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STATUTES

OF THE

PROVINCE OF CANADA

PASSED IN THE

TWENTY-FIFTH YEAR OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA

AND IN THE FIRST SESSION OF THE SEVENTH PARLIAMENT OF CANADA.

Begun and holden at Quebec, on the Twenty-first day of March, in the year of
Our Lord One Thousand Eight Hundred and Sixty-two.



HIS EXCELLENCY

THE RIGHT HONORABLE CHARLES STANLEY VISCOUNT MONCK,
GOVERNOR GENERAL.

QUEBEC:

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

Anno Domini, 1862.



ANNO VICESIMO-QUINTO

VICTORIÆ REGINÆ.

CAP. I.

An Act to amend the Act respecting the Militia.

[Assented to 9th June, 1862.]

WHEREAS it is expedient to make the following provisions in amendment of chapter thirty-five of the Consolidated Statutes of Canada, intituled: *An Act respecting the Militia*: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.
Con. Stat. Canada, cap. 35.

1. The following paragraph shall be added to the twentieth Section of the said Act, and shall make part thereof:

Sect. 20 amended.

“The Commander in Chief may, whenever he deems it necessary, order that a corrected roll of every Company of the Sedentary Militia be made out; and it shall be the duty of every Officer commanding a Company, within ten days after such order has been received, to make out such corrected Roll and to cause a copy thereof to be transmitted as provided by the foregoing provisions of this section.”

Corrected Rolls may be ordered at any time.

2. The twenty-second section of the said Act is hereby repealed and the following section shall be substituted for it, and bear the same number:

Sect. 22 repealed.

“22. The Active Militia of the Province, in time of peace, shall consist of Volunteer troops of Cavalry, Military Train, Field Batteries of Artillery, Garrison Batteries of Artillery, Companies of Engineers, and Companies of Infantry, and Marine and Naval Companies, to be armed and equipped according to their respective services and to be formed at such places and in such manner as may, from time to time, be designated or ordered by the Commander in Chief;—but except as hereinafter provided the total strength of such Volunteer Corps shall not exceed ten thousand officers and men in Class A.”

Of what the Active Militia shall consist.

Total strength.

Sect. 31
amended.

3. The following paragraph shall be added to the thirty-first section of the said Act, and shall make part thereof :

Uniform or
allowance
therefor.

“ 3. Each Volunteer Militiaman shall, in the discretion of the Commander in Chief, be supplied with uniform clothing while on drill or service, or receive such sum not exceeding six dollars per annum in lieu thereof, as may be directed by the Commander in Chief; such clothing or money to be delivered to the non-commissioned officers and privates, on such conditions and upon such security as the Commander in Chief may direct; and in all cases, uniforms, arms and accoutrements, the property of the officers of Battalions or Companies, issued prior or subsequently to the passing of this Act, shall be received, held, preserved and recovered in all respects, as if the same were the property of the Crown, and shall have all the privileges incidental thereto.”

Protection and
recovery of
uniform, arms,
&c.

Sect. 32
repealed.

4. The thirty-second section of the said Act is hereby repealed and the following substituted for it :

Safe keeping of
arms, &c.

“ All arms lent by the Imperial Government to the Province, and all accoutrements furnished by the Province, and distributed to the officers and men of the Active and Volunteer Militia, shall be accounted for by those who have received them; and in those localities where there are no public armories, the Commander in Chief may prescribe such precautionary measures as he deems expedient for the safe keeping in good order of such arms and accoutrements, and for the re-delivery thereof to such officer as may be appointed to receive them, whenever the Commander in Chief for any purpose directs such re-delivery.”

Brigade
Majors.

5. The Commander in Chief may appoint Brigade Majors not exceeding one for each Military District, and may, from time to time, regulate and prescribe their duties.

Pay.

Each of the said Brigade Majors shall be paid by the Province at a rate not exceeding six hundred dollars per annum, and travelling expenses.

Sect. 40.
repealed.

6. The fortieth section of the said Act is hereby repealed, and the following section shall be substituted for it and bear the same number :

Pay of Active
Militia on drill.

“ 40. The non-commissioned officers and men of the Active Militia (Class A) shall be paid for each day of actual and *bona fide* drill not exceeding twelve in number, the sum of fifty cents per diem, and a further sum of one dollar per diem for each horse actually and necessarily present belonging to and used for such drill by such non-commissioned officers and men , ”

“2. Notwithstanding any thing contained in the thirty-eighth section of this Act, such days of drill need not be consecutive, unless so ordered by the Commander in Chief, who may also determine the manner in which such number of days of drill shall be computed.” Time for drill.

7. The forty-third section of the said Act is hereby repealed and the following section shall be substituted for it and bear the same number : Sect. 43 repealed.

“43. Each Sergeant Major of a Volunteer Field-Battery of Artillery shall, on account of the great responsibility attached to the Office, be paid by the Province, at the rate of two hundred dollars per annum; and the Commander in Chief may, from time to time, appoint musketry instructors, non-commissioned officers or other competent persons to be employed in drilling and instructing the officers, non-commissioned officers and men in the several Corps of Active and Sedentary Militia; Pay of certain officers.
Instructors of Militia, appointment.

“Each of such musketry instructors, non-commissioned officers and other competent persons so employed, shall be paid by the Province at a rate not exceeding one dollar and fifty cents per diem, when so employed.” Pay.

8. The Active Militia shall be paid on such proof of the performance of drill required by the said Act, at such times and in such manner as the Commander in Chief may from time to time direct. Proof of performance of drill.

9. In time of Active Service in the field, and whenever the Militia or any part thereof shall be called out by reason of invasion, insurrection or imminent danger thereof, the officers, non-commissioned officers and men of the Militia, so called out for Active Service, shall be paid at such rates of daily pay, and shall receive such allowances in every respect, as are paid and allowed to officers and men of the relative and corresponding rank or grade in Her Majesty's Army. Pay of Militia called out for Active Service.

CORPS FOR GENERAL SERVICE.

10. The Commander in Chief may, in the event of war, raise, in addition to the Active and Sedentary Militia of the Province, regiments of Militia by voluntary enlistment for General Service, during such war, and for a reasonable time after its termination; such regiments to be subject to all the provisions of the said Act respecting the Militia as hereby amended. Raising regiments in time of war.

DRILL ASSOCIATIONS.

11. The Commander in Chief may sanction the organization of associations for purposes of Drill and of independent Companies Certain Companies may be

organized, &c.
but not paid.

Companies of Infantry composed of professors, masters or pupils of Universities, Schools or other public Institutions, or of persons engaged in or about the same, or of reserve men; but such Associations or Companies shall not be provided with any clothing or allowance therefor, nor shall they receive pay.

Construction of
this Act.

12. This Act shall be construed as forming one Act with the said Act respecting the Militia, and all words and expressions in this Act shall have the same meaning as they have in the said Act.

CAP. II.

An Act to extend the provisions of an Act respecting lands and real property held or required by the Imperial Government for the Military defence of this Province, to the construction of lines of Telegraph connected with such defence.

[Assented to 9th June, 1862.]

Preamble.

WHEREAS it is expedient to authorize and facilitate the construction of lines of Electric Telegraph in this Province for purposes connected with the military defence thereof: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Power to con-
struct lines of
Telegraph over
any part of the
Province.

1. Her Majesty's Principal Secretary of State for the War Department may construct, hold and work any line or lines of Electric Telegraph in and over any part or parts of this Province, and may acquire and hold all such lands, and may construct, hold and use all such buildings and other works of any kind whatever, as may be required for the efficient and easy working of the line or lines—and may take, use and occupy for the necessary purposes of any such line of Telegraph, any of the public lands of the Province, or any timber or materials from off the same,—and may take, use and occupy any other unoccupied and uncleared lands, for the purpose of erecting such necessary fixtures as aforesaid, on any such line, and may take timber and materials for the same, from off such land, making compensation when thereunto required, for any damages thereby done to the owner thereof,—and may carry any such line of Telegraph along and upon any of the public roads or highways, or across any of the waters of this Province, by the erection of the necessary fixtures, including posts, piers and abutments, for sustaining the cords or wires of any such line, provided the same are so constructed as not to incommode the public use of such roads or highways, or to impede the free access to any house or other building erected in the vicinity of the same, or injuriously to interrupt the navigation of such waters; but nothing herein contained shall authorize the building of a bridge over any navigable water without the consent of the Governor in Council.

As to public
roads, and
navigable
waters.

2. In time of war every such line of Telegraph, and in time of peace, any such line of Telegraph, the necessity of which to the defence of this Province shall have been certified under his hand and seal, by the Commander of Her Majesty's Forces,—shall be held to be a work required for the defence of this Province, and for and in respect of which and of any lands required for it, or any lands in which any estate or interest therein, or the possession or use whereof, is required for it, the said Principal Secretary of State shall have all the powers and rights vested in him by *An Act respecting lands and real property held or required by the Imperial Government for the military defence of this Province*, with respect to lands and other real property which, in his judgment, are wanted for the defence of this Province.

Such lines to be within the scope of Chapter 36 of the Consolidated Stat. of Canada.

Provided, always, that the certificate of the Commander of Her Majesty's Forces in this Province, that any line of Telegraph therein described is necessary for the defence of this Province, shall be held to be and have the effect of a certificate under section eighteen of the said Act, of the necessity of taking any lands or real property, or any estate therein, or the possession or use thereof, required for the construction and use of such line of Telegraph;—and any Judge of the Superior Court in Lower Canada, or any Judge of a County Court in Upper Canada, shall, as regards any such land or property within the limits of his jurisdiction, have the power vested in the Governor by the fifteenth section of the said Act, and being satisfied that the previous requirements of that section have been complied with, may, upon the application of the officer or person in charge of the construction of such line or of any part thereof, issue a requisition or order to the Sheriff under the said fifteenth section, and the Sheriff shall act thereon in like manner, and the same shall have the like effect and consequences, as if issued or made by the Governor of this Province;—and the signature and seal affixed to any such certificate as aforesaid, and purporting to be those of the Commander of Her Majesty's Forces, and the alleged authority of the officer or person in charge of the construction of such line or part of a line of Telegraph, shall be deemed authentic and admitted without proof, unless the contrary be expressly alleged and shewn.

Proviso: as to powers for taking lands required.

Judges may order Sheriff to give possession, &c.;

3. Every line of telegraph, and the posts, fixtures and appurtenances thereof, whether standing on lands vested in, or merely in possession of, the said Principal Secretary of State, shall be held to be his property, so far as to enable him to maintain any action with respect to the same, and as regards any offence committed in respect thereof, as fully as if the absolute property of such land were vested in him; and he shall be held to be the party aggrieved by any injury thereto.

Lines vested in War Department.

Act to be construed with Chap. 36 Con. Statutes Canada.

4. The foregoing provisions shall be construed as forming one Act with the Act herein first above cited, and all the powers hereby vested in the said Principal Secretary of State may be exercised by his deputies under said Act; and all words and expressions shall have the same meaning in this Act as in the said Act.

