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No. 116.

1st Session, 2nd Parliament, 36 Victoria, 1873.

BILL.

An Act to incorporate "The Oshawa Board
of Trade."

PRIVATE BILL.

MR. GIBBS,

(North Ontario.)

OTTAWA :

Printed by I. B. Taylor, 29, 31 and 33 Rideau Street.

1873.

An Act to incorporate "The Board of Trade of the Village of Oshawa."

WHEREAS Thomas Nicholson Gibbs, M. P., William Henry Gibbs, M. P., Francis Wayland Glen, Esquire, Algernon Sidney Whiting, Esquire, William McGill, M. P., William Frederick Cowan, Esquire, John Cowan, Esquire, Francis Rae, M. D., George F. Blamey, John S. Larke, Robert Smith, Alexander Henderson, James Carmichael, and James Smith, all of the village of Oshawa, in the County and Province of Ontario, have by their petition prayed that they may be incorporated for the purpose of establishing a Board of Trade at the Village of Oshawa, in the County and Province of Ontario, and whereas it is expedient to grant the prayer of their petition; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The said Thomas Nicholson Gibbs, William Henry Gibbs, Francis Wayland Glen, Algernon Sidney Whiting, William McGill, William Frederick Cowan, John Cowan, Francis Rae, George F. Blamey, John S. Larke, Robert Smith, Alexander Henderson, James Carmichael and James Smith, and such other persons resident or interested in the village of Oshawa, 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 by the name of "The Oshawa Board of Trade," for the purposes hereinafter mentioned, and may by that name sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended, in all courts of law or equity and all other places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and by that name they and their successors shall have perpetual succession, and may have a common seal, and the same may make, alter and change at their will and pleasure, and they and their successors by their corporate name shall have power to purchase, take, receive, hold and enjoy any estate whatsoever, real or personal, and alienate, sell, convey, lease or otherwise dispose of the same, or any part thereof, from time to time, and as they and their successors may see fit, and other estate, real or personal to acquire instead thereof; Provided always, that the clear annual value of the real estate held by the said corporation at any one time shall not exceed five thousand dollars.

2. 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 lawful trade and commerce of Canada generally, and of the village of Oshawa in particular, or as may be necessary to carry out the objects for which the said corporation is constituted, according to the true intent and meaning of this Act.

Domicile service of process 3. 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 thereof on the corporation.

5

Council. 4. 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, Vice-President, Secretary-Treasurer, and four other members of the Council, all of whom shall be members of the said corporation, and shall have 10 the powers and perform the duties hereinafter assigned to the said Council.

Provisional officers and members of Council. 5. The said Thomas Nicholson Gibbs, M. P., shall be President, the said William McGill, Vice-President, the said John S. Larke Secretary-Treasurer, and the said William Henry Gibbs, Francis 15 Wayland Glen, Aldernon Sidney Whiting and William Frederick Cowan 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 by this Act.

20

General meetings and elections. 6. The members of the said corporation shall hold a general meeting every three months, that is to say on the last Monday in June, September, December and March in each year, at some place within the village of Oshawa of which notice naming the time and place shall be given by the Secretary-Treasurer of the Council for 25 the time being, at least three days previous to such meeting through one newspaper or otherwise, as may be thought necessary by the said Council; and the meeting held in June, shall be called the general annual meeting; and at the general meeting in the month of June, the members of the said corporation present or a majority 30 of them shall then and there elect in such way as shall be fixed by the by-laws of the corporation, from among the members of the corporation one President, one Vice-President, and the Secretary-Treasurer, and four other members of the Council, who with the President, Vice-President, and Secretary-Treasurer shall form 35 the Council of the Corporation and shall hold their offices until others shall be elected in their stead at the next general meeting in the month of June as aforesaid, or until they shall be removed from office or vacate the same under the provisions of any by-law of the Corporation: Provided always that if the said election shall 40 not take place on the last Monday of the month of June, as aforesaid, the said Corporation shall not thereby be dissolved but such election may be had at any general meeting of the Corporation to be called in manner hereinafter provided and the members of the Council in office shall continue in office until such election shall 45 be had.

