time to alter or repair, amend, widen or enlarge the same, or any other of the conveniences aforesaid, as well for carrying or conveying goods, commodities

Power given to explore the Country, and use lands, &c. for all purposes of this Act.

commodities, timber and other things, to and from the said Rail-ways or Roads as for the carrying or conveying all manner of materials necessary for making, erecting, furnishing, altering, repairing, amending, widening or enlarging of and belonging to the said Rail-ways or Roads, and also to place, lay, work and manufacture the said materials, on the ground near to the places where the said Works 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 ways or roads or which shall communicate therewith; and to construct, erect and keep in repair any piers, arches or other work, in, upon and across any rivers and brooks, for making, using, maintaining and repairing the said Rail-ways or Roads and their 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, improving, completing and using the said Rail-way or Macadamized or Plank Road or tracks 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 the manner herein mentioned, for all damages to be sustained by the owners or occupiers of such lands, tenements and hereditaments.

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Law Printer to the Queen's Most Excellent Majesty.



ANNO OCTAVO
VICTORIÆ REGINÆ.

CAP. XCVI.

An Act to amend and extend certain provisions of an Act made and passed in the seventh year of the Reign of Her present Majesty, intituled, *An Act for incorporating and granting certain powers to the Upper Canada Trust and Loan Company.*

[17th March, 1845.]

WHEREAS an Act was passed in the seventh year of the Reign of Her present Majesty, intituled, *An Act for incorporating and granting certain powers to the Upper Canada Trust and Loan Company*; And whereas shortly after the passing of the said Act, subscriptions for shares in the capital of the said Company were opened; and, for the better carrying on and regulating the affairs of the said Company, a Deed of Settlement was prepared and executed, bearing date the first day of June, in the year of our Lord, one thousand eight hundred and forty-four, and made between the several persons named in the said Act of the first part, the several persons whose names are thereto subscribed and seals affixed (except the several persons parties thereto of the first part) of the second part, and the Trust and Loan Company of Upper Canada of the third part; and, in pursuance of the provisions of the said Act, and of the said Deed of Settlement, application has since been made for a Royal Charter; And whereas the subscribers for shares in the capital of the said Company are desirous that the said Act should be amended, and certain further provisions made respecting the said Company, and it is expedient to amend the said Act, and to make such further provisions as are hereinafter contained: 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*

Preamble.
7 Vict. c. 63.

Further
power of bor-
rowing.

Provided.

Rate of in-
terest to be ta-
ken and paid
by the Com-
pany.

Votes of
shareholders
at meetings of
the Company.

Transfer of
shares to be
made with con-
sent of Di-
rectors, after
notice given.

Lower Canada, and for the Government of Canada, and it is hereby enacted by the authority of the same, That in case the Company shall at any time or times increase or enlarge their capital by raising any further sum or sums of money by the issue of new shares, in pursuance of the power in that behalf contained in the said Act incorporating the Company, then, in addition to the power of borrowing money already given to the Company by the said last mentioned Act, it shall be lawful for the Company at any time or times after such increase of their capital, to borrow on mortgage or bond such further sum or sums of money as shall from time to time be authorized to be borrowed by an Order of a General Meeting of the Company, provided that the sums borrowed in exercise of this further power do not exceed at any period one moiety of the amount of the new or increased capital, which for the time being shall have been actually subscribed for and paid up, or be liable to be paid, by the shareholders; and thereupon, the provisions contained in the said Act with respect to money borrowed by the Company, under the authority of such Act, shall apply in like manner to the further sum or sums of money hereby authorized to be borrowed as aforesaid.

II. And be it enacted, That it shall be lawful for the Company, at all times, in exercising the powers of lending and advancing money, and of borrowing money, given by the said Act or by this Act, respectively, to receive and agree to receive, and to pay and to agree to pay, any rate of interest whatever for the money to be lent or borrowed, respectively, which for the time being is or shall be a rate of interest lawfully receivable in the Province of Canada, in cases of the like nature.

III. And be it enacted, That the provision in the said Act as to the scale of voting of the shareholders of the Company shall be, and the same is hereby repealed; and that in lieu and stead thereof, at all meetings of the Company held after the passing of this Act, every shareholder shall be entitled to vote according to the scale of voting hereinafter mentioned, that is to say: every shareholder possessing one share, and not more than forty-nine shares, shall have one vote, and no more; and every shareholder possessing more than forty-nine shares shall have one additional vote for every twenty-five of such shares beyond the number of the first twenty-five shares. But no shareholder shall be entitled to vote at any meeting unless he shall have paid all the calls then payable upon all the shares then held by him.

IV. And be it enacted, That every person who shall be desirous of transferring any share or shares in the Company, shall, as soon as he shall have procured any person to be a holder of such share or shares in the Company, give notice thereof in writing, to the Directors of the Company, at the place or principal place of business in London for the time being of the Company, and shall describe in such notice, the name and residence of such other person, and the number or numbers of such

such share or shares; or such notice may be given by the person proposed to be the holder of such share or shares; and the Directors shall proceed without delay to take every such notice into consideration, and shall under the hands of two or more of them, certify in writing, to the person or persons giving the notice, the approbation or disapprobation of the Directors, of the proposed holder or holders, and such proposed holder or holders shall not be admitted or registered as a shareholder or shareholders, unless he, she or they, shall be approved of by the Directors, and shall have complied with the regulations and provisions of the Company, relating to persons in future acquiring shares in the Company.

V. And be it enacted, That no assignee of any bankrupt or insolvent shareholder possessed of shares shall become a member of the Company in respect of such shares as shall be vested in him in such capacity; but such assignee of a bankrupt or insolvent shareholder shall sell and dispose of such shares in the manner and subject to the provisions herein expressed and contained with respect to the sale and transfer of shares.

Assignees not to be members of the Company, but must sell.

VI. And be it enacted, That the assignee of any bankrupt or insolvent shareholder in respect of the shares vested in him in such capacity, shall be entitled to receive such dividends as shall have become due, and shall remain unpaid on the shares so vested in him in any such capacity as aforesaid before his title to the same shares shall have accrued; but no dividend which shall become due on the same shares after his title shall have accrued shall be payable to or demandable by him, but such last mentioned dividend shall, until some person shall have duly become a shareholder in respect of the same shares, remain in suspense, and shall not be paid until such new holder shall have complied with the regulations and provisions of the Company, in regard to the sale and transfer of shares; whereupon such new holder of the same shares shall be entitled to such last mentioned dividend; and every transfer shall carry with it the profits, interests and shares of capital and surplus or reserve or contingent funds in respect of the shares transferred, so as to close all the right and interest of the party making such transfer in respect of such transferred shares.

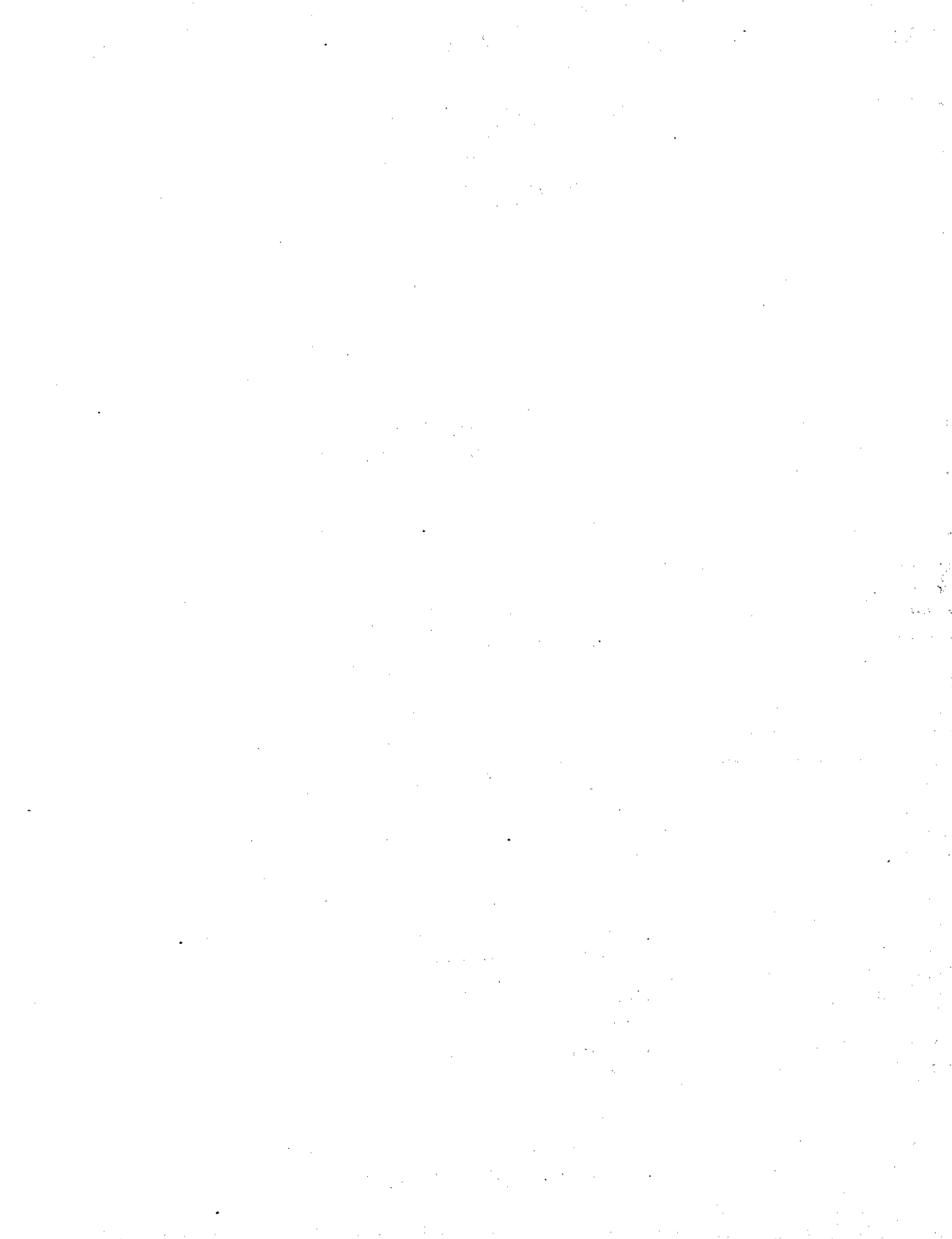
Assignees not to have dividends accruing after the commencement of their title.