Certain powers may be used in aid of Military authorities.

5. Any power vested in Her Majesty by any Provincial Act, of assuming either temporarily or permanently the possession of any line of telegraph within this Province, or any preference to which Government messages or despatches are entitled on any such line, may, with the sanction of the Governor in Council, be exercised by the said Principal Secretary of State on behalf of Her Majesty; and any power vested in the Commissioner of Public Works may, with the like sanction, be exercised in aid of the said principal Secretary of State, in respect of any such line of telegraph, as if it were one of the Public Works of this Province.

Provisions for protection of Telegraphs, Con. Stat. Canada, c. 67.

6. The twenty-first, twenty-second and twenty-third sections of *An Act respecting Electric Telegraph Companies*, chapter sixty-seven of the Consolidated Statutes of Canada, and all other Acts and provisions of law for preventing or punishing malicious injuries to any line of electric telegraph, shall apply to any offence committed with respect to any line of telegraph constructed under the authority of this Act.

C A P. I I I .

An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Civil Government and other purposes, for the year one thousand eight hundred and sixty-two, and for making good certain sums expended for the public service, in the year one thousand eight hundred and sixty-one.

[Assented to 9th June, 1862.]

MOST GRACIOUS SOVEREIGN :

Preamble.

WHEREAS it appears by Messages from His Excellency the Right Honorable Charles Stanley Viscount Monck, Governor General of British North America, and Captain General and Governor in Chief in and over this Province of Canada, and the Estimates accompanying the same, that the sums hereinafter mentioned are required to defray certain expenses of the Civil Government of this Province and of the Public Service thereof, and other purposes, for the year one thousand eight hundred and sixty-two, and to make good certain sums expended for the Public Service of this Province in the year

one

one thousand eight hundred and sixty-one: 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 Assembly of Canada, that

1. From and out of the Consolidated Revenue Fund of this Province, there shall and may be paid and applied a sum not exceeding in the whole, three millions two hundred and thirty thousand nine hundred and twenty-six dollars and thirty-eight cents, for defraying the several charges and expenses of the Civil Government of this Province for the year one thousand eight hundred and sixty-two, and to make good certain sums expended for the Public Service in the year one thousand eight hundred and sixty-one, and not otherwise provided for, and for other purposes set forth in the Schedule to this Act.

\$3,230,926.38
appropriated for
charges of Civil
Government,
&c., for 1862
and 1861.

2. It shall be lawful for the Governor in Council to authorize the raising, by way of loan on the credit of the Consolidated Revenue Fund of this Province, a sum not exceeding three millions of dollars, to be placed to the credit of the said Consolidated Revenue Fund, towards making good the sums charged upon the said Fund by this Act, for the Public Service.

Loan of
\$3,000,000
authorized.

3. For the purpose of raising such sum as aforesaid, it shall be lawful for the Governor in Council, to authorize the sale of Provincial Stock, or the issuing of Debentures, or both, to an amount not exceeding in the whole, the sum last aforesaid; and any Debentures so to be issued may be in such form, for such separate sums, at such rate of interest not exceeding five per centum per annum, and the principal and interest thereon may be made payable at such periods and at such places as to the Governor in Council shall seem most expedient, the said principal and interest being hereby made chargeable upon the Consolidated Revenue Fund of this Province.

How to be
raised.

Rate of interest.

4. Accounts in detail of all moneys raised, received and paid under this Act, and of the Provincial Stock, or Debentures sold or issued under the same, and of the interest thereon, and of the redemption of the whole or any part thereof, and of all expenses attending the raising and payment of the sums, to be raised, received and paid under this Act, shall be laid before both Houses of the Legislature of this Province, at each session thereof.

Accounts to be
laid before
Parliament.

5. The due application of all moneys expended under the authority of this Act, shall be accounted for to Her Majesty, Her Heirs and Successors, through the Lords Commissioners of Her Majesty's Treasury, in such manner and form as Her Majesty, Her Heirs and Successors shall be pleased to direct.

Account to Her
Majesty.

SCHEDULE.

SCHEDULE.

SUMS granted to Her Majesty by this Act, and the purposes for which they are granted.

SERVICE.	Amount.	Total.
<i>Civil Government.</i>		
	\$ cts.	\$ cts.
Governor General's Secretary's Office	1,260 00	
Provincial Secretary's Office	14,686 76	
Provincial Registrar's Office	4,947 50	
Receiver General's Office	12,175 00	
Finance Minister's Department	14,296 66	
Do Customs Branch	14,520 00	
Do Audit Branch	6,770 00	
Executive Council Office	8,768 50	
Department of Public Works	21,320 66	
Bureau of Agriculture	10,536 67	
Post Office Department	26,830 45	
Crown Lands Department	63,096 94	
Attorney and Solicitor General, East	2,410 00	
Do do West	3,750 00	
Contingencies of Public Departments	50,000 00	
		255,369 14
<i>Administration of Justice, East.</i>		
To meet Contingent Expenses of the Administration of Justice in L. C., not otherwise provided for		120,000 00
<i>Administration of Justice, West.</i>		
Salaries, Court of Chancery	4,950 00	
Do Court of Queen's Bench and Common Pleas	11,270 00	
To make good the balance of retiring allowance to Sir J. B. Robinson, acting as presiding Judge of the Court of Appeals	314 01	
Circuit allowances of Judges Court of Chancery	2,900 00	
Criminal Prosecutions	11,500 00	
To meet Contingent Expenses of the Administration of Justice in U. C., not otherwise provided for	4,500 00	
		35,434 01
<i>Police.</i>		
Amount required to meet the expenses of the River Police, Montreal, during the present year, \$10,700, of which to be borne by the Harbour Commissioners \$3,700, balance required		7,000 00
<i>Penitentiary, Reformatories and Prison Inspection.</i>		
For maintenance of Provincial Penitentiary	52,000 00	
Towards the Erection of Buildings now in progress, do	13,000 00	
For maintenance of Criminal Lunatic Asylum, do	13,000 00	
For completion of Rockwood Buildings	11,000 00	
	89,000 00	417,803 15

SCHEDULE—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought over</i>	89,000 00	417,803 15
<i>Penitentiary, Reformatories and Prison Inspection.—Cont.</i>		
For maintenance of Rockwood Asylum.....	5,000 00	
Inspection of Prisons and Asylums	14,000 00	
For maintenance of Reformatory Prison, Penetanguishene	15,600 00	
For Buildings to be erected, do	16,000 00	
For maintenance of Reformatory Prison, St. Vincent.....	15,000 00	
		154,600 00
LEGISLATION.		
<i>Legislative Council.</i>		
Salary of the Speaker, (Part)	\$1,200 00	
Do Clerk.....	2,000 00	
Do Assistant Clerk and French Translator	1,600 00	
Do Law Clerk	1,000 00	
Do Chaplain and Librarian.....	800 00	
Do Clerk of the Crown in Chancery, (Part)	640 00	
Do Gentleman Usher of the Black Rod..	400 00	
Do Sergeant at Arms.....	400 00	
Do Head Messenger	400 00	
Do Door Keeper	240 00	
Do Three Messengers for the Session at \$180 each.	540 00	
Contingent Expenses	40,800 00	
		50,020 00
<i>Legislative Assembly.</i>		
Salary of the Speaker, (Part)	1,200 00	
Do Clerk	2,000 00	
Do Assistant Clerk.....	1,600 00	
Do Law Clerk and English Translator ..	2,000 00	
Do Clerk of the Crown in Chancery, (Part)	640 00	
Contingencies of do do	600 00	
Salary of the Sergeant at Arms	400 00	
Contingent Expenses	141,000 00	
		149,440 00
<i>General Expenses.</i>		
For Expense of Printing and Binding the Laws.....	18,000 00	
For do Distributing do ..	3,600 00	
Grant to Parliamentary Library.....	4,000 00	
		25,600 00
<i>Education.</i>		
Additional Sum for Common Schools, U. and L. Canada ($\$6000$ of which out of the Lower Canada share to be applied to Normal Schools)	168,000 00	
Aid to Superior Education Income Fund, L. C. . .	\$20,000 00	
Do do do U. C. . .	20,000 00	
		40,000 00
		208,000 00
<i>Carried over</i>		1,005,463 15

SCHEDULE—Continued.

SERVICE.	Amount.	Total.
	\$ cts.	\$ cts.
<i>Brought over</i>		1,005,463 15
<i>Education—Continued.</i>		
To be distributed as follows :		
Victoria College, Cobourg.....	\$5,000 00	
Queen's College, Kingston.....	5,000 00	
Regiopolis College, do	3,000 00	
St. Michael's College, Toronto	2,000 00	
Bytown College, Ottawa.....	1,400 00	
Grammar School Fund, Upper Canada.....	3,200 00	
L'Assomption College, Sandwich.....	400 00	
	<u>\$20,000 00</u>	
<i>Literary and Scientific Institutions.</i>		
Aid to Medical Faculty, McGill College, Montreal	1,000 00	
Do. Do. Victoria College, Cobourg.....	1,000 00	
Do. School of Medicine, Montreal.....	1,000 00	
Do. Do. Kingston.....	1,000 00	
Do. Do. Toronto.....	1,000 00	
Do. Canadian Institute, Do.....	1,000 00	
Do. Natural History Society, Montreal	1,000 00	
Do. Historical Society, Quebec	1,000 00	
Do. Canadian Institute, Ottawa.....	400 00	
Do. Atheneum, Do.....	400 00	
Observatory, Quebec, to defray Expenses of	2,400 00	
Do. Toronto, Do.....	4,800 00	
Do. Kingston, Do.....	500 00	
Do. Isle Jesus, Do.....	500 00	
		17,000 00
<i>Hospitals and Charities.</i>		
Aid to Toronto Hospital.....	8,000 00	
Do. Do. for County Patients.....	6,000 00	
Do. Do. House of Industry.....	3,000 00	
Do. Protestant Orphan's Home and Female Aid Society, Toronto.....	800 00	
Do. Magdalen Asylum, Toronto.....	600 00	
Do. Roman Catholic Orphan Asylum, Toronto.....	800 00	
Do. Lying-in Hospital, Toronto.....	600 00	
Do. Deaf and Dumb Institution, Toronto.....	2,000 00	
Do. Public Nursery for children of the Poor, Toronto	400 00	
Do. House of Providence, Toronto.....	400 00	
Do. Marine and Emigrant Hospital, Quebec.....	5,000 00	
Do. Indigent sick, Quebec.....	4,000 00	
Do. Hospice de la Maternité, Quebec.....	600 00	
Do. Roman Catholic Orphan Asylum, Quebec.....	600 00	
Do. Asylum of the Good Shepherd, Quebec.....	8 00	
Do. Managers of Protestant Female Orphan Asylum, Quebec.....	400 00	
Do. Finlay Asylum, Quebec.....	400 00	
Do. Male Orphan Asylum, Quebec.....	400 00	
		34,800 00
<i>Carried over</i>		1,022,463 15

SCHEDULE—Continued.