Term of office of Councillors

Vacating seats in certain cases. 7. If any member of the Council shall die, resign his seat, or be absent for three months continuously from the meetings of the Council, it shall be lawful for the Council, at any meeting thereof, to elect a member of the Council in the place of the member so 50 dying or resigning or being absent, and such new member shall be elected by a majority of the members of the Council present at any meeting of the same at which there is a quorum present, and the member so elected shall hold office until the next general annual meeting of the corporation, and no longer, unless re- 55 elected.

New members and their term of office,

8. At any general or general annual meeting of the corporation whether for the purpose of electing members of the Council or for any other purpose a majority of the members present at such meeting shall be competent to do and perform all acts which
 5 either by this Act or by any by-law of the corporation are or shall be directed to be done at any such meeting.

Quorum at annual or general meetings.

9. Any member of the corporation intending to retire therefrom or resign his membership may at any time do so upon giving to the Secretary-Treasurer in writing ten days' notice of such his
 10 intention and discharging all lawful liabilities which may be standing upon the books of the corporation against him at the time of such notice.

Members resigning.

10. It shall be lawful for the corporation or the majority of them present at any general meeting to make and enact such
 15 by-laws, rules and regulations for the government of the corporation, providing for the admission, subscription and expulsion or the retirement of members and for the management of its Council, officers and affairs and for the guidance of the board of arbitrators hereinafter mentioned, and fixing the date and place of the
 20 regular meetings of the Council and all other by-laws in accordance with the requirements of this Act or the laws of Canada, as such majority shall deem advisable; and such by-laws shall be binding on all the members of the said corporation, its officers and servants, and all other persons whomsoever lawfully under its
 25 control; Provided that no by-law shall be made or enacted by the corporation without notice in writing thereof having been given by one member and seconded by another member, at a previous meeting of the corporation, and duly entered in the books of the said corporation as a minute of the corporation.

Power to make rules and by-laws.

Proviso as to notice.

30 11. Each and every person then resident at the village of Oshawa, or in the county of Ontario, and being or having been a manufacturer, merchant, trader, mechanic, manager of a bank, insurance agent, or builder, shall be eligible to become a member
 35 of the corporation, and at any general meeting of the corporation it shall be lawful for any member of the Council, or of the corporation to propose any such person as a candidate for becoming a member of the corporation, and if such proposition shall be carried by a majority of two-thirds of the members of the corporation there present, he shall henceforth be a member of the corporation
 40 and shall have all the rights, and be subject to all the obligations which the other members thereof possess or are subject to; Provided always that any person not being or having been a manufacturer, merchant, trader, mechanic, manager of a bank, insurance agent or builder, shall be eligible to become a member of the said
 45 corporation in manner aforesaid, in case such person shall be recommended by the Council of the Board of Trade at any such meeting.

Qualification of members.

Proviso as to parties not qualified.

12. It shall be lawful for the Council, or a majority of them,
 50 by a notice inserted in one or more newspapers published in the said village of Oshawa, at least one day previous to the said meeting, or by a circular letter signed by the Secretary-Treasurer of the corporation, and mailed one day previous to the said meeting to each member of the corporation, or by such notice sent
 55 by the Secretary-Treasurer to the residence or place of business of each member of the corporation, to call a general meeting of the corporation for any purpose of this Act.

Special general meetings.

13. It shall be competent for the said Council to hold meetings from time to time and adjourn the same when necessary, and at the said meeting to transact such business as may by this Act or the by-laws of the corporation be assigned to them; and such 5 meetings of the Council shall be convened by the Secretary-Treasurer at the instance of the President, or upon the request of any four members of the said Council; and the said Council shall in addition to the powers hereby expressly conferred on them have such 10 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 admitting any member, which shall be done in the manner provided for by this Act and in no other; and any four or more members of the Council lawfully met (of whom the President or Vice-President shall be one, or in case of their absence any four 15 or more members lawfully met) shall be a quorum; any majority of such quorum may do all things within the power of the Council, and at all meetings of the Council, and at 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 20 then present, who may be chosen for the occasion, shall preside, and shall in all cases of an equality of votes upon any division have a casting vote.

Meetings of Council, how called, &c.

Quorum.

Casting vote.