VII. And whereas it is by the said Act enacted, That the said Act should not be taken to extend or be in force in any part of the Province of Canada heretofore Lower Canada, and it is expedient to repeal the same: Be it therefore enacted, That the last mentioned provision of the said Act shall be, and the same is hereby repealed.

Repeal of 103d section of former Act 7 Vict c. 63.

VIII. And be it enacted, That this Act shall be a public Act, and shall be judicially taken notice of as such.

Public Act.





ANNO OCTAVO

VICTORIÆ REGINÆ.

CAP. XCVII.

An Act to approve and confirm an Act of the Imperial Parliament of Great Britain and Ireland relating to the Gaspé Fishery and Coal Mining Company.

[10th February, 1845.]

WHEREAS an Act was passed in the seventh year of the reign of Her present Majesty, intituled, *An Act to incorporate Charles Cunningham, Richard Norman, Samuel Amory, and others, forming a Joint Stock Company for carrying on the Fishery in the Gaspé District and Gulf of Saint Lawrence, and Coal Mining in the said District*; And whereas by the twenty-second section of the said Act it was enacted, that the said Act should not be in force nor have effect until the said Company should have obtained a Charter from Her Majesty, Her Heirs or Successors, in conformity to the provisions thereof, in so far as regards matters to be transacted or things to be done out of or beyond the limits of this Province; And whereas the said Charles Cunningham, Richard Norman and Samuel Amory, after the passing of the said Act, presented their Memorial to Her Majesty's Government, stating or referring to the provisions of the said Act, and praying that Her Majesty would be graciously pleased to grant a Charter to the said Gaspé Fishery and Coal Mining Company, pursuant to the said twenty-second section of the said Act; And whereas Her Majesty's Government deemed it advisable that instead of a Charter from Her Majesty, as aforesaid, the said Charles Cunningham, Richard Norman and Samuel Amory, should introduce a Bill into the House of Commons for the purpose of giving them the privileges of incorporation and in order to obtain the sanction of the supreme authority of the Imperial Parliament for the establishment and incorporation of the said Gaspé Fishery and Coal Mining Company; And whereas the said Charles Cunningham, Richard Norman and Samuel Amory, caused a Bill to be introduced into the House

Preamble.
Recital.
7 Vict. Cap.
45.

Imperial Act
of 7 & 8 Vict.
c. 90.

House of Commons for the purposes aforesaid, and the said Bill afterwards became an Act of the Imperial Parliament of Great Britain and Ireland, passed in the eighth year of the Reign of Her present Majesty, and intituled, *An Act to confirm and extend the provisions of an Act of the Provincial Parliament of Canada, passed in the seventh year of the reign of Her present Majesty, for incorporating the Gaspé Fishery and Coal Mining Company*, a copy whereof is appended to this Act; And whereas by the seventh section of the said Act of the Imperial Parliament it is enacted, that the said Act shall not be in force or in any manner have effect or operation in the United Kingdom, or in Canada or elsewhere, until the same has been approved of and confirmed by an Act passed by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of the Province, in Provincial Parliament assembled, and it is expedient to approve of and confirm the said Act of the Imperial 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 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 of the Imperial Parliament, passed in the eighth year of the reign of Her present Majesty, and intituled, *An Act to confirm and extend the provisions of an Act of the Provincial Parliament of Canada, passed in the seventh year of the reign of Her present Majesty, for incorporating the Gaspé Fishery and Coal Mining Company*, and whereof a copy is appended to this Act, be and the same is hereby approved of and confirmed.

The said Imperial Act confirmed and the said Provincial Act to be in force accordingly.

This Act to be a Public Act.

II. 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.

A P P E N D I X .

ACT OF THE IMPERIAL PARLIAMENT REFERRED TO IN THE FOREGOING ACT.

7 & 8 VICT. CAP. XC.

An Act to confirm and extend the Provisions of an Act of the Provincial Parliament of Canada, passed in the Seventh Year of the Reign of Her present Majesty, for incorporating the Gaspé Fishery and Coal Mining Company.

[29th July, 1844.]

WHEREAS an Act was passed by the Provincial Parliament of the Province or Colony of Canada, in the Seventh Year of the Reign of Her present Majesty, intituled, *An Act to incorporate Charles Cunningham, Richard Norman, Samuel Amory, and others, forming a Joint Stock Company for carrying on the Fishery in the Gaspé District and Gulf of Saint Lawrence, and Coal Mining in the said District*; And whereas it is recited by the said Provincial Act, as the fact is, that the improvement and extension of the British Fishery in the Gulf of Saint Lawrence and Bay of Chaleurs, and other places on the Coast of the Province of Canada, are of great importance, not only to the said Province, but to the British Empire, and that it is also of great importance to the said Province that its mines and mineral wealth should be properly worked and brought into useful operation; and that to accomplish the purposes aforesaid it is expedient to establish a Body Politic and Corporate, with the powers, rights and privileges in the said Provincial Act contained, and more particularly with power to the said Body Politic and Corporate to hold Lands, Tenements and Hereditaments necessary to the carrying on their business in the said Province of Canada, to them and their successors, either by acquisition from the Crown, or by purchase from individuals, and to work any Coal Mine or Coal Mines found thereupon, Mines and Minerals thereunto appurtenant and belonging, and with full power to work the same, and to hold and possess immoveable property of every description; And whereas it is further recited by the said Provincial Act, that Charles Cunningham, of Clarges Street, in the County of Middlesex, Richard Norman, of Bryanston Square, in the same County, and Samuel Amory, of Throgmorton Street, also in the County aforesaid, in that part of the United Kingdom of Great Britain and Ireland called England, Esquires, in order to carry the aforesaid purpose into effect, had, by their petition in this behalf, represented that they are, on behalf of themselves and other persons, prepared to raise by subscription a capital

Preamble.

Recital.