SERVICE.	Amount.		Total.	
	\$	cts.	\$	cts.
<i>Brought over</i>	34,800	00	1,022,463	15
<i>Hospitals and Charities.—Continued.</i>				
Aid to St. Bridget's Asylum, Quebec.....	400	00		
Do. Ladies Protestant Home, Quebec.....	400	00		
Do. Canada Military Asylum for Widows and Orphans, Quebec.....	200	00		
Do. Indigent sick, Montreal.....	4,000	00		
Do. Corporation of the General Hospital, Montreal.....	5,000	00		
Do. St. Patrick's Hospital, Montreal.....	2,000	00		
Do. Sœurs de la Providence, Montreal.....	1,000	00		
Do. General Hospital des Sœurs de la Charité, Montreal.....	1,400	00		
Do. Bonaventure Street Asylum, Montreal.....	1,000	00		
Do. St. Mary's Asylum,—Blind and Destitute Children.....	600	00		
Do. St. Patrick's Roman Catholic Orphan Asylum, Montreal.....	800	00		
Do. Protestant Orphan Asylum, Montreal.....	800	00		
Do. House of Refuge, Montreal.....	600	00		
Do. University Lying-in Hospital, Montreal.....	600	00		
Do. Lying-in Hospital under care of Sœurs de la Miséricorde, Montreal.....	600	00		
Do. Deaf and Dumb Institution, Montreal and Sault au Recollet.....	2,000	00		
Do. Ladies Benevolent Society for Widows and Orphans, Montreal.....	400	00		
Do. Charitable Association of the Ladies of the Roman Catholic Asylum, Montreal.....	400	00		
Do. Magdalen Asylum, (Ladies of Bon Pasteur,) Montreal.....	400	00		
Do. Eye and Ear Institution, Montreal.....	400	00		
Do. Montreal Dispensary, Montreal.....	400	00		
Do. Montreal Home and School of Industry, Montreal.....	400	00		
Do. Kingston General Hospital, Kingston.....	6,000	00		
Do. Indigent Sick, Kingston.....	3,000	00		
Do. Hôtel-Dieu Hospital, Kingston.....	1,000	00		
Do. Orphan Asylum, Kingston.....	800	00		
Do. Hamilton Hospital, Hamilton.....	6,000	00		
Do. Orphan Asylum Hamilton.....	800	00		
Do. Roman Catholic Asylum, Hamilton.....	800	00		
Do. Indigent Sick, Three Rivers.....	2,800	00		
Do. London Hospital.....	3,000	00		
Do. Protestant Hospital, Ottawa.....	1,500	00		
Do. Roman Catholic Hospital, Ottawa.....	1,500	00		
Do. St. Hyacinthe Hospital.....	400	00		
Do. Provincial Lunatic Asylum, Toronto.....	62,500	00		
Do. Orillia Asylum, — for maintenance, &c., \$11,000. Warming Apparatus \$4,500.....	15,500	00		
Do. Malden Asylum,—for Maintenance, &c., \$22,500. Repairs and Buildings \$5,500.....	28,000	00		
Do. St. John's Asylum,—Maintenance, &c.....	6,500	00		
Do. Beauport Asylum, Quebec.....	63,000	00		
			261,700	00
<i>Geological Survey.</i>				
To meet Expenses of the Geological Survey of the Province, in the year, 1862.....			25,000	00
<i>Carried over</i>			1,309,163	15

SCHEDULE—Continued.

SERVICE.	Amount.		Total.	
	\$	cts.	\$	cts.
<i>Brought over</i>			1,809,168	15
<i>Arts, Agriculture and Statistics.</i>				
Aid to the Boards of Arts and Manufactures, Upper and Lower Canada, at \$2,000 each	4,000	00		
Do towards the cultivation of Flax	1,000	00		
			5,000	00
<i>Agricultural Societies.</i>				
Aid to Boards of Agriculture, Upper and Lower Canada, at \$4,000 each			8,000	00
<i>Emigration.</i>				
Aid towards Emigration Expenses for the present year			18,000	00
<i>Pensions.</i>				
Samuel Waller as late Clerk of Committees to the Legislative Council, Lower Canada	\$400	00		
John Bright, as late Messenger, do	80	00		
Louis Gagné, do Legislative Assembly	72	00		
			552	00
G. B. Faribault, as late Assistant Clerk, Legislative Assembly	\$1,600	00		
Mrs. Widow Antrobus	800	00		
Mrs. Widow McCormick	400	00		
Pierre Bouchard, for wounds received in the Public Service	100	00		
Jacques Brien, do do	80	00		
			2,980	00
			3,532	00
<i>Indian Annuities.</i>				
New Indian Annuities	4,400	00		
Aid to Indians, Lower Canada, in addition to the Parliamentary Grant under Con. Stat. L. C. cap. 14	400	00		
			4,800	00
<i>Roads and Bridges.</i>				
Colonisation Roads, Upper Canada	100,000	00		
Do do Lower Canada	100,000	00		
			200,000	00
<i>Ocean and River Steam Service.</i>				
Tug Service between Montreal and Kingston			20,000	00
<i>Carried over</i>			1,568,495	15

SCHEDULE—Continued.

SERVICE.	Amount.		Total.	
	\$	cts.	\$	cts.
<i>Brought over</i>			1,568,495	15
<i>Light-houses and Coast Service.</i>				
Salaries of two Keepers of Depots for provisions at Anticosti, for the relief of Shipwrecked persons for 1862, at \$200 each.....	400	00		
Year's Salary of Harbor Master, at Gaspé.....	\$50	00		
Do do Amherst.....	50	00		
		100		
Allowance to Pierre Brochu for residing at Lake Metapediac, on the Kempt Road, to assist travellers thereon.....	100	00		
Do to Marcel Brochu, do at Petit Lac, do.....	100	00		
Do to Jonathan Noble, do at La Fourche, do.....	100	00		
Do to Thomas Evans, do at Assametquagan, do.....	100	00		
		400		
Proportion of the expenses of keeping up Light-Houses on Isles of St. Paul and Scatterie, in the Gulf.....	2,500	00		
			3,400	00
<i>Fisheries.</i>				
Lower Canada.....	6,000	00		
Upper Canada.....	3,000	00		
			9,000	00
<i>Miscellaneous.</i>				
For subscription to and advertising in the Official Gazette....	5,000	00		
For Miscellaneous printing.....	5,000	00		
To meet Miscellaneous petty expenses of the Public Service.....	6,000	00		
Expenses of Commissioners appointed to enquire into matters connected with the Public Service under Act 9 Vic. Cap. 38.....	10,000	00		
To meet expenses of the Representation of Canada at the London Exhibition.....	8,000	00		
			34,000	00
To make good the expenditure incurred during the year 1861, as detailed in Statement No. 60, part 11 of the Public Accounts laid before the Legislature.....			490,510	23
<i>Carried over</i>			2,105,405	38

SCHEDULE.—Continued.

S E R V I C E .	Amount.
	\$ cts.
<i>Brought over</i>	2,105,405 38
DEPARTMENT OF PUBLIC WORKS.	
<i>Welland Canal.</i>	
Continuation of Contract for deepening to Lake Erie level.....	75,000 00
<i>St. Lawrence Canal.</i>	
Construction of Spare Gates.....	\$19,000 00
Completion of rock cut at Lachine Canal.....	34,000 00
	53,000 00
<i>Carillon and Grenville Canal.</i>	
Spare Gates and deepening entrance at Grenville.....	9,100 00
<i>Rideau Canal.</i>	
Repairs of Dam at Hog's Back.....	30,000 00
<i>Ottawa Works.</i>	
Extending improvements on Ottawa and Petawawa.....	15,000 00
<i>Roads.</i>	
For completing Eastern Canada and New Brunswick Road by the Metapedia for public purposes and military defence.....	\$49,100 00
Temiscouata Road.....	6,321 00
Matane and Cap Chatte and Gaspé Roads, and Malbaie and Escourmains Roads.....	8,000 00
	63,421 00
<i>Surveys.</i>	
For Roads, Harbours and Navigations.....	5,000 00
<i>Provincial Steamers.</i>	
Employed in the protection of the Fisheries—the service of the Light Houses, Buoys and Beacons under the Trinity House, Quebec, and the Postal Service to the Lower Ports.....	30,000 00
<i>Public Buildings.</i>	
Rents and Repairs of Public Buildings.....	40,000 00
Building Spencer Wood as per contract, 21st May last.....	\$15,980 00
Putting in order Fences, Grounds, out Buildings, &c.....	4,020 00
	20,000 00
Public Buildings at Ottawa.....	500,000 00
Purchase of property for Reformatory Prison at St. Vincent, as per contract, 21st December, 1861.....	18,000 00
Interest thereon.....	1,000 00
	19,000 00
<i>Common Schools.</i>	
Additional Grant to Common Schools.....	16,000 00
<i>Militia.</i>	
	875,521 00
<i>Militia</i>	250,000 00
	3,230,926 38
Total.....	

C A P . I V .

An Act to amend the Act respecting Duties of Customs and the Collection thereof.

[Assented to 9th June, 1862.]

IN amendment of chapter seventeen of the Consolidated Statutes of Canada, intituled: *An Act respecting Duties of Customs and the Collection thereof*: Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1 In addition to the *ad valorem* duties of Customs payable thereon under the said Act, there shall be levied and paid upon the goods hereinafter mentioned, the several specific duties of Customs, set opposite to the same respectively, in words and figures, that is to say:

Additional specific duties on certain articles.

<i>Goods.</i>	<i>Specific Duty.</i>
Coffee, green, ground or roasted.....	3 cents per lb.
Molasses.....	5 cents per wine gal.
Sugar, raw.....	2 cents per lb.
Sugar, refined, or equal to refined in quality	3 cents per lb.
Confectionery.....	3 cents per lb.

2. So much of the Schedule A to the said Act as imposes any duty on Tea is hereby repealed; and in lieu of the duties so repealed, the following duties of Customs shall be levied and paid, that is to say:

New duty on Tea, in place of present duty.

On all Tea a specific duty of four cents per pound, and an *ad valorem* duty of fifteen per cent. on the value of such Tea.

3. So much of Schedule A to the said Act as imposes a specific duty of eighteen cents per gallon on Whisky is hereby repealed, and in lieu of the duty so repealed, the following duty of Customs shall be levied and paid, that is to say:

New duty on whisky in place of present duty.

On Whisky of any strength not exceeding the strength of proof by Sykes' hydrometer, and so in proportion for any greater strength or less quantity than a gallon, for every gallon wine measure twenty-five cents.

4. There shall be levied and paid on Kerosene Oil, Coal Oil, and Petroleum Oil, distilled, purified or refined, a duty of Customs of ten cents per wine gallon.