14. It shall be the duty of the Council, as soon as may be after the passing of this Act, to frame such by-laws, rules and 25 regulations as shall seem to the Council best adapted to promote the welfare of the corporation and the purposes of this Act, and to submit the same for adoption at a general meeting of the corporation, called for that purpose, in manner hereinbefore provided.

Council to frame by-laws and submit them.

30 15. 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 Secretary-Treasurer thereof; and in default of payment, may be recovered in any action brought in the name 35 of the corporation; and it shall only be necessary in such action to allege that such person is indebted to the corporation in the sum of money, the amount of arrears, on account of such subscriptions, penalty or otherwise, whereby an action hath accrued to the corporation by virtue of this Act.

Recovery of subscriptions, penalties, &c.

Suit.

40 16. On the trial or hearing of any such action, it shall be sufficient for the corporation to prove that the defendant at the time of making such demand was or had been a member of the corporation, and that the amount claimed by the corporation as 45 subscription, penalty or otherwise was standing unpaid upon the books of the corporation.

Proof in such cases.

17. The meetings of the Council shall be open to all members of the corporation who may attend at the same, but they shall take no part in any proceedings thereat; and minutes of the proceedings at all meetings, whether of the Council or of the corporation shall be entered in books to be kept for that purpose by the 50 Secretary-Treasurer of the corporation, and the entries thereof shall be signed by the President of the Council or such other person as at the time shall preside over any such meeting, and such books shall be open at all reasonable hours to any member of the 55 corporation, free from any charge.

Meetings of the Council to be open.

Minutes to be kept, and open for inspection.

18. 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 corporation to elect from their members six 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 make their award in any commercial case or difference which shall be voluntarily referred to them by the parties concerned; and whenever any such parties shall bind themselves by bond or otherwise to submit the matter or matters 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 board, who may either by the special order of the board, or by virtue of any general rule or rules adopted by them, or under any by-law or by-laws of the corporation touching the consideration of cases so submitted, be appointed to hear, arbitrate and decide upon the case or cases so submitted to the said board of arbitration, and such decision shall be binding upon the said Board and the parties making the submission; and such submission may be according or to the effect of the form set forth in the schedule to this Act.

Board of arbitrators.

Form of submission.

19. 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 this oath shall be according or to the effect of the form set forth in the schedule to this Act, and shall be kept among the documents of the corporation.

Members of board of arbitration to be sworn.

20. Any member of the Council of the corporation may at the same time be a member of the said board of arbitration.

Members of Council may be arbitrators.

21. The three members appointed to hear any case submitted for arbitration as aforesaid, or any two of them, shall have full power to examine upon 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 in such award shall bind the parties according to the terms of the submission and the provisions of this Act.

Powers of Arbitrators.

Award.

22. From and after the passing of this Act it shall be lawful for the Council of the corporation to appoint five persons to constitute a board of examiners for the village of Oshawa, for the year commencing on the first day of January then next, who shall hold office for one year following, to examine applicants for the office of inspector of flour and meal, or of any other article subject to inspection, and the said Council may do all such other acts, matters and things connected with the inspection of flour and meal, or any other article, and shall have as full power, and be subject to the same conditions as those conferred upon and required of the Council of any Board of Trade by virtue of any Act respecting the inspection of flour and meal or of any other article subject to inspection, and the said examiners and inspectors shall also be subject to all the conditions, requirements, oaths, matters and things (touching their offices) set forth in the said Acts.

Board of Examiners for inspection, their powers and duties.

Affirmation
instead of
oath.

23. Any person who may by law in other cases make a solemn affirmation instead of taking an oath, may make such solemn affirmation in any case when 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 in which an oath or solemn affirmation is required or authorized by this Act, shall be guilty of wilful and corrupt perjury. 5

Saving of
rights of the
Crown.

24. Nothing in this Act shall affect any rights of Her Majesty, her heirs or successors or of any person whomsoever such rights only excepted as are herein expressly mentioned and affected. 10

SCHEDULE.

FORM OF 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 dollars to perform the award to be made by the board of arbitration of "The Oshawa Board of Trade," 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 set their hands and seals on the day of A. D. 18

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

FORM OF OATH

TO BE TAKEN BY 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 Oshawa Board of Trade," 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.