Provincial Act
of 7 Vict. c.
45.

capital of one hundred and fifty thousand pounds sterling, when they should be duly authorized and protected in so doing by an Act of Incorporation passed by the Provincial Legislature of Canada, and by a Charter from the Crown; And whereas by the said Provincial Act it is enacted, that the said Charles Cunningham, Richard Norman, Samuel Amory, and such and so many other person or persons, Bodies Politic or Corporate, as had become or should at any time thereafter become subscribers or shareholders of or for the capital stock thereafter mentioned, in manner thereafter provided, and their respective successors, executors, administrators and assigns, or such other person or persons, Bodies Politic or Corporate, as should from time to time be possessed of or entitled to such shares as thereafter provided, should be a Body Politic or Corporate in the Province of Canada in deed and in name, by the name of the "Gaspé Fishery and Coal Mining Company," and by that name should sue and be sued, implead and be impleaded, in all Courts of Law and Equity in the said Province of Canada, and should, during the continuance of the said Provincial Act, have uninterrupted succession, with a Common Seal, which by them might be changed or varied at their pleasure; And whereas by the twenty-second section of the said Provincial Act it is enacted, That the said Provincial Act shall not be in force nor have effect until the said Company shall have obtained a Charter from Her Majesty, Her Heirs or Successors, in conformity to the provisions thereof, in so far as regards matters to be transacted or things to be done out of or beyond the limits of the said Province; and by the twenty-fifth section of the said Provincial Act it is also enacted, That before the said Provincial Act shall have its full effect, and the said Corporation be operative in the said Province, evidence, satisfactory to the Governor, or person administering the Government for the time being, shall be laid before him, showing that the requirements of the said Provincial Act have *bonâ fide* been complied with, and that one half at least of the said capital sum of one hundred and fifty thousand pounds, sterling, has actually been paid up by the Subscribers or Stockholders of the said Company, and at the disposal of the Directors thereof for the purposes of the Company, in accordance with the said Provincial Act, and that notice thereof has been given by Proclamation or otherwise, in such manner as His Excellency shall deem advisable, and that thereupon the said Company or Corporation shall be operative in the said Province; And whereas the said Charles Cunningham, Richard Norman, and Samuel Amory, since the passing of the said Provincial Act, have presented their memorial to Her Majesty's Government, stating or referring to the provisions of the said Act, and praying that Her Majesty would be graciously pleased to grant a Charter to the said Gaspé Fishery and Coal Mining Company, pursuant to the said twenty-second section of the said Provincial Act, and Her Majesty's Government have deemed it advisable that the said Charles Cunningham, Richard Norman, and Samuel Amory, should introduce a Bill into the House of Commons for the purpose of giving them the privileges

privileges of incorporation, and in order to obtain the sanction of the supreme authority of the Imperial Parliament for the establishment and incorporation of the said Gaspé Fishery and Coal Mining Company: 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 Lords Spiritual and Temporal, and Commons, in the present Parliament assembled, and by the authority of the same, That the said Charles Cunningham, Richard Norman, Samuel Amory, and such and so many other person or persons as have become or shall hereafter become Subscribers of or for the Capital Stock of the said Company in the said Provincial Act mentioned and provided for, and their respective successors, executors, and administrators and assigns, or such other person or persons, Bodies Politic or Corporate, as shall from time to time be possessed of or entitled to such shares in the said Company as in the said Provincial Act are provided for, shall be a Body Politic or Corporate, as well in the Province or Colony of Canada as in the United Kingdom of Great Britain and Ireland, in deed and in name, by the name of the "Gaspé Fishery and Coal Mining Company," and by that name shall and may sue and be sued, implead and be impleaded, as well in the Province or Colony of Canada as in the said United Kingdom, and in other Provinces and Colonies of the British Empire, and their dependencies, and shall, during the continuance of the said Provincial Act, have uninterrupted succession with a Common Seal.

Subscribers to the Capital Stock of the Company incorporated by the name of the "Gaspé Fishery and Coal Mining Company."

II. And be it enacted, That before this Act or the said Provincial Act shall have their full effect, and the said Corporation be operative in the said Province of Canada or elsewhere, evidence satisfactory to the Governor, or person administering the Government of Canada, for the time being, shall be laid before him, showing that the requirements of the said Provincial Act have *bonâ fide* been complied with, and that one half at least of the said capital sum of one hundred and fifty thousand pounds, sterling, has actually been paid up by the Subscribers or Stockholders of the said Company, and is at the disposal of the Directors thereof for the purposes of the said Company, in accordance with the said Provincial Act, and notice thereof has been given by Proclamation, or otherwise, in such manner as His Excellency shall deem advisable.

One half of the Capital to be paid up before this Act or the Provincial Act shall have effect.

III. Provided always, and it is hereby enacted, That unless the amount of Capital hereby and by the said Provincial Act required to be paid up, shall be so paid up within three years from the time when this Act shall be approved of and confirmed by the Provincial Parliament of Canada, as hereinafter provided, the said Provincial Act and this Act shall become and be utterly void and of no effect, as if the same and every part thereof had never been enacted.

Unless such amount be paid up within the required time, the powers of the Acts to cease.

IV.

Application
of Capital.

IV. And be it enacted, That the Capital or Joint Stock of the said Company to be raised pursuant to the provisions of the said Provincial Act, shall be used and applied in establishing and carrying on the undertakings, and for the purposes in the said Provincial Act mentioned; and that the shares and advantages, profits and undertakings of the said Company, shall be and be deemed personal estate and moveable property in the Province or Colony of Canada, and shall also be deemed personal estate in other parts of the British Empire.

Capital Stock
of the Com-
pany.

V. And be it enacted, That all sums of money paid and received in respect of the shares of the said Company, together with all acquisitions or investments whatsoever, whether real or personal, immoveable or moveable, or wheresoever lying and being and situated, whether vested in the said Company in their own name or in the names of Trustees, or in what manner soever the same shall be vested, shall form and constitute the Joint or Capital Stock of the said Company and their successors, and shall be liable and answerable for the debts, liabilities and engagements of the said Company; and no Shareholder of the Company shall be liable for or charged with the payment of any debt or demand due from the Company, beyond the extent of his or her share in the Capital of the Company, not then paid up.

Public Act.

VI. And be it enacted, That this Act shall be deemed and taken to be a Public Act as well in the said Province or Colony of Canada, and its dependencies, as in the other Provinces or Colonies of the British Empire, and their dependencies, and shall be judicially taken notice of as such by all the Judges, Justices and others, in the United Kingdom, and in the said Provinces or Colonies, and their dependencies.

Act not to
have effect
until confir-
med by an Act
of the Provin-
cial Parliament
of Canada.

VII. Provided always, and be it enacted, That this Act shall not be in force or in any manner have effect or operation in the said United Kingdom, or in Canada, or elsewhere, until the same has been approved of and confirmed by an Act passed 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 said Province of Canada, in Provincial Parliament assembled.

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Law Printer to the Queen's Most Excellent Majesty.



ANNO OCTAVO

VICTORIÆ REGINÆ.

CAP. XCVIII.

An Act to Incorporate the Members of the Quebec Library Association.

[17th March, 1845.]

WHEREAS an Association hath been formed in the city of Quebec, in this Province, by divers persons resident in that city and the neighbourhood thereof, under the name of *The Quebec Library Association*, for the purpose of forming a Library and Reading Room, and for organizing a system of instruction, by means of Lectures, for the use and benefit of the Members of the said Association, and of such persons as may hereafter become members thereof; And whereas the persons hereinafter named 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 purchased and acquired a valuable collection of books and other necessary property, and have, agreeably to the objects of the said Institution, caused lectures to be delivered in various branches of knowledge necessary or advantageous to the said associates in their pursuits in life, and have further represented that the benefits derivable from such an Association to the community of which they form a part would not only be secured but 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

Preamble.

First members named.	<p>That the Honorable William Walker, Honorable René Edouard Caron, Honorable George Pemberton, John Charlton Fisher, (<i>Legum Doctor</i>), James Gibb, William Bennett, Abraham Joseph, John Lachlan Mackirdy, Samuel Newton, Henry Stewart Scott, Thomas McLeod Clark, William Wurtele, Pierre Gingras, Junior, Isidore Thibaudeau, George Honoré Simard, Joseph Cauchon, William Kimlin, John Greaves Clapham, Junior, and William White, 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 <i>The Quebec Library Association</i>, and shall by that name have perpetual succession and a Common Seal, and shall have power from time to time, to alter, renew or change such Common Seal at their pleasure, and shall by the same name from time to time and at all times hereafter be able and capable to have, take, receive, purchase, acquire, hold, possess and enjoy to them and their successors aforesaid, to and for the 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 value the sum of fifteen hundred pounds, currency; and also to take, receive, purchase, acquire, 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 or benefactions whatsoever, and shall and may by the same name, be able and capable to sue in law, and to be sued, implead and be impleaded, answer and be answered unto in all courts of law and places whatsoever, in all and singular actions, causes, pleas, suits, matters and demands whatsoever; in as large, ample and beneficial a manner and form as any other body politic or corporate, or any persons able and capable in law, may or can sue, implead or answer, or be sued, impleaded or answered in any manner whatsoever.</p>
Incorporation.	
Corporate powers.	
What property they may hold	
Power to sue and be sued.	
Domicile of the Corporation.	<p>II. And be it enacted, That in all and every suit or suits at law, which may hereafter be instituted against the said corporation, service of Process at the place where the Library of the said Corporation may be deposited, 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 notwithstanding.</p>
Annual meetings of the Corporation.	<p>III. And for the better accomplishment of the purposes hereinbefore mentioned, Be it enacted, That the members of the said Corporation and their successors for ever, shall on the second Tuesday of January, in each and every year hereafter, meet at some convenient place to be appointed by the said Corporation, (or the major part of those who shall be present at any general meeting) between the hours of ten in the forenoon and ten in the evening; and that they or the major part of such of them as shall be there present, shall choose one President, four Vice-Presidents, one Secretary, one Treasurer and twelve Directors, and such other officers and</p>
Proceedings at such meetings. Election of Officers.	<p style="text-align: right;">servants</p>