On Coal Oil, &c.

5. To the goods exempted from duty of Customs by the said Schedule A, the following shall be added in the list of **FREE** Goods; that is to say:

Addition to list of Free Goods.

Scrap Brass;

Drain tiles for agricultural purposes;

Silver or plated ware, Glassware, Chinaware, Table Linen and Cigars, imported specially by and for the use of any Regimental Mess of Officers of Her Majesty's Army serving in Canada, under such regulations as may be determined by Order in Council.

Exemption under Schedule to present Act, explained.

6. And inasmuch as doubts have arisen as to the scope of the following exemption in the said Schedule A, viz :

“ All importations for the use of Her Majesty's Army and Navy serving in Canada, or for the public uses of the Province ;”

It is hereby declared, that such importations are free only when the duty otherwise payable thereon would be paid or borne by the Treasury of the United Kingdom or of this Province.

This Act to be construed as one with Con. Stat. Can. c. 17.

7. The duties imposed by this Act shall be raised, levied and collected, and paid unto Her Majesty, her heirs or successors, upon the goods aforesaid, when imported into this Province or taken out of warehouse for consumption therein ; And this Act shall be construed as one Act with the Act first above cited and hereby amended ; all the provisions whereof and of the Acts amending it, now in force, shall apply to the duties imposed by this Act.

C A P . V .

An Act to amend the Act respecting Duties of Excise, on Distillers and Brewers, and Spirits and Beer made by them, and to increase the said duties.

[Assented to 9th June, 1862.]

Preamble.

IN amendment of chapter nineteen of the Consolidated Statutes of Canada, intituled : *An Act respecting the Duties of Excise, on Distillers and Brewers, and Spirits and Beer made by them* : Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Official name of Revenue Inspectors changed.

1. The officers called in the said Act and others, “ Revenue Inspectors,” shall hereafter be called and known as “ Collectors of Inland Revenue,” and all the provisions of the said Act and of every other Act or By-law, instrument or document in force at the passing of this Act, shall apply to the said officers by the name hereby assigned to them, and shall be read and construed as if the name of office hereby assigned to the said officers had been therein used instead of the name of office hereby abolished.

2. In amendment of sub-section two of the second section of the said Act, it is hereby declared and enacted, that all persons rectifying Spirits by re-distillation, filtration or by any other process, are Distillers within the meaning of the said Act, and that all establishments or places used for the rectifying of Spirits by any process, are subject to all the provisions of the said Act respecting distilleries, and the Collectors of Inland Revenue have and may exercise, with regard to any such establishment or place, all or any of the powers by the said Act vested in them with regard to distilleries.

Rectifiers declared to be Distillers.

3. All licenses issued under the said Act, before the coming into force of this Act, shall continue in force during the period for which they were respectively granted; but as regards all licenses to be issued or renewed after the coming into force of this Act, the second and third sub-sections of the fourth section of the said Act shall be repealed, and the following provisions substituted therefor:

New duties on Licenses to Distillers and Brewers.

“2. The party in whose favor a license to act as a Distiller and as a Rectifier, by any process other than filtration, is granted, shall, on requiring such license, pay to the Collector of Inland Revenue, issuing the same, the sum of two hundred dollars, as a duty to Her Majesty upon such license;”

Licenses to Distillers.

“And any person distilling any spirits without being licensed so to do, or rectifying spirits by any process, other than that which he is licensed to use, shall be held to have acted as a Distiller without a license, and shall be liable to the penalties by the said Act imposed for that offence;”

“The party in whose favor a license to act as a Distiller, and as a Rectifier by filtration only, is granted, shall, on requiring such license, pay to the Collector of Inland Revenue, issuing the same, the sum of one hundred dollars, as a duty to Her Majesty upon such license;”

“The party in whose favor a license to act as a Rectifier by filtration only, but not to act otherwise as a Distiller, is granted, shall, on requiring such license, pay to the Collector of Inland Revenue, issuing the same, the sum of one hundred dollars as a duty to Her Majesty on such license;”

“3. The party in whose favor a license to act as a Brewer is granted, shall, on requiring such license, pay to the Collector of Inland Revenue, issuing the same, the sum of sixty dollars, as a duty to Her Majesty on such license.”

Licenses to Brewers.

4. For the removal of doubts, it is hereby declared that no beer brewed by any person solely for the use of himself and his family, and not for sale, shall be liable to any duty under

Brewing for private use not to require a license.

the said Act, or this Act, nor shall such person require a license to enable him lawfully to brew the same.

Additional excise duty on spirits may be imposed by order in Council.

5. Upon and after the day to be fixed by Proclamation under an order of the Governor in Council, all spirits lawfully distilled, manufactured or made within this Province, upon or after the said day, or which, having been distilled, manufactured or made in this Province, and warehoused before the said day, are taken out of warehouse for consumption upon or after the said day, shall be respectively subject to the additional duty to Her Majesty hereinafter mentioned, that is to say :

The duty.

On every gallon, wine measure, of spirits of any kind not exceeding the strength of proof by Sykes' hydrometer, and so in proportion for any greater strength or less strength than the strength of proof, and for any greater or less quantity than a gallon, nine cents : and such duty shall be paid by the party distilling, manufacturing or making such spirits to the Collector of Inland Revenue, in the manner provided by the said Act ; and such duty shall be in addition to any duty payable on such spirits under the eighth section of the said Act, and shall continue to be payable so long as the said Order in Council remains in force ; but the Governor in Council may revoke such Order, if at any time circumstances render it expedient so to do.

Order may be revoked.

Mode of computing duty on spirits.

6. And for the removal of doubts it is hereby enacted, that the duty payable on Spirits, under the said Act as well as that imposed by this Act, shall be payable proportionately for any less strength than the strength of proof by Sykes' Hydrometer, as well as for any greater strength than such strength of proof ; and that such duty shall be computed and charged upon the quantity of Spirits to be ascertained from the Spirit receiver at the end of the worm or refrigerator after the first process of distillation ; and the eighth section of the said Act is hereby amended accordingly.

New duty on beer.

7. Instead of the duty imposed by the ninth section of the said Act, there shall be paid to Her Majesty a duty of three cents for each gallon, wine measure, of beer or other malt liquor, brewed or made in this Province after this Act is in force ; and such duty shall be payable by the brewer or maker thereof.

Stock account to be kept by Distillers and Brewers.

8. The stock account of spirits or beer on hand shall be kept by each Distiller or Brewer by way of debit and credit ; and the Collector of Inland Revenue may, at any time, take an account of the stock of spirits or beer which any Distiller or Brewer has then on hand, for the purpose of causing it to be properly charged to the debit of such account ; and such Distiller or Brewer shall afford all reasonable facility and aid to the Collector in the exercise of the power hereby given, and shall make the proper entry with respect to the stock so found

on hand, under a penalty of one hundred dollars for each day on which he shall neglect or refuse to afford such facility or aid, or to make such entry, when thereunto required by the Collector.

Penalty for default.

9. All spirits found on the premises of any Distiller, but alleged not to have been distilled or made by him, but to have been purchased by him for rectifying or other purposes, shall be satisfactorily accounted for to the Collector of Inland Revenue, as having been lawfully distilled and made in this Province and the proper excise duty paid thereon, or imported into this Province, and the customs duty paid thereon, otherwise they shall be held to have been distilled or made by such Distiller, and liable to duty as such; and when such spirits are removed for consumption or exportation, they shall be dealt with as spirits distilled or made by such Distiller; but nothing in this section shall prevent any such spirits being forfeited, if they have been smuggled into this Province, or the payment of the duty thereon has been fraudulently evaded or attempted to be evaded.

As to spirits in possession of a Distiller, but not returned as made by him.

10. Every licensed Distiller or Brewer shall, on being thereunto, at any time, required by the Collector of Inland Revenue, deliver to such Collector a true list and description in writing, of each and every Still and other vessel, apparatus or utensil then erected and used, or intended to be used in the distillery or on the premises of such Distiller or Brewer, for the purposes of his trade or business as such, specifying distinctly in such description the capacity of every such Still, and the capacity of each such vessel or utensil as aforesaid, and the purposes for which it is intended to be used; and also a true list and description of the several houses, buildings, rooms and places wherein any portion of the business of such Distiller or Brewer is to be carried on, or in which any spirits or beer are intended to be by him stored and kept; and shall notify the Collector of Inland Revenue of any subsequent alteration or change which may render such lists and descriptions incorrect, and give him such information as may be necessary to correct the same; or the said Collector may, in his discretion, require new lists and descriptions to be made and delivered to him; and for any neglect or refusal to furnish any such list or description, or correction thereto, as aforesaid, or for any wilfully false or incorrect statement in any such list or description, such Distiller or Brewer so offending shall incur a penalty of one hundred dollars.

Distillers and Brewers to give written descriptions of their apparatus when required.

Penalty for default.

11. Upon and after the first day of July next after the passing of this Act, all spirits distilled or made in this Province shall, on coming over from the Still for rectification by any process whatever, be received in a close vessel, which, and any cock, valve or other opening from which, shall be properly secured by a lock or locks, the key or keys of which shall

Spirits to be kept in close vessels or stores under the Crown's Lock, and not removed without con-

sent of Revenue Officer.

Calculation of duty.

Quantity in any vessel to be marked on it.

Penalty for contravention.

Breaking Crown's lock felony.

Worms of Stills may be examined by Collector.

Penalty.

Penalty for refusing admission to Collector.

Power to enter forcibly on such refusal, and to search for hidden pipes, &c.

shall be kept by the Collector of Inland Revenue, and which shall be so constructed and fastened as that no spirits can be taken out of, or allowed to flow out of, such vessel into the receiving store, or any other place, without opening the said lock, or one of the said locks, any of which the Collector may cause to be further secured by sealing the same if he deems it expedient; and the duty shall be calculated on the strength and quantity of the spirits in such receiver or vessel as aforesaid; All spirits distilled or made in this Province shall, upon or after the said day, be kept by the distiller producing them, in some store or place secured by a lock, of which the Collector of Inland Revenue shall keep the key, until such spirits are, with the consent of such Collector, taken out for consumption and the duty paid thereon, or taken out for exportation; and the quantity of such spirits so stored under the Collector's lock, contained in any cask or vessel, shall be legibly marked thereon, and no such spirits shall be taken out for consumption or exportation, in less quantities than one hundred and fifty gallons at any one time, nor otherwise than in whole packages; and any spirits with respect to which the requirements of this section are not complied with, shall be forfeited to the Crown; and to open any such lock as aforesaid without the consent of the Collector, or to break any such lock or any seal put thereon for securing the same, shall be felony.

12. The Collector of Inland Revenue may examine the worm of any Still used by any Distiller, by causing the water to be drawn off from the worm tub, or refrigerator containing such worm, at any time when the doing so will not be prejudicial to the working of such Still; and any Distiller refusing to allow such examination, shall thereby incur a penalty of five hundred dollars.