servants as they, or such major part of them, shall deem expedient to serve in the said offices during the year then next ensuing ; which said office bearers may do and transact all matters and business relative to the interests of the said Corporation; and if by reason of any matter or thing soever, the election so to be had and made on the second Tuesday of January as aforesaid shall be prevented or shall not be had or made, then and in every such case it shall be competent to the members of the said Corporation, and their successors, or to the major part of such of them as may be present at a meeting 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, four Vice-Presidents, one Secretary, one Treasurer and twelve Directors and officers and servants as aforesaid ; and the elections so made shall be as valid and effectual as if they had been made on such second Tuesday of January, and the President and other officers of the said Corporation theretofore elected, shall continue in office, until others shall be elected in their stead, anything hereinbefore contained to the contrary notwithstanding : Provided always, that the President, four Vice-Presidents, Secretary, Treasurer and Directors as aforesaid, to be elected at any general election of officers under and by virtue of the provisions of this Act, shall not enter upon nor act in the discharge of their respective offices until the Tuesday next ensuing, after such general election.

Failure of any annual meeting provided for.

Time of entry into office.

IV. And be it enacted, That until the first election of officers shall take place as herein 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 Quebec, any of the Vice-Presidents of the said Corporation, shall within three months after the passing of this Act, cause notice to be given to such members of the said Corporation as shall be then resident in the City of Quebec, by public advertisement to be published ten days at least previously in one or more newspapers at Quebec, to meet at such place and time as he shall, in and by such notice appoint ; and the said members, or the major part of such of them as shall be present, shall at the time and place so appointed proceed to the Election of a President, and of four Vice-Presidents, a Secretary, a Treasurer and twelve Directors, and of such other officers and servants as to them shall seem meet ; which said officers, from the time of their election to their respective offices shall continue therein until the second Tuesday of January then next ensuing, and from thenceforth until others be chosen in their places in the manner aforesaid.

Election for the first year after the passing of this Act provided for.

V. And be it enacted, That if at any time or times it shall happen that any of the persons chosen to fill the said offices respectively, shall die or be removed from the said offices, or resign the same during the period for which they shall have been respectively elected, then and in every such case, it shall be lawful and competent for the remaining officers of the said Corporation, or the major part of such

Vacancies among the Officers how to be filled up.

of

of them as may be present at any duly appointed meeting, to choose a Member or Members of the Corporation to fill the office or offices so vacated: Provided always, that the person or persons who may be thus elected, shall retain the said office or offices, only until the next ensuing annual election of officers as hereinbefore provided, and no longer.

Corporation to have power to make By-laws to be binding on the members thereof.

And to alter or repeal them and make others.

Proviso.

Notice of alteration or repeal to be given.

Proviso.

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

Individual members not liable for any of the acts of the Corporation.

VII. And be it enacted, That nothing herein contained shall have the effect of rendering all or any of the said several persons hereinbefore mentioned, or all or any of the Members of the said Corporation, or any person whatsoever, individually liable or accountable for or by reason of the said Corporation, or for or on account or in respect of any matter or thing whatsoever relating to the said Corporation.

Accounts of the revenue and expenditure of the Corporation to be annually laid before the Legislature.

VIII. And be it enacted, That the said Corporation shall be bound to transmit yearly to each of the three branches of the Legislature during the first fifteen days of the Session thereof, a detailed account of their revenues and expenditure, shewing also the nature and extent of the immoveable property possessed by them and the revenue derivable therefrom.

Public Act.

IX. 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 OCTAVO
VICTORIÆ REGINÆ.

CAP. XCIX.

An Act to authorize the Community of Ladies, called *Les Sœurs de la Congrégation Notre Dame de Montréal*, to acquire and hold additional real or personal property to a certain amount.

[17th March, 1845.]

WHEREAS the Community of Ladies known by the name of *Les Sœurs de la Congrégation Notre Dame*, established at Montreal, have by their Petition to the Legislature, prayed that the said Community may be empowered to hold property to a certain amount over and above that which they now possess; And whereas by reason of the great usefulness of the said Institution it is expedient to grant the prayer of the said Petition: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That it shall be lawful for the Superior of the said Community and her Successors in office to acquire and receive, by donation, devise, or otherwise, and to hold for the use of the said Community, by the name of *Les Sœurs de la Congrégation de Notre Dame de Montréal*, and according to the Rules and Bye-Laws of that Institution, any kind of real property whatever lying within this Province, or any *constituts* or ground rents secured upon any such property, or any sums of money in the public funds of the United Kingdom or secured by debentures on the public revenue of this Province, or any other species of property whatsoever, producing in the whole a fixed and permanent income not exceeding five thousand pounds, currency, *per annum*, over and above all property legally held by or for the use of

Preamble.

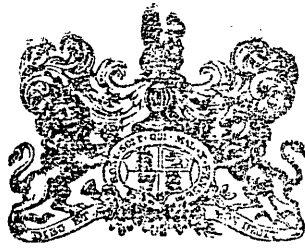
The said community empowered to hold a larger amount of property than heretofore.

Limitation of the amount.

the

the said Community at the time of the passing of this Act, and to sell or alienate the said property (as well such as the Community now hold as such as may be acquired as aforesaid hereafter,) and to purchase and acquire other property of what kind soever in lieu thereof, provided the whole amount of income derived from the property to be so holden under the authority of this Act shall not at any time exceed the said sum of five thousand pounds, currency; any thing in the laws commonly called the Laws of Mortmain, or in any Act or Law, to the contrary notwithstanding: Provided also, that a detailed account of the property hereafter so holden 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.

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



ANNO OCTAVO
VICTORIÆ REGINÆ.

CAP. C.

An Act to Incorporate *Le Petit Séminaire de Sainte Thérèse de Blainville*, in the District of Montreal.

[17th March, 1845.]

WHEREAS it has been represented to the Legislature of this Province by the Reverend Charles Joseph Ducharme, *Curé* of the Parish of *Sainte Thérèse de Blainville*, proprietor of the Educational Institution in the said Parish, known by the name of *Le Petit Séminaire de Sainte Thérèse*, by him founded and supported, that it is necessary to endow the said Institution and to give it stability and permanence by an Act incorporating the Members thereof, and enabling the property belonging to the Institution to be holden in mortmain for the use thereof, offering in that case, and on certain conditions, to endow the Corporation to be so formed with all his real property, (the value of which is estimated at fifteen hundred pounds currency, of this Province,) as the same may be in the possession of the present proprietor thereof at the time when the law shall come into operation, and according to the agreement which he will then enter into with the said Corporation; And whereas the passing of an Act for the purposes aforesaid would be highly advantageous to the progress of education 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 there shall be, and there is hereby constituted and established, at the Parish of *Sainte Thérèse de Blainville* aforesaid, and in the said *Petit Séminaire*, a Body Politic and Corporate, under the name of *The Corporation of the Petit Séminaire de Sainte Thérèse*, which said Corporation shall consist of—firstly, the Roman Catholic Bishop of Montreal; secondly, of the Superior of the said *Petit Séminaire*; thirdly, of the *Curé* of the said

Preamble.

The *Petit Séminaire* incorporated.

Who shall be members of the Corporation.

Parish

Corporate powers granted.

Common Seal.

Bye-Laws.

To acquire and hold property, real and personal.

Proviso. Amount of real property limited.

Attornies may be appointed.

The revenues of the Corporation to be applied to the purposes of Education in the said *Séminaire* exclusively.

Public Act.

Saving of rights not expressly affected.

Parish of *Sainte Thérèse de Blainville*; fourthly, of all Members who may be regularly admitted (*aggrégés*) into the said Corporation, provided their number should not exceed thirty; And the said Corporation shall have perpetual succession and may have a common seal, with power to change, alter, break and renew the same when and so often as they shall think proper; And the said Corporation may, by the said name, sue and be sued, implead and be impleaded, prosecute and be prosecuted, in all Courts of Law now established in this Province, and shall have full power and authority to make such and so many Bye-Laws, Rules and Regulations (not being contrary to the laws of this Province) as they shall deem useful and necessary, as well concerning the system of education in, as for the conduct and government of the said *Petit Séminaire* and of the said Corporation, and the superintendence, advantage and improvement of all the property, moveable or immoveable, belonging to or which shall hereafter belong to the said Corporation; and shall have power to take under any legal title whatsoever, and to hold for the said *Petit Séminaire* without any further authorization or Letters of Mortmain, all land and property, moveable and immoveable, which may hereafter be sold, ceded, exchanged, given, bequeathed, or granted to the said Corporation, or to sell and alienate the same if need shall be: Provided always, that the net rents, issues and profits arising from the immoveable property and territorial acquisitions of the said Corporation, shall not at any time exceed the yearly sum of four thousand pounds, current money of this Province; and the said Corporation shall further have the right of appointing an Attorney or Attornies for the management of their affairs, and, generally, shall enjoy all the rights and privileges enjoyed by other Bodies Politic and Corporate recognized by the Legislature.

II. Provided always and be it enacted, That all the property which shall at any time belong to the said Corporation as well as the Revenues thereof, shall at all times be exclusively applied and appropriated to the advancement of Education in the said *Petit Séminaire* and to no other object Institution or Establishment whatsoever.

III. And be it enacted, That this Act shall be deemed and taken to be a Public Act by all Judges, Justices of the Peace and Officers of Justice, and by all other persons whomsoever, and shall be judicially taken notice of by them without being specially pleaded.

IV. And be it enacted, That this Act shall not extend to weaken, diminish, or extinguish the rights and privileges of Her Majesty, Her Heirs and Successors, nor of any person or persons, Body or Bodies Politic or Corporate, excepting only such rights as are hereby expressly altered or extinguished.



ANNO OCTAVO

VICTORIÆ REGINÆ.

CAP. CI.

An Act to incorporate *La Communauté des Sœurs des Saints Noms de Jésus et Marie* of the Parish of *Saint Antoine de Longueuil*, in the District of Montreal, for the purposes of Education,

[17th March, 1845.]

WHEREAS an Association of Religious Ladies hath existed for several years in the Parish of Saint Antoine de Longueuil, in the County of Chambly, in the District of Montreal, under the name of *La Communauté des Sœurs des Saints Noms de Jésus et Marie*, for the instruction and education of young persons of the female sex, and hath instructed and educated a great number of young persons gratuitously and others at very moderate rates; And whereas the said Ladies have by their petition prayed, that the said Association may be incorporated, and in consideration of the great benefits which must arise from the Institution 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 *Marie Rose* (by birth *Eulalie Durocher*), *Marie Madeleine* (by birth *Henriette Cerré*) and *Marie Agnès* (by birth *Melodie Philomène Dufresne*), and such other persons as shall under the provisions of this Act become Members of the said Institution, shall be and are hereby declared to be a Body Politic and Corporate in deed and in name, by the name of *La Communauté des Sœurs des Saints Noms de Jésus et Marie*, and by that name shall have perpetual succession and a common

Preamble.

Names of the present members.

Corporate name, and powers.

common

common seal, and shall have power from time to time to alter, renew or change such common seal at their pleasure, and shall by the same name, from time to time, and at all times hereafter, be able and capable to purchase, acquire, hold, possess and enjoy, and to have, take and receive to them and their successors, to and for the uses and purposes of the said Corporation, any lands, tenements and hereditaments, and real or immoveable property and estate, situate, lying and being within this Province, not exceeding in yearly value the sum of two thousand pounds currency, and the same to sell, alienate and dispose of, and to purchase others in their stead for the same purpose; and by the said name shall and may be able and capable in Law to sue and be sued, implead and be impleaded, answer and be answered unto in all Courts of Law and places whatsoever, in as large, ample and beneficial a manner as any other body politic or corporate, or as any persons able or capable in Law may or can sue and be sued, implead and be impleaded, answer and be answered unto, in any manner whatsoever; and any majority of the Members of the Corporation for the time being shall have power and authority to make and establish such rules, orders and regulations, not being contrary to this Act nor to the Laws in force in this Province, as shall be deemed useful or necessary for the interests of the said Corporation, and for the management thereof, and for the admission of members into the said Corporation, and, from time to time, to alter, repeal, and change the said rules, orders and regulations, or any of them, or those of the said Association in force at the time of the passing of this Act; and shall and may do, execute and perform all and singular other the matters and things relating to the said Corporation and the management thereof, or which shall or may appertain thereto; subject nevertheless to the rules, regulations, stipulations and provisions hereinafter prescribed and established.

By-Laws.

To what purposes the Revenues of the Corporation shall be applied.

II. Provided always, and be enacted, That the rents, revenues, issues and profits of all property, real or personal, held by the said Corporation, shall be appropriated and applied solely to the maintenance of the members of the Corporation, the construction and repair of the buildings requisite for the purposes of the Corporation, and to the advancement of education, and the payment of the expenses to be incurred for objects legitimately connected with or depending on the purposes aforesaid.

Property of the present Association vested in the Corporation, and its By-Laws made those of the Corporation until altered.

III. And be it enacted, That all and every the estate and property, real and personal, belonging to, or hereafter to be acquired by the said members of the said Association, as such, and all debts, claims and rights whatsoever due to them in that quality, shall be, and are hereby vested in the Corporation hereby established; and the rules, orders and regulations, now made or to be made for the management of the said Association, shall be and continue to be the Rules, Orders and Regulations of the said Corporation, until altered or repealed in the manner herein provided.

IV.

IV. And be it enacted, That the members of the said Corporation for the time being, or a majority of them, shall have power to appoint such Attorney or Attornies, Administrator or Administrators of the property of the Corporation, and such officers and teachers and servants of the said Corporation, as shall be necessary for the well conducting of the business and affairs thereof, and to allow to them such compensation for their services, respectively, as shall be reasonable and proper; and all officers so appointed shall be capable of exercising such other powers and authority for the well governing and ordering of the affairs of the said Corporation, as shall be prescribed by the rules, orders and regulations of the said Corporation.

Corporation may appoint Attornies, Officers, &c.

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

Individual members not to be liable for the debts of the Corporation.

VI. 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.

Rights of the Crown saved.

VII. 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.

Act to be a public Act.

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





ANNO OCTAVO

VICTORIÆ REGINÆ.

CAP. CII.

An Act to incorporate the Canada Baptist Missionary Society.

[17th March, 1845.]

WHEREAS it has been represented to the Legislature of this Province, that divers inhabitants thereof, who have constituted themselves a Society by the name and style of *The Canada Baptist Missionary Society*, having for its objects the education of pious young men for the Christian Ministry, and general education, and also the support of Ministers of the Baptist denomination and others, whilst engaged in preaching the Gospel or communicating religious instruction in Canada, have used their efforts to establish a College in the City of Montreal, in the District of Montreal, and are engaged in erecting and establishing the same; And whereas it would tend greatly to advance and extend the usefulness of the said College and to promote the purposes for which it was established, that the said *Canada Baptist Missionary Society* should be incorporated: 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 and there is hereby constituted and established in the said City of Montreal, a body politic and corporate under the name of *The Canada Baptist Missionary Society*, which said Corporation shall consist of the Reverend John Mockett Cramp, A. M., the Reverend John Girdwood, the Reverend Frederick Bosworth, John Try, James Thomson, the elder, Joseph Wenham, James Milne, Robert Morton, Robert Drake, Thomas Churchill, John Dunn, James Mills, James Hearle, Joseph Leeming, Thomas M. Thomson, William Muir,

Preamble.

Corporate name and powers.

Names of present members.

Muir and Alexander Hamilton, the present members of the said *Canada Baptist Missionary Society*, and all other persons who are now or may hereafter, under the By-laws of the Corporation, become members of the said Society, so long as they shall continue members thereof according to the provisions of the said By-laws, and shall have perpetual succession and may have a Common Seal, with power to change, alter, break and renew the same, when and as often as they shall think proper; and the said Corporation may under the same name, contract and be contracted with, sue and be sued, implead and be impleaded, prosecute and be prosecuted, in all places whatsoever in this Province; and shall have full power at any general meeting, as hereinafter provided, to make and establish such and so many By-laws (not being contrary to the laws of this Province, or to this Act) as they shall deem useful or necessary, as well concerning the admission of members, as the conditions upon which any person shall remain a member of the said Corporation, the system of education in, and for the conduct and government of the said College and of any other Institution or School connected with or dependent on the same, and of the Corporation thereof, and for the superintendence, advantage and improvement of all the property, moveable or immoveable, belonging to, or which shall hereafter belong to the said Corporation, and for appointing such Trustees, Officers, or Body 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 shall have power to take, under any legal title whatsoever, and to hold for the use 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 sold, ceded, exchanged, given, bequeathed or granted to the said Corporation, or to sell, alienate, convey, let or lease the same, if need be: Provided always, that the net rents, issues and profits, arising from the immoveable property and territorial acquisitions of the said Corporation shall not at any time exceed the annual sum of one thousand pounds, current money of this Province.