13. Any Distiller or Brewer refusing to admit the Collector of Inland Revenue to his Distillery or Brewery, or to any building or place used by him for the purposes of his business as such, at any hour of the day, or at any hour of the night when such Distillery or Brewery is being worked, or any act or thing connected with the carrying on of the business of such Distiller or Brewer is being performed or done therein, or in any such building or place, shall thereby incur a penalty of five hundred dollars.

14. The Collector of Inland Revenue may, upon any such refusal as aforesaid, forcibly enter any such Distillery, Brewery, building or place as aforesaid, and may at any time break up the ground therein, or any floors or other parts thereof, for the purpose of searching for any concealed pipe, vessel, apparatus or thing reasonably suspected to be used for the purpose of defrauding Her Majesty of any duty thereby imposed; and any pipe, vessel, apparatus or thing so found to be concealed, and used

used or intended to be used as aforesaid, shall be forfeited to the Crown,—and the Distiller or Brewer, on whose premises the same is found, shall thereby incur a penalty of five hundred dollars.

15. No Distiller shall have in his Distillery, or in any house, building or place used for the purposes of his business as such, any wort or wash not made in such Distillery, under a penalty of one hundred dollars for each offence; and any such wort or wash so unlawfully kept by or in the possession of such Distiller, shall be forfeited and destroyed.

16. No Distillery or Brewery shall be worked on any Sunday, under a penalty of five hundred dollars for each offence against this enactment; and all spirits or beer distilled or brewed on a Sunday shall be forfeited to Her Majesty, and the Distiller or Brewer working his Distillery or Brewery, or allowing the same to be worked on Sunday, shall thereby forfeit his license.

17. The obligation imposed on any licensed Distiller or Brewer by section eighteen of the Act first above cited, to produce to the Collector of Inland Revenue, (therein called the Revenue Inspector), at any seasonable hour, such books and accounts as are requisite to enable him to verify any such account as is referred to in the said section, and to allow him to take copies of the same, shall extend and apply to all books whatever used by any such Distiller or Brewer in carrying on his business as such, as shall also the penalty imposed by the said section for each neglect or refusal to comply with the requirements thereof.

18. This Act shall be construed as one Act with the Act first above cited, and as forming part thereof; so that (among other things) all duties, penalties or forfeitures hereby imposed shall be held to be duties, penalties and forfeitures under the said Act, and all the provisions of the said Act as hereby amended shall apply to such duties, penalties and forfeitures, and to all offences against any enactment herein contained; and all words and expressions in this Act shall have the same meaning as like words and expressions in the said Act, except in so far only as it is otherwise herein expressly provided.

C A P . V I .

An Act to amend the Act respecting the Provincial Duty on Tavern Licenses.

[Assented to 9th June, 1862.]

WHEREAS it is expedient to make the law uniform throughout this Province, with respect to the issuing of Licenses on which a Provincial Duty is payable under

Preamble.
chapter

chapter twenty of the Consolidated Statutes of Canada, intituled : *An Act respecting the Provincial Duty on Tavern-keepers* : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Duty to be always payable to Revenue Inspector. (Now Collector of Inland Revenue, See c. 5.)

1. Every License on which a duty is payable under the Act last above cited, and which shall be issued after the passing of this Act, whether in Upper or in Lower Canada, shall be issued by the Revenue Inspector for the Revenue Division in which the hotel, tavern, house, vessel or place, to which the License is to apply, shall be situate; and the Provincial Duty payable on such License, shall be paid to such Revenue Inspector before he shall deliver such License; and the words "Tavern License," in this Act, shall mean and include any such License as aforesaid, and no other.

Every License to be issued by Revenue Inspector, and to whom.

2. Every such License shall be issued by the proper Revenue Inspector as aforesaid,—in Lower Canada, in favor of any person, on payment of the Provincial Duty thereon, and on the production to such Revenue Inspector of the certificate from the proper municipal authority, required by the laws now in force in order to obtain such license,—and in Upper Canada, in favor of any person, on payment of the Provincial Duty thereon, and on the production to such Revenue Inspector of a certificate from the municipal authority, who, without this Act, might have issued such license, or, in Cities in Upper Canada, a certificate of the Board of Commissioners of Police, that such person has complied with the requirements of the law and of the by-laws of the Municipality, or regulations made by such Board of Commissioners of Police in that behalf, and is entitled to such license for the time for which it is demanded of the Revenue Inspector, and for the hotel, tavern, house, vessel or place mentioned in such certificate.

As to the sum payable to the Municipality in U. C. on any license.

3. The sum payable for any such certificate as aforesaid, under any Act or By-law in force at the time of the passing of this Act, shall be that which would, without this Act, be payable for the license, diminished by the amount of the Provincial Duty on such license; and the minimum sum which may be made payable for such certificate, under the two hundred and forty-seventh section of *An Act respecting the Municipal Institutions of Upper Canada*, and the maximum sum which may, under that section, be made payable for such certificate, without submitting the by-law to the approval of the electors, shall be also diminished by the amount of the Provincial Duty on the license; and the power to grant, or to pass by-laws for granting Tavern Licenses, conferred by the Act last cited, on the Council of any Municipality in Upper Canada, shall, after the passing of this Act, be construed and have effect as applying to the granting of certificates for Tavern Licenses under this Act.

Con. Stat. U. C. c. 34, s. 247.

Power to Municipalities in U. C. to grant licenses how to be construed.

4. Every Tavern License lawfully granted before the passing of this Act, shall remain in force during the time for which it was granted ; but except the holders of such unexpired licenses, no person shall be held to have a Tavern License, unless he has a license issued in the manner prescribed in this Act ; and the penalty imposed by any Act or By-law on persons selling spirituous liquors to be drunk upon the premises, in any hotel, tavern, house, vessel or place, without being duly licensed, shall be incurred by any person so selling spirituous liquors without having a license issued under this Act.

As to licenses granted before this Act.

All others must be under this Act.

5. The Act passed in the twenty-third year of Her Majesty's Reign, intituled : *An Act to prevent the unlicensed sale of Intoxicating Liquors in the unorganized Tracts of this Province*, shall not be affected by this Act.

Act 23 V. c. 6 not affected.

6. So much of the Act cited in the preamble to this Act, or of any other Act, as vests the power of granting Tavern Licenses in any Municipal Council or municipal authority, or as excepts the City of St. Hyacinth from the general law of Lower Canada, with respect to Tavern Licenses, or as makes any provision inconsistent with this Act, or any provision which, by the passing of this Act, will become unnecessary or inapplicable, is hereby repealed.

Repeal of inconsistent enactments.

7. Any officer or person who issues a license or a certificate for a license contrary to the provisions of this Act, or of any other Act or Law in force in this Province, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall pay a fine of not less than forty, nor more than one hundred dollars, or may be imprisoned for a period not exceeding thirty days, or both, at the discretion of the Court.

Penalty for issuing any license contrary to this or any other Act.

C A P . V I I .

An Act to extend the provisions of chapter thirty-two of the Consolidated Statutes of Canada, with respect to the Bureau of Agriculture.

[Assented to 9th June, 1862.]

WHEREAS it is expedient to amend the Act respecting the Bureau of Agriculture and Agricultural Societies, so as to make further provision for the management of the Departement of Agriculture and for the encouragement and superintendence of Immigration and Colonization : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

1. The Bureau of Agriculture shall be, and shall be held to have been from the commencement of the present Session of the Provincial Legislature, a separate Public Department, under the direction and management of the Minister of Agriculture.

Bureau to be a separate department.

Immigration matters to belong to it, unless otherwise ordered.

2. Unless and until it is otherwise directed by any Order of the Governor in Council, then in force, the official superintendence and management of all matters relative to Immigration into this Province from Europe, or from America or any other country, shall belong to the Minister of Agriculture.

Immigration matters may be assigned to another minister.

3. But the Governor in Council may, from time to time, assign the official superintendence and management of matters relative to such Immigration as aforesaid, to any other Minister or Head of a Public Department being a member of the Executive Council,—or may assign the official management and superintendence of matters connected with Immigration to Lower Canada to one Minister, and of those connected with Immigration to Upper Canada to another, either of whom may, but need not, be the Minister of Agriculture.

Colonization matters, to belong to Bureau, unless otherwise ordered.

4. Unless and until it is otherwise directed by any Order in Council then in force, the official superintendence and management of all matters relative to Colonization or the settlement of the unsettled portions of the Province by persons removing to them from the more settled portions thereof, or coming into the Province from other countries, shall belong to the Minister of Agriculture.

May be assigned to another minister.

5. But the Governor in Council may, from time to time, assign the official superintendence and management of all matters relative to such Colonization as aforesaid, to any other Minister, or may assign the official management and superintendence of Colonization in Lower Canada to one Minister, and of colonization in Upper Canada to another, either of whom may, but need not, be the Minister of Agriculture.

Revoking orders under this Act.

6. Any order in Council made under this Act may, from time to time, be revoked or amended by another subsequently made.

C A P . V I I I .

An Act to amend the Act respecting Emigrants and Quarantine.

[Assented to 9th June, 1862.]

Preamble.

WHEREAS, with a view of affording better protection to Emigrants, it is expedient to impose penalties on any persons who shall act as Emigrant Runners without having first obtained licenses from the proper authorities authorizing them to act as such : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Par. 1 of Sect. 20 of Cap. 40 of Con. Stat. Canada repealed and new Section substituted.
No person to act as Runner

1. The first paragraph of the twentieth section of chapter forty of the Consolidated Statutes of Canada, respecting Emigrants and Quarantine, is hereby repealed, and the following substituted in lieu thereof : “ No person shall, at any port or place within this Province, for hire, reward or gain, or the expectation thereof, conduct, solicit, recommend either orally,

by

by handbill, placard or in any other manner, any emigrant, to or on behalf of any steamboat owner or charterer, or to or on behalf of any Railway Company, or to or on behalf of any lodging house or tavern-keeper, or any other person, for any purpose connected with the preparations or arrangements of such emigrant for his passage to his final place of destination in this Province or in the United States of America or the territories thereof; or give or pretend to give to such emigrant any information, oral, printed or otherwise, or assist him to his said place of destination, or in any way exercise the vocation of booking passengers or taking money for their inland fare or for the transportation of their luggage, unless such person has first obtained a license from the Mayor of the City or Municipality in this Province within which such person resides, authorizing him to act in such capacity; and any person so acting, without having first obtained such license, shall, upon every conviction, incur a penalty of not less than fifty dollars;” But the second paragraph of the said section shall remain in force.

&c. unless duly licensed.

Penalty.

Par. 2 to remain in force.

C A P . I X .

An Act to continue for a limited time the several Acts therein mentioned, and for other purposes.

[Assented to 9th June, 1862.]

WHEREAS it is expedient further to continue the Acts hereinafter mentioned, which would otherwise expire at the end of the present Session: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. The Act of the Parliament of this Province, passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled: “An Act to enlarge the powers of the Trinity House of Montreal, in certain cases where the Public Health of the City may be endangered;” the Act of the Parliament of this Province passed in the fourteenth and fifteenth years of Her Majesty's Reign, intituled: “An Act to incorporate the Grand Division and Subordinate Divisions of the Order of the Sons of Temperance in Canada West;” the Act of the Parliament of the late Province of Lower Canada, passed in the second year of the Reign of His late Majesty King George the Fourth, and intituled: “An Act for better regulating the Common of the Seigneurie of Laprairie de la Madeleine;” the Act of the said Parliament, passed in the same year of the same Reign, and intituled: “An Act to enable the inhabitants of the Seigneurie of La Baie Saint Antoine, commonly called La Baie du Febvre, to provide for the better regulation of the Common in the said Seigneurie,” as amended and extended by the Act of the said Parliament, passed in the fourth year of the same Reign, and intituled: “An Act to authorize the Chairman and Trustees of the Common of the Seigniory of the Baie Saint Antoine,

Acts of Canada
10, 11 Vic.
cap. 1.

14, 15 Vic. cap.
159.

Acts of L. C.,

2 G. 4, cap. 5.

2 G. 4, cap. 10.

4 G. 4, c. 26.

Antoine, commonly called the Baie du Febvre, to terminate certain disputes relating to the limits of the said Common, and for other purposes appertaining to the same;" the Act of the said Parliament, passed in the ninth year of the same Reign, and intituled: "An Act to alter and amend an Act, passed in the sixth year of His Majesty's Reign, intituled: "An Act to authorize the inhabitants of the Fief Grosbois, in the County of Saint Maurice, to make regulations for the common of the said Fief;" and all and every of the said Acts are hereby continued to the first day of January, one thousand eight hundred and sixty-three, and from thence until the end of the then next ensuing Session of the Provincial Parliament, and no longer.

9 G. 4, c. 32.

Continued to end of Session after 1st January, 1863.

Acts of Canada-

7 V. c. 10.

9 V. c. 30.

12 V. c. 18.

13, 14 V. c. 20.

Continued for certain purposes only.

2. The Act of the Parliament of this Province, passed in the seventh year of Her Majesty's Reign, and intituled: "An Act to repeal an Ordinance of Lower Canada, intituled: 'An Ordinance concerning Bankrupts, and the administration and distribution of their estates and effects,' and to make provision for the same object throughout the Province of Canada," and the Act amending the same, passed in the ninth year of Her Majesty's Reign, and intituled: "An Act to continue and amend the Bankrupt Laws now in force in this Province," in so far only as the same are continued by and for the purposes mentioned in the Act passed in the twelfth year of Her Majesty's Reign, and intituled: "An Act to make provision for the continuance and completion of proceedings in Bankruptcy now pending," and the said last mentioned Act; and the Act of the said Parliament, passed in the Session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled: "An Act to afford relief to Bankrupts in certain cases," shall respectively be and they are hereby continued, and shall remain in force until the said first day of January, one thousand eight hundred and sixty-three, and thence until the end of the then next ensuing Session of the Provincial Parliament, and no longer.

Proviso: Act not to prevent the effect of any Act of this Session.

3. Provided, always, that nothing herein contained shall prevent the effect of any Act passed during the present Session, repealing, amending, rendering permanent, or continuing to any further period than that herein appointed, any of the Acts hereinbefore mentioned and continued, nor shall continue any provision or part of any of the Acts in this Act mentioned, which may have been repealed by any Act passed during the present Session or in any previous Session.

Period limited by 12 V. c. 97.

4. The period limited by the Act of the Parliament of this Province, passed in the twelfth year of Her Majesty's Reign, and intituled: "An Act to amend the Acts passed to remedy certain defects in the Registration of Titles in the County of Hastings," as that within which it shall be lawful for the Registrar or Deputy Registrar of the County of Hastings to receive and index any memorial, under the authority of the Act of the said Parliament, passed in the ninth year of Her Majesty's Reign,

Reign, and intituled: "An Act to remedy certain defects in the Registration of Titles in the County of Hastings, in Upper Canada," or of the Act of the said Parliament, passed in the Session held in the tenth and eleventh years of Her Majesty's Reign, and intituled: "An Act to alter and amend an Act intituled: 'An Act to remedy certain defects in the Registration of Titles in the County of Hastings, in Upper Canada,' or to endorse any Deed, Conveyance, Will or Probate, to which such memorial relates, shall be and is hereby extended to the said first day of January, one thousand eight hundred and sixty-three, and thence until the end of the then next ensuing Session of the Provincial Parliament, and no longer.

9 V. c. 12.

10, 11 V. c. 38.

Extended to end of Session after 1st Jan. 1863.

C A P . X .

An Act to amend Chapters seventy-seven, forty and forty-five, of the Consolidated Statutes for Lower Canada, in matters of appeal, and Chapter eighty-three of the same Consolidated Statutes, in matters of procedure in the Superior and Circuit Courts.

[Assented to 9th June, 1862.]

WHEREAS it is expedient to declare the true intent of certain provisions of *An Act respecting the Court of Queen's Bench*, chapter seventy-seven of the Consolidated Statutes for Lower Canada, and to extend the provisions of the said Act: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, declares and enacts as follows:

Preamble.

Con. Stat. L. C. c. 77.

1. As respects causes heard by the five Judges,—the true intent and meaning of section seven of the said Act is, that when any cause in appeal or error has been heard by the five Judges of the Court of Queen's Bench, any judgment in such cause concurred in by any three judges of the Court at any sitting thereof at which four judges are present, shall have the same force and effect as if the said five judges were present at such sitting, although one of the five may, from any cause whatever, have been absent from the *délibéré*, or from any sitting or meeting of the judges at any stage of the proceedings after the hearing.

Sect. 7 explained, as to causes heard by five judges.

2. Whenever by reason of leave of absence granted to, or the sickness of any Judge of the Court of Queen's Bench, it becomes probable that such judge will be absent for one whole term or more, then if the Chief Justice, or in case of his absence or disability, the *puisné* Judge next in precedence who is able to act, certifies to the Governor his opinion that the due administration of justice would be promoted by the appointment of an Assistant Judge of the said Court during such absence or sickness,—the Governor may appoint any Judge of the Superior Court

Assistant judge of Q. B. may be appointed in certain cases, of prolonged absence of a judge.

Court

His powers.

Proviso : for completion of cases heard by him.

Proviso.

Court to be such Assistant Judge of the Court of Queen's Bench, for such time as it appears to the Governor probable that the absence or sickness of the judge first mentioned will continue,— and during such time such Assistant Judge shall have all the powers and perform all the duties of a Judge of the Court of Queen's Bench; Provided, always, that after the expiration of the time for which he is so appointed, such Assistant Judge may complete the hearing of, assist at the *délibéré* upon, and render judgment in any cause which, before the expiration of the said time, he heard or commenced hearing as such Assistant Judge, and this notwithstanding the return or presence in Court of the judge in whose place he was appointed; And provided, also, that nothing in this section shall prevent the operation of the eleventh section of the said Act, in any case to which it is applicable.

Assistant judge not to act as Judge of Superior or Circuit Court, &c., how his place may be supplied.

3. The Assistant Judge, appointed under the next preceding section, shall not, during the time for which he is so appointed, act as a Judge of the Superior Court, except only that he may, as such Judge, render judgment in causes or proceedings of any kind heard by him in the Superior or Circuit Court before his appointment as Assistant Judge of the Court of Queen's Bench; and during the time for which he is appointed such Assistant Judge, the Governor may, in his direction, appoint a duly qualified person to be an Assistant Judge of the Superior Court, in his stead, under section eleven of chapter seventy-eight of the Consolidated Statutes for Lower Canada.

Judgment in appeal may be rendered at a place other than that where the case was heard.

4. Notwithstanding any thing contained in the twenty-second section of the Act first above cited, the Court of Queen's Bench may render judgment, either in term or in vacation, at Quebec, in any cause or upon any proceeding of any kind, although the same may have been heard at Montreal; and in like manner the said Court may render judgment, either in term or in vacation, at Montreal, in any cause or upon any proceeding of any kind, although the same may have been heard at Quebec; but it shall not be the duty of the said Court to exercise the power hereby given, unless the Judges by whom such judgment is to be given, in the exercise of their discretion, are of opinion that the failure by them to do so would tend to subject the parties interested to unreasonable delay; and in any case in which the Judges of the said Court deem it right to render any judgment in pursuance of the discretionary power hereby given to them, they shall cause at least six days' notice of the day on which such judgment will be rendered, to be given by the Clerk of the Court or his Deputy to all the parties interested.

Notice to be given.

Where any such judgment shall be recorded.

5. If under the discretionary power given by the next preceding section, any judgment which would otherwise have been rendered at Quebec or at Montreal, is rendered at the other of the said Cities, such judgment shall nevertheless be entered and recorded at the place where, but for the exercise of

of such power, it would have been rendered, and the record in the cause shall be transmitted to and make part of the records of the said Court at such last mentioned place, as if all the proceedings in the cause had been had there.

6. The Clerk of Appeals or his Deputy shall have full power to tax costs in causes or proceedings in the Court of Queen's Bench on its appeal side; and such taxation shall be made in the same manner and subject to the same rules, and shall have the same effect, as if made by a Judge of the Court, except that it shall be subject to revision by a Judge of the Court, in any term thereof, at the place where the judgment in the cause or proceeding is recorded, at any time within six months after such taxation by the Clerk of Appeals or his Deputy, and after sufficient notice, (of which sufficiency the Judge shall decide) to the opposite party or his Attorney:

Clerk of appeals or his deputy may tax costs, subject to revision by a judge.

Neither the non-expiration of the time allowed for such revision, nor any correction made by the Judge in the course of such revision, shall operate to stay execution or be a ground of any opposition; but any sum deducted by the Judge shall be deducted from the amount to be paid or levied, and if levied shall be returned to the proper party by the Sheriff or Bailiff levying it, or if paid shall be repaid by the party who received it to the party who paid it; and the Judge's order for deducting such sum shall have the effect of a judgment for the same, by the Court from which the cause in which the taxation was made was originally brought or instituted, and being filed in such Court as part of the record in the cause, may be enforced by execution issuing from such Court.

Provision in case of correction of such taxation.