Corporation
may hold pro-
perty to a cer-
tain amount.

Proviso.

First general
meeting of the
Corporation
provided for.

Quorum.

II. And be it enacted, That at any time after the passing of this Act it shall be lawful for any five members of the said Corporation, by a notice to be published at least ten days previously, in some newspaper 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 number present not being less than ten, (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, as well for the purposes aforesaid, as for regulating the mode in which general meetings of the Corporation shall be called and held, and may at any subsequent
general

general meeting to be so called and held, amend or repeal the said Bye-laws, or any of them.

III. And be it enacted, That the property now held by or in trust for the said *Canada Baptist Missionary Society*, shall be and is hereby vested in the Corporation hereby constituted for the uses and purposes thereof.

Present property of the Society vested in the Corporation.

IV. And be it enacted, That all the property which shall at any time belong to the said Corporation, as well as the revenue thereof, shall at all times be exclusively applied and appropriated to the purposes mentioned in the preamble to this Act, and the advancement of education in the said College and the Schools and educational establishments thereon dependent or therewith connected, and to no other object, institution or establishment whatever unconnected with or independent of the same.

To what purposes only the Revenues shall be applied.

V. 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 Corporation.

Members not personally liable for debts.

VI. And be it enacted, That it shall be incumbent on the said Corporation to submit annually to each of the three branches of the Legislature, during the first fifteen days of each Session thereof a detailed statement, shewing the immoveable property held by them, with the estimated value of the same and the revenue derived therefrom.

Annual statements to be submitted to the Legislature.

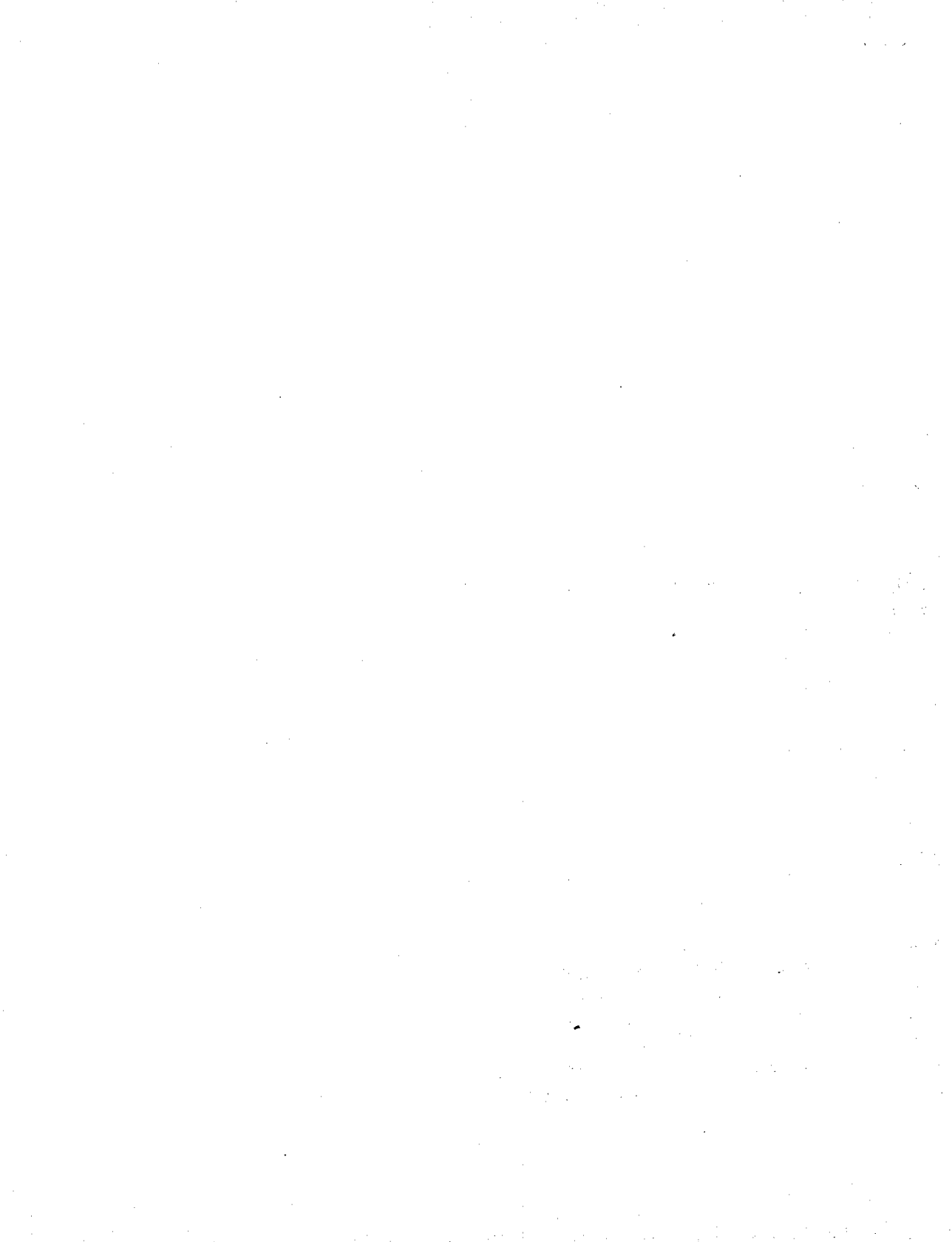
VII. And be it enacted, That this Act shall be a public Act, and shall be judicially noticed accordingly by all Judges, Justices of the Peace, and Officers of Justice, and by all other persons whomsoever, without being specially pleaded.

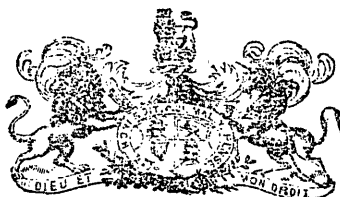
Public Act.

VIII. And be it enacted, That this Act shall not extend to weaken, diminish or extinguish the rights and privileges of Her Majesty, Her Heirs and Successors, nor of any other person or persons, body politic or corporate, excepting only such rights as are hereby expressly altered or extinguished.

Rights not expressly affected saved.

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





ANNO OCTAVO

VICTORIÆ REGINÆ.

CAP. CIII.

An Act to authorize the Nuns of the Ursuline Convent at Three Rivers, to acquire and hold additional real and immoveable property, to a certain amount.

[17th March, 1845.]

WHEREAS the Superior, the Assistant and the other Religious Ladies of the Community of the Ursuline Nuns at Three Rivers, forming the Council of the said Community, have by their Petition to the Legislature prayed, that the said Community may be empowered to acquire and hold property to a certain amount, over and above that which they now possess, and that they may be legally confirmed in their right to and property in a certain lot of land in their said Petition mentioned; And whereas, by reason of the great usefulness of the said Institution 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 to and for the said Superior, Assistant and other Religious Ladies forming the Council of the said Community, and their Successors in Office, to acquire and receive by donation, devise or otherwise, and to hold for the use of the said Community, by the name of *The Community of the Ursuline Nuns at Three Rivers*, and according to the Rules and By-laws of that Institution, any kind of real property whatever lying within this Province, or any *constituts*, or ground rents secured upon any such property, or any sums of money in the public funds of the United Kingdom or secured by debentures

Preamble.

The Community of the Ursuline Nuns at Three Rivers, authorized to hold property to a certain amount.

on

The amount.

They may sell the same and acquire other property instead thereof.

on the public revenue of this Province, or any other species of property whatsoever, producing in the whole a fixed and permanent income not exceeding fifteen hundred pounds currency, *per annum*, over and above all property (including the lot of land hereinafter mentioned) legally held by or for the use of the said Community at the time of the passing of this Act, and to sell or alienate the said property, (as well such as they now hold as such as they may hereafter acquire,) and to purchase and acquire other property of what kind soever in lieu thereof, provided the whole amount of income derived from the property to be so held at any one time under the authority of this Act, (exclusive of the lot of land hereinafter mentioned) shall not at any time exceed the said sum of fifteen hundred pounds, currency; any thing in the Laws commonly called the Laws of Mortmain, or in any Act or law to the contrary notwithstanding.