7. And whereas by the thirty-ninth section of chapter seventy-seven of the Consolidated Statutes for Lower Canada, it is in effect enacted, that from any judgment rendered by the Circuit Court in an appealable case, the appeal shall be to the said Court of Queen's Bench,—but under the fifteenth section of the Act respecting Lessors and Lessees (chapter forty of the Consolidated Statutes for Lower Canada,) an appeal is also given in certain cases from the Circuit Court to the Superior Court,—and by section seven of the Act respecting redress for the illegal detention of soccage lands, (chapter forty-five of the said Consolidated Statutes) an appeal is given from a judgment rendered by a Judge in vacation, to the Superior Court, in cases where such judgment is to be recorded in the Circuit Court, by a Judge of which it is rendered,—so that in the said cases under the said Acts, an appeal now lies either to the Superior Court or to the Court of Queen's Bench at the option of the appellant, and it is expedient that hereafter all appeals from the Circuit Court should be to the Court of Queen's Bench only,—therefore in every case in which an appeal shall lie from any judgment rendered after the passing of this Act under either of the Acts last cited, such appeal shall be to the said Court of Queen's Bench

Appeal under cap. 40 & cap. 45 of the Gon. Stat. for L. C. to lie to the Court of Q. B. only from judgments hereafter rendered.

Bench only, whether the judgment be rendered by the Circuit Court or by a Judge of the Superior Court in vacation.

Repeal of inconsistent enactments.

8. So much of either of the said last mentioned Acts, or of the Act respecting the Court of Queen's Bench (chapter seventy-seven of the Consolidated Statutes for Lower Canada) as is inconsistent with this Act, is hereby repealed.

SUPERIOR AND CIRCUIT COURTS.

Sect. 69 of c. 83, Con. Stat. L. C. repealed.

9. The sixty-ninth section of the eighty-third chapter of the Consolidated Statutes for Lower Canada is hereby repealed.

New section substituted.

10. The following section shall be and is hereby substituted for the repealed sixty-ninth section of the said Act, and shall in lieu thereof be read and held to be the sixty-ninth section of the said Act :

How judgment may be confessed in Superior or Circuit Court.

69. " Any party desiring to confess judgment in any cause, either in the Superior Court or in the Circuit Court, (except in non-appealable cases in the latter Court returned in Term) may, at any stage of the proceedings, appear in person, (or by an attorney thereunto specially authorized by an *acte authentique*) before the Prothonotary of the Superior Court or Clerk of the Circuit Court, (as the case may be) and may make confession of judgment, and his confession shall be taken down in writing by the Prothonotary or Clerk, and such confession shall be attested by the Prothonotary or Clerk, and signed by the party making it, if able to sign ; and if the Plaintiff accepts such confession, he may forthwith inscribe the case for judgment on the same, and the said Prothonotary or Clerk shall thereupon draw up a judgment accordingly, which shall be held to be the judgment of the Court, and recorded and executed accordingly ; and in non-appealable cases in the Circuit Court, judgment may be confessed orally in open Court."

Inscription for judgment.

Non-appealable cases.

Sects. 9 and 82 of c. 83, amended.

11. Nothing in the ninety-fifth or in the hundred and eighty-second section of the said Act, or in any other Act or law now in force, shall require notes of the evidence in any contested appealable case in the Circuit Court to be taken down in writing, but such evidence shall be taken orally as in non-appealable cases, unless previous to the commencement of the *Enquête*, the parties or one of the parties shall file a declaration in writing requiring the notes of such evidence to be taken down, in which case the evidence shall be taken in the manner provided by the ninety-fifth and the one hundred and eighty-second sections of the said Act.

Taking evidence in appealable cases.

C A P . X I .

An Act to extend and amend the provisions of chapters thirty-six and thirty-seven of the Consolidated Statutes for Lower Canada, with respect to the Registration of Titles to and the removal of incumbrances upon real estate in Lower Canada.

[Assented to 9th June, 1862.]

WHEREAS it is expedient to extend the provisions of chapters thirty-six and thirty-seven of the Consolidated Statutes for Lower Canada, so as to make further provision for ensuring the registration of the discharge or extinction of hypothecs and charges on real estate, and thereby better to assure the titles to such estate : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

1. Whenever any registered hypothec becomes extinguished, by the extinction of the debt or obligation for securing the payment or performance of which the hypothec was created,—by confusion, renunciation or release,—by the death of the party for whose life any rent or other charge was created,—by prescription,—by any judgment or proceeding by which such privilege or hypothec is purged,—or by any other means whatsoever,—the debtor or party originally subject to such hypothec, or any owner or person in possession as owner of the property hypothecated, or any creditor or person having a subsequent hypothec on such property,—shall be entitled to demand and obtain from the party in whose favor the hypothec was created, his heirs, assigns or legal representatives, a certificate of the discharge or extinction of such hypothec, in notarial form or under private signature in the form prescribed by the said Act, as nearly as the case will permit ; and if such certificate of discharge or extinction be not executed and delivered to the party entitled thereto, within a reasonable delay after such demand as aforesaid, the party entitled to the same may maintain an action for such certificate of discharge or extinction, against the party who ought to have executed and delivered the same, and the judgment against such last mentioned party shall declare the hypothec discharged or extinguished, and may be registered as a certificate of the discharge or extinction thereof ; and if the defendant in such action be absent, he may be summoned as an absentee, in the manner by law provided.

Right to obtain a certificate of discharge of any hypothec which becomes extinguished in any manner.

Action for such certificate, if refused.

Effect of judgment.

Absentees.

2. Every Sheriff shall cause every Deed of Sale made by him of any property sold and adjudged under execution, to be registered in the Registry Office of the (or of each) County or Registration division in which such property (or any of such property)

Certain documents purging hypothecs to be registered by sheriffs and prothonotaries.

property) lies, as soon as may be after the making of such Deed, and before he shall deliver the same or any duplicate or copy thereof to the purchaser, or to any party or person whomsoever; and every Prothonotary shall cause every judgment of confirmation of title, or judicial adjudication of any property under forced licitation, rendered or made at the place for which he is such Prothonotary, to be registered in the Registry Office of the (or of each) County or Registration Division in which such property (or any of such property) lies, as soon as may be after the rendering or making thereof, and before granting any copy or certificate of such judgment or judicial adjudication to any party or person whomsoever; and the registration of such Sheriff's Sale, judgment of confirmation, or judicial adjudication, shall be held to be a registration of a discharge or extinction of all hypothecs upon such property which are purged by such Sheriff's Sale (*décret*), judgment of confirmation, or judicial adjudication, and such discharge or extinction shall be entered accordingly by the Registrar in the margin of the Register, against the entry of such hypothec so discharged, including any registration for securing *douaire préfix*; but any charge or hypothecary right reserved by such Sheriff's Sale, confirmation of title, or adjudication under forced licitation, shall continue to exist until discharged or extinguished according to law; and the Sheriff or Prothonotary shall be entitled to claim the cost of the registration to be effected by him under this section, from the party in whose favor such Sheriff's Sale, confirmation of title, or adjudication under forced licitation is made, as part of the costs payable to him; and until such costs of registration are paid, the Sheriff or Prothonotary shall not be bound to deliver to the party interested, the duplicate or copy of such Sheriff's Sale, or confirmation of title, or judicial adjudication under forced licitation, a duplicate or authentic copy whereof shall be delivered to and remain with the Registrar.

Duty of Registrar.

Rights reserved, saved.

Costs of Registration how paid, &c.

Such documents heretofore executed may be registered.

Their effect.

Duty of Registrar.

3. Every Sheriff's deed of sale, or deed of sale by any Judge or Commissioner in Bankruptcy, judgment of confirmation of title, or judicial adjudication under forced licitation, made or rendered before this Act comes into force, may be registered in the Registry Office of the (or of each) county, or registration division in which the property to which it relates (or any of such property) is situate, at the instance of any person whatever, and a duplicate or authentic copy thereof shall be in such cases delivered to and remain with the Registrar; and such registration shall be held to be a registration of the discharge or extinction of all hypothecs upon such property which are purged by such Sheriff's Sale (*décret*), sale in bankruptcy, judgment of confirmation or judicial adjudication under forced licitation, and such discharge or extinction shall be entered accordingly by the Registrar in the margin of the Register, against the entry of each hypothec so discharged, including any registration for securing *douaire préfix*, with the exception,

exception, however, of such charges or hypothecary rights as are reserved or secured by such Sheriff's Sale, sale in bankruptcy, confirmation of title, or judicial adjudication under forced licitation, which charges or hypothecary rights so reserved shall continue to exist until discharged or extinguished according to law.

Rights reserved, saved.

4. The Registrar to whom an application is made for a certificate of the charges on any property, as provided in sections seven and eight of chapter thirty-six of the Consolidated Statutes for Lower Canada, shall not include in such certificate any hypothec discharged or extinguished under the provisions of the two next preceding sections; nor shall he, in his search, go back beyond the date of any such Sheriff's sale, sale in bankruptcy, confirmation of title, or judicial adjudication of such property, except only as to hypothecs which are not thereby purged or discharged.

Hypothecs purged by any such document not to be included in certificate of charges.

5. No motion or proceeding for causing any alleged error in the Registrar's certificate to be corrected by order of the Court, in any case of Sheriff's sale, confirmation of title or forced licitation, shall be deemed a "contestation" of such certificate, so as to entitle any party to costs as for such contestation, unless upon such motion or proceeding, some person, not previously a party in the cause, be called in by order of the Court; but any person, included in such certificate, as having a hypothec on the property to which it refers, or being entitled to discharge any such hypothec, may appear and admit the discharge or extinction of such hypothec, in Court or before a Judge thereof, or may be examined by the Court or Judge touching such hypothec and the discharge or extinction thereof; and any party to the cause or any person voluntarily appearing therein, may file any document proving the discharge or extinction of any hypothec included in such certificate; and any document purporting to prove such discharge or extinction, may be received by the Court on such evidence as would be sufficient to authorize the Registrar to register it as proving such discharge or extinction; and the Court or Judge being satisfied that any such hypothec has been discharged or extinguished, may correct the certificate accordingly, or may cause the certificate to be remitted to the Registrar for correction, or the Registrar may transmit to the Court a supplementary certificate, correcting any former certificate given in the case; and upon any such correction of a certificate, the Court may amend any order for the distribution of money in the case, or may make any new order of distribution, as to law and justice may appertain.

What only shall be a contestation of a certificate.

Proceedings for correcting a certificate.

Amending distribution.

6. Every Registrar shall be and is hereby declared to have been an Officer of the Court, in which any such certificate as aforesaid is filed, so far as regards all his acts and duties with regard

Registrars to be Officers of the Court as

regards certificates.

regard to such certificate and all matters relating thereto, and as regards the taxation of his fees or costs for any service rendered or thing done by him with respect to such certificate, whenever such fees or costs are contested; and he shall, as such Officer, be subject to any rule or order made by such Court for his appearance in Court, or directing him to do or abstain from doing any act in relation to such certificate, and to all the powers vested in the Court as regards any of its officers.

Interpretation of Sect. 3. of c. 37, Con. Stat. L. C.

7. The word "duc" in the third sub-section of the third section of the Act last cited, is hereby declared to include as well any principal or capital sum, as any sum accruing or payable yearly or at any other term.

Error in s. 53 of c. 37, Con. Stat. L. C. corrected.