The right of property of the said Community in a certain lot of land confirmed.

II. And be it enacted, That the said Community of the Ursuline Nuns at Three Rivers are hereby confirmed in the legal possession of the lot of land conceded to them on the twentieth day of January, one thousand seven hundred and sixty-eight, by a deed passed before Badeaux and colleague, notaries, lying in the Fief Godfroy, in the parish of Saint Gregoire, and District of Three Rivers, and being nine *arpents* and six chains in front by twenty *arpents* in depth, bounded in front by the first concession, which runs down to the River Saint Lawrence, and in the rear at the depth of twenty *arpents* on one side to the South-west by other property belonging to the said Community, and on the other side to the North-east by the lands of one Camisant, to be held and enjoyed by the said Community with power to sell or alienate the same, as fully and effectually as if at the time they acquired the said land the Laws of Mortmain had not been in force.

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ANNO OCTAVO
VICTORIÆ REGINÆ.

CAP. CIV.

An Act to incorporate *The High School of Montreal.*

[17th March, 1845.]

WHEREAS there now exists in the City of Montreal an Institution known as *The High School of Montreal* having for its design to afford a course of instruction to include 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 David Torrance, Michael McCulloch, Benjamin Holmes, William Murray, John J. Day, Joseph Savage, Charles Geddes, Benjamin H. Lemoine, George W. Campbell, William C. Meredith, William Lunn, James Ferrier, John Young, and David Davidson, the present Directors of the said Institution, 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 deemed 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 said David Torrance, Michael McCulloch, Benjamin Holmes, William Murray, John J. Day, Joseph Savage, Charles Geddes, Benjamin H. Lemoine, George W. Campbell, William C. Meredith, William Lunn, James Ferrier, John Young, and David Davidson, the present Directors of the said Institution, and their successors, and such other persons as now are or shall or may hereafter become members or proprietors of the said Institution,

Preamble.

Names of the present Directors.

The said persons with the other Members of the Institution incorporated.

Corporate name—

And powers.

Limit of property.

Power to sue and be sued.

To make Bye-Laws.

Affairs to be managed by Directors to be appointed under the Bye-Laws.

Present property of the Institution vested in the Corporation, &c.

Present Directors to remain in office until others are elected.

Provisc.

Institution, shall be and are hereby constituted a body politic and corporate by the name of *The High School of Montreal*, 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 the said Corporation 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 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 uses 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 Bye-Laws, Rules and Regulations, not being contrary to this Act, or to the Laws of this Province, for the government and management of the said Corporation and of the affairs and property thereof, and for the admission, dismissal and qualification of members thereof, and for all other purposes relating to the well being and interests of the said Corporation, and the same to amend, alter or repeal, from time to time, in such manner as shall be deemed necessary or expedient.

II. And be it enacted, That the affairs of the said Corporation shall be under the management of a Board of Directors who shall be elected from time to time by the Members of the said Corporation, in the manner which shall be prescribed by the Bye-Laws, Rules and Regulations of the said Corporation, and who shall remain in office as Directors during such time as shall be provided by the said Bye-Laws, Rules and Regulations.

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 Corporation hereby constituted, which shall in like manner be liable to and for all debts due by or claims upon the said Institution; and the Directors of the said Institution at the time of the passing of this Act, shall be the Directors of the said Corporation, as if elected under this Act, until their successors shall be elected in the manner to be appointed under the Bye-Laws, Rules and Regulations of the said Corporation: 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.

IV. 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 Corporation.

Members not to be personally liable.

V. 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.

Saving of Rights not expressly excepted.

VI. 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.

Public Act.

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ANNO OCTAVO

VICTORIÆ REGINÆ.

CAP. CV.

An Act to Incorporate *The High-School of Quebec.*

[17th March, 1845.]

WHEREAS there now exists in the City of Quebec an Institution known as *The High School of Quebec*, having for its design to afford a course of instruction to include 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 the Reverend George Mackie, the Reverend John Clugston, the Reverend John Cook, Doctor of Divinity, the Reverend Daniel Wilkie, Doctor of Laws, John McLeod, William Smith Sewell, Andrew Paterson, Hammond Gowen, Robert Shaw, John Thomson, Noah Freer, and John Bonner, Esquires, and the Honorable Francis Ward Primrose, the present Directors of the said Institution, 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 deemed expedient to grant the prayer of the said Petition: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to Re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the said Reverend George Mackie, John Clugston, John Cook, Daniel Wilkie and John McLeod, William Smith Sewell, Andrew Paterson, Hammond Gowen, Robert Shaw, John Thomson, Noah Freer, and John Bonner, Esquires, and the said Honorable Francis Ward Primrose, the present Directors of the said Institution, and their successors in office, and such other

Preamble.

Names of the present Directors.

The said persons with the other

other members of the Institution incorporated.

Corporate name—

And powers.

Limit of property.

Power to sue and be sued.

To make Bye-Laws.

Affairs to be managed by Directors to be appointed under the Bye-Laws.

Present property of the Institution vested in the Corporation, &c.

Present Directors to remain in office until others are elected.

Proviso: detailed accounts.

other persons as now are or shall or may hereafter become members or proprietors of the said Institution, shall be and are hereby constituted a body politic and corporate, by the name of *The High School of Quebec*; 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 the said Corporation, 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 value the sum of five hundred pounds, currency, and the same to sell, alienate and dispose of, and others in their stead to purchase, acquire and hold for the uses 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 Bye-Laws, Rules and Regulations, not being contrary to this Act, or to the Laws of this Province, for the government and management of the said Corporation, and of the affairs and property thereof, and for the admission, dismissal and qualification of members thereof, and for all other purposes relating to the well being and interests of the said Corporation, and the same to amend, alter or repeal, from time to time, in such manner as shall be deemed necessary or expedient.

II. And be it enacted, That the affairs of the said Corporation shall be under the management of a Board of Directors, who shall be elected from time to time by the members of the said Corporation, in the manner which shall be prescribed by the Bye-Laws, Rules and Regulations of the said Corporation, and who shall remain in office as Directors during such time as shall be provided by the said Bye-Laws, Rules and Regulations.

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 Corporation hereby constituted, which shall in like manner be liable to, and for all debts due by, or claims upon the said Institution; and the Directors of the said Institution at the time of the passing of this Act, shall be the Directors of the said Corporation, as if elected under this Act, until their successors shall be elected in the manner to be appointed under the Bye-Laws, Rules and Regulations of the said Corporation: 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.

IV. 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 Corporation.

Members not personally liable.

V. 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.

Saving of Rights not expressly excepted.

VI. 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 whomsoever, without being specially pleaded.

Public Act.

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ANNO OCTAVO

VICTORIÆ REGINÆ.

CAP. CVI.

An Act to vest in John Montgomery and Thomas Ewart the property forfeited to the Crown by the attainder of the said John Montgomery.

[20th December, 1844.]

WHEREAS John Montgomery, of the Township of York, in the Home District of this Province, hath been lawfully convicted and attainted of High Treason, for certain treason by him committed and done; And whereas after the said conviction and attainder it hath pleased our Sovereign Lady the Queen mercifully to extend Her Majesty's gracious pardon to the said John Montgomery; And whereas, at the time of the conviction and attainder aforesaid, the said John Montgomery was seized and possessed of divers estates of freehold and inheritance and of other estates of and in certain lands and hereditaments in that part of this Province formerly Upper Canada; And whereas the said John Montgomery, at the time of the conviction and attainder aforesaid, was indebted to divers persons, Her Majesty's subjects in Upper Canada aforesaid; And whereas the said estates by the said conviction and attainder aforesaid and by inquisition found in that behalf, became and were and now are vested in Her Majesty; And whereas Her Majesty's Governor General of this Province, acting in the name and on behalf of Her Majesty, hath been graciously pleased to express the pleasure of Her Majesty to grant to the said John Montgomery, restitution of the said estates, lands and tenements, subject to the said debts and to all and singular the liabilities, in law and equity, which existed or were attached to the same at the time of the conviction and attainder 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

Preamble.

Estates and property of John Montgomery vested in him, and in Thomas Ewart.

Upon trust for the payment of John Montgomery's debts.

Residue for John Montgomery.

Proviso. Receipt for the purchase money to be a discharge for the purchaser, notwithstanding the said trust.

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 and singular the estates, lands, tenements, hereditaments and all and singular other the estates and property which were of the said John Montgomery at the time of his conviction and attainder aforesaid, and which by reason thereof have become or are liable to become vested in Her Majesty, shall be and are hereby vested in the said John Montgomery and Thomas Ewart, of the City of Toronto, Esquire, as joint tenants in the same estate, right and title in law and equity, as the same were vested in the said John Montgomery before the same became forfeited or liable to be forfeited to Her Majesty as aforesaid, but upon trust nevertheless to sell and dispose of the same, or such part or parts thereof, as shall be necessary for that purpose, and apply the proceeds of such sale to the payment of all and singular the debts and liabilities of the said John Montgomery at the time of the said conviction, and apply the residue (if any) to the use of the said John Montgomery, his heirs and assigns: Provided always, that the receipt or receipts for the purchase money to be contained in any conveyance made by the said John Montgomery and Thomas Ewart, or the survivor of them, or the heirs and assigns of such survivor, to any purchaser of such lands or any part thereof made in fulfilment of the trusts hereby declared, shall be a full discharge to such purchaser for the same, who shall in no respect be held liable for the application, misapplication or non-application thereof, or any part thereof.

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PROVINCIAL STATUTE

OF

CANADA,

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

VOL. II. CONTINUED.
Reserved Act.



MONTREAL:

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

Anno Domini, 1845.

PROVINCIAL STATUTE

OF

CANADA.

ANNO REGNI NONO

VICTORIÆ,

DEI GRATIA, BRITANNIARUM REGINÆ.

HIS EXCELLENCY THE RIGHT HONORABLE

CHARLES THEOPHILUS, BARON METCALFE, G. C. B.,

GOVERNOR GENERAL.

**BEING THE FIRST SESSION OF THE SECOND PROVINCIAL PARLIAMENT OF
C A N A D A .**

RESERVED ACT,

**To which the ROYAL ASSENT was subsequently promulgated by His Excellency CHARLES
THEOPHILUS, BARON METCALFE, G. C. B., &c., &c., &c., Governor General.**



ANNO NONO

VICTORIÆ REGINÆ.

CAP. CVII.

An Act to make further provision regarding Aliens.

Reserved for the signification of Her Majesty's pleasure, 29th March, 1845.
The Royal Assent given by Her Majesty in Council, on the 30th June, following ;
and Proclamation made thereof by His Excellency LORD METCALFE, in the
Canada Gazette of August 2, 1845.

WHEREAS it is expedient that His Excellency the Governor General of this Province, by and with the advice of the Executive Council thereof, should be enabled to grant to Aliens the rights and capacities of natural born British Subjects, under such regulations and exceptions as are hereinafter provided : 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 upon obtaining the Certificate and taking the oath or affirmation hereinafter prescribed, every Alien now residing in, or who shall hereafter come to reside in any part of this Province, with intent to settle therein, (although he may not have been domiciled in this Province for a period of more than five years,) shall enjoy all the rights and capacities which a natural born subject of Her Majesty can enjoy or transmit, except such rights and capacities (if any) as shall be specially excepted in, and by the Certificate to be granted in manner hereinafter mentioned :

Preamble.

Certificate
conferring
rights upon
Alien.

Proviso, as to special cases.

mentioned: Provided always, that in special cases, requiring the immediate interference of the Governor in Council, it shall and may be lawful for the said Governor in Council to grant the Certificate hereinafter prescribed in favour of any particular individual or individuals presenting the Memorial hereinafter mentioned, although such individual or individuals shall not have been domiciled in this Province for a period of five years.

Alien's memorial to Governor in Council.

II. And be it enacted, That it shall be lawful for any such Alien as aforesaid to present to the Governor in Council, a Memorial, stating the age, profession, trade, or other occupation of the Memorialist, and the duration of his residence in this Province, and all other the grounds on which he seeks to obtain any of the rights and capacities of a natural born British Subject, and praying the Governor in Council to grant to the Memorialist the Certificate hereinafter mentioned.

Certificate of Governor in Council.

III. And be it enacted, That every such Memorial may be considered by the Governor in Council, who may inquire into the circumstances of each case, and receive all such evidence as shall be offered by affidavit or otherwise, as the said Governor in Council may deem necessary or proper, for proving the truth of the allegations contained in such Memorial; and that the said Governor in Council, if he shall so think fit, may issue a Certificate reciting such of the contents of the Memorial, as he shall consider to be true and material, and granting to the Memorialist (upon his taking the oath or affirmation hereinafter prescribed) all the rights and capacities of a natural born British Subject, except the rights and capacities (if any) specially excepted in and by such Certificate.

Registration of Certificate.

IV. And be it enacted, That such Certificate shall be registered in a Book or Books, to be kept for that purpose, by some person or persons duly authorized to that effect by the Governor in Council, and may be inspected, and copies thereof taken by all persons desiring to make such inspection or to take such copies.

Fees of Certificate.

V. And be it enacted, That the several proceedings hereby authorized to be taken for obtaining such Certificate as aforesaid, and the fees payable in respect of the same shall, from time to time, be regulated and fixed by the Governor in Council.

Oath of Alien.

VI. And be it enacted, That every Memorialist to whom rights and capacities shall be granted by such Certificate, shall take and subscribe the following oath, (or being one of those persons who are allowed by the laws of this Province to affirm, shall make affirmation to the same effect,) that is to say:

“ I, A. B., do sincerely promise and swear, that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, as lawful Sovereign of the United Kingdom of Great Britain and Ireland, and of this Province of Canada, dependent on and belonging to the said United Kingdom, and that I will defend Her to the utmost of my power against all traitorous conspiracies and attempts whatever, which shall be made against Her Person, Crown and Dignity, and that I will do my utmost endeavour to disclose and make known to Her Majesty, Her Heirs and Successors, all treasons and traitorous conspiracies and attempts which I shall know to be against Her or any of them, and all this I do swear without any equivocation, mental evasion or secret reservation, and renouncing all pardons and dispensations from any person or persons whatever to the contrary : So help me God.”

VII. Which oath or affirmation shall be taken and subscribed by such memorialist, and shall be duly administered to him or her before one of the persons duly authorized to that effect by the Governor in Council, who shall grant to the memorialist a certificate of his or her having taken and subscribed such oath or affirmation.

Oath—by whom administered.

VIII. And be it enacted, That any woman married, or who shall be married to a natural born subject or person naturalized shall be deemed and taken to be herself naturalized, and have all the rights and privileges of a natural born subject.

Married Woman.

IX. And be it enacted, That the person or persons authorized to administer the oath or affirmation, and record the certificate aforesaid, shall be entitled to recover and receive from every person making such oath or affirmation, and requiring such record, the following fees and no more, that is to say ; for administering such oath or affirmation the sum of one shilling and three pence ; for searching and giving such certified copy of such oath or affirmation the sum of one shilling and three pence ; for recording such certificate the sum of two shillings and six pence ; for every search and certified copy of such certificate the sum of two shillings and six pence.

Amount of fees.

X. And be it enacted, That nothing in this Act contained shall be taken to repeal or in any manner affect, or interfere with a certain Act of the Legislature of Upper Canada passed in the fifty-fourth year of the reign of His late Majesty King George the Third, intituled, *An Act to declare certain persons therein described Aliens, and to vest their estates in His Majesty*, or any proceedings had under the said Act, or to repeal or affect any law now in force in this Province, or in any part thereof, for the naturalization of any Alien or class of Aliens.

This Act not to affect 54 G. 3.

XI. And be it enacted, That any person who shall wilfully swear falsely, or make any false affirmation before any person authorized to administer the oath or affirmation

False swearing or affirming.

affirmation aforesaid under the provisions of this Act, shall be deemed guilty of wilful and corrupt perjury, and every such person shall on conviction thereof, in addition to any other punishment authorized by law, forfeit all the privileges and advantages which he would otherwise, by making such oath or affirmation, have been entitled to under this Act; but the rights of others in respect to estates derived from or held under him, shall not thereby be prejudiced, excepting always such others as shall have been cognizant of the perjury, at the time the title by which they claim to hold under him was created.

Interpretation
clause.

XII. And be it enacted, That whenever by this Act any thing is directed to be done by the Governor in Council, it shall be understood that the same is to be done by the Governor, Lieutenant-Governor, or person administering the Government of this Province by and with the advice and consent of the Executive Council thereof, and every word importing the masculine gender shall, when necessary, extend and be applied to a female as well as a male.

Act may be
repealed.

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

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Law Printer to the Queen's Most Excellent Majesty.

FIRST SESSION, SECOND PARLIAMENT.

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