8. And whereas it is expedient to remedy an error of the press, in the fifty-third section of the said chapter thirty-seven, of the Consolidated Statutes for Lower Canada: therefore, the said fifty-third section is corrected so as to read as follows, and shall be construed and have effect as if such correction had been made before the passing of the said Act:

Dower of children.

"The dower or the right to dower of the children of any marriage shall be exercised exclusively upon and in respect of real estate, subject to the dower of their mother, whereof their father was seized and possessed at his death, and that upon and in respect of which the dower of their mother has not been by her barred during her marriage."

As to Registry Offices removed.

9. If the Municipality of any County or Registration Division causes the Registry Office to be removed from one building to another, at the place where such Office is by law to be kept, the Registry Office in such new building and the Municipality in respect thereof, shall be subject to all the provisions of section ninety-three of the Act last above cited, in like manner to all intents and purposes as if such new building were that at which such Registry Office was originally kept.

Act how to be construed.

10. This Act shall be construed as forming one Act with the Acts last above cited, and all words and expressions shall have the same intent and meaning in this Act as in the said Acts.

C A P . X I I .

An Act to amend *An Act respecting Lessors and Lessees.*

[Assented to 9th June, 1862.]

Preamble.

WHEREAS it is expedient to reduce, as much as possible, the costs in actions under the Act respecting Lessors and Lessees: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The fourth section of chapter forty of the Consolidated Statutes for Lower Canada, intituled: *An Act respecting Lessors and Lessees*, is hereby amended so as to read as follows: Sect. 4 of cap. 40 of Con. Stat. for L. C., amended.

“Actions under this Act shall be instituted in the Superior or Circuit Court for the amount of rent or damages sued for, and the costs shall be allowed and taxed in accordance with the amount for which judgment shall be rendered.” Amount sued for to determine jurisdiction costs.

2. The nineteenth section of chapter forty of the Consolidated Statutes for Lower Canada is hereby repealed. Sect. 19 repealed.

3. This Act shall be construed as though embodied in and forming part of the said Act hereby amended; and the citation of the above amended Act shall constitute a sufficient citation of the amended Act and of this Act. Construing and citing this Act.

C A P . X I I I .

An Act to alter the name of office of the Inspectors and Superintendents of Police for the Cities of Montreal and Quebec.

[Assented to 9th June, 1862.]

WHEREAS various duties have, by divers Acts, been assigned Preamble. the Inspectors and Superintendents of Police for the Cities of Quebec and Montreal respectively, other than those imposed on them by the ordinance creating that office, and it is expedient that their names of office should be more consonant to the duties now performed by them: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. From and after the passing of this Act, the Functionaries designated in the one hundred and second chapter of the Consolidated Statutes for Lower Canada, as “Inspectors and Superintendents of Police,” in and for the Cities of Quebec and Montreal respectively, shall, without any new commission, and by the sole effect of this Act, be and be known and designated as “Judges of the Sessions of the Peace,” in and for the said Cities, respectively; but such change of their name of office shall not in any wise affect their powers or duties, or any proceeding pending before either of them when this Act comes into force, or the effect of any act, instrument, or document in which either of them is mentioned by his former name of office, but the same shall be read and have effect as if the name of office hereby assigned to him were inserted therein, instead of the name of office therein used; and in case of the death, resignation, or removal of the Judge of the Sessions of the Peace for either of the said Cities, the Governor may appoint another for such City. Name of office changed. C. 102 of Con. Stat. L. C. Change not to affect duties, &c.

C A P . X I V .

An Act further to amend the Lower Canada Consolidated Municipal Act.

[Assented to 9th June, 1862.]

Preamble.

WHEREAS it is desirable further to amend the Act cited in the title of this Act : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Sub. Sect. 11 of s. 50 of Con. Stat. L. C. c. 24, explained : as to opening streets in villages.

1. The restrictions contained in the eleventh sub-section of the fiftieth section of the Lower Canada Consolidated Municipal Act shall not apply to Incorporated Villages, so as to deprive the local Councils thereof of authority to mark out and open any new street, alley or lane, or turn or widen, alter, change or direct, any old one within the Municipality, in such manner as the same shall pass through any enclosed or unenclosed garden, farm-yard or orchard, or to demolish or injure any house, barn or other building whatsoever, with or without the consent of the proprietor of the same ; and every such Council shall have such authority as aforesaid.

Addition to Sub. Sect. 7 of s. 50 : award to be final, unless objected to within 30 days.

Proceeding in case of objection.

2. The seventh sub-section of the said fiftieth section of the said Act is hereby amended, by adding thereto the following words :—“ at the expiration of thirty days after public notice has “ been given by the Secretary-Treasurer of the Municipality, “ that the same has been duly deposited in his office, unless “ within such period of thirty days, some one or more of the “ parties interested has or have, by notice, in writing, addressed “ to and served upon such Secretary-Treasurer, objected to such “ award ; in which case three other persons shall be appointed “ as valuers, that is to say, one by the proper Council, one by “ the party whose land is taken, and the third by one of the “ Judges of the Superior Court for Lower Canada, resident, or “ directed to exercise jurisdiction in the district, or two by “ such Judge, and the third by one of the parties, on the “ refusal or neglect of the other to name one within a reasonable “ time ; and such three persons, after examining the land, and “ hearing the parties attending as aforesaid shall, by a certificate “ or certificates under their hands, ascertain whether any “ compensation, and if any, then what compensation shall be “ paid for the land taken, and shall transmit such certificate or “ certificates to the Secretary-Treasurer of the proper Council ; “ and the award made by such last mentioned certificate or “ certificates shall be absolutely final and conclusive.”

Final award.

C A P . X V .

An Act respecting Public Exhibitions in Lower Canada.

[Assented to 9th June, 1862.]

WHEREAS one of the objects to which, in and by the Preamble.
Lower Canada Consolidated Municipal Act, the powers of each Local Council extend, is the prohibition of any public exhibition tending to endanger public safety or morality; and whereas it is expedient to declare and define what exhibitions, among others, have that tendency: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, declares and enacts as follows:

1. All Public Exhibitions of Monsters, Idiots or other Imbecile or Deformed Persons, tend to endanger public safety or morality, and may accordingly be prohibited by Local Exhibitions of monsters, &c., may be prohibited.
Councils in Lower Canada; and any person contravening any such prohibition, shall be liable to a penalty of forty dollars, recoverable with costs, at the suit of the proper Municipal Corporation, by civil action or proceeding, for its own benefit, before any Court having jurisdiction to the above amount in cases of simple contract, upon the evidence of one credible witness, who may be an inhabitant of the Municipality. Penalty for contravention.

C A P . X V I .

An Act to amend chapter twenty of the Consolidated Statutes for Lower Canada, intituled: *An Act respecting Registers of Marriages, Baptisms and Burials.*

[Assented to 9th June, 1862.]

WHEREAS Circuit Courts are now established in most of Preamble.
the Counties of Lower Canada, and it is thus easy to have the Registers of Marriages, Baptisms and Burials authenticated in each County: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The registers of marriages, baptisms and burials, which, under chapter twenty of the Consolidated Statutes for Lower Canada, must be numbered and authenticated by a Judge of the Superior Court, or by the Prothonotary of the said Court for the District in which is situate the parish, church or congregation, being the proprietor of such Registers, shall henceforth be numbered and authenticated by a Judge of the Superior Court, or by the Clerk of the Circuit Court for the County in which such parish, church or congregation is situate; and in the Counties where the Superior Court for the District sits, or in which

How and where Registers shall hereafter be numbered and authenticated.

which no Superior or Circuit Court sits, the said Registers shall continue to be numbered and authenticated as provided by the said chapter twenty.

To what officers such Registers shall hereafter be delivered for custody.

2. The Registers which, under the eighth section of the said chapter twenty, must be delivered into the office of the Prothonotary of the Superior Court for the District in which the parish, church or congregation for which the Registers have been kept is situate, shall henceforth be delivered into the office of the Clerk of the Circuit Court for the County in which such parish, church or congregation is situate; provided there be, or otherwise as soon as there shall be, in the building in which the said Circuit Court is held, a fire proof vault for the deposit of such Registers, approved by such person as may be appointed for that purpose, from time to time, by the Commissioner of Public Works; And in the Counties where the Superior Court for the District sits, or in which no Superior or Circuit Court sits, the Registers of the parishes, churches or congregations therein situate, shall be delivered as provided by the said Chapter twenty.

Certain duties assigned to Clerks of Circuit Court. Fees.

3. The duties imposed by the said Act chapter twenty upon the Prothonotaries of the Superior Court, are also hereby imposed upon the Clerks of the Circuit Court for their respective Counties, who shall be entitled to the same fees in respect thereof.

Sect. 20 of cap. 20, Con. Stat. L. C., amended.

4. The twentieth section of the said chapter twenty is hereby amended as follows: After the word "Prothonotaries," the words, "and Clerks" shall be added, and the word "eight" shall be replaced by the word "four," and the word "four" by the word "two."

Registers in Cathedrals at Three Rivers and St. Hyacinth.

5. The Right Reverend Thomas Cook, Roman Catholic Bishop of Three Rivers, and his successors, or the person administering the Roman Catholic Diocese of Three Rivers, or any Priest serving the Roman Catholic Cathedral in the City of Three Rivers, and the Right Reverend Joseph Larocque, Roman Catholic Bishop of the Diocese of St. Hyacinth, and his successors, or the person administering the Roman Catholic Diocese of St. Hyacinth, or any Priest serving the Roman Catholic Cathedral in the City of St. Hyacinth, may keep registers of the marriages, births and burials celebrated in their said respective Cathedrals, and these registers shall be subject to all the provisions of chapter twenty of the Consolidated Statutes for Lower Canada, which are not contrary to or inconsistent with this section; And all registers of marriages, baptisms and burials, celebrated in the Roman Catholic Cathedral in the City of St. Hyacinth, since it has legally existed, are hereby declared to have been legally made, and to be to all intents and purposes legal registers of the marriages, baptisms and burials celebrated in the City of St. Hyacinth and in the Parish of St. Hyacinth the Confessor.

Registers at St. Hyacinth confirmed.

6. A printed copy of this Act and of the twentieth chapter of the Consolidated Statutes for Lower Canada, and of all Acts amending the same, shall be transmitted to every rector, curate, vicar or other priest or minister serving in any parish, protestant church or congregation, religious community and hospital, in this Province, and to the church-wardens of each Protestant parish and church, in the same manner as to persons who are entitled to such copies according to law, to be preserved and left for the use of their successors.

Copies to this Act and the c. 20, Con. Stat. L. C. to be sent to Rectors, &c.

7. This Act shall be construed as embodied in and forming part of the said Chapter twenty, and the citation of the said amended Act shall constitute a sufficient citation of the said amended Act and of this Act.

How this Act shall be construed and cited.

C A P . X V I I .

An Act legalising and providing for the delivery of certain Registers of Marriages, Baptisms and Burials.

[Assented to 9th June, 1862.]

WHEREAS at different periods, since the second day of February, one thousand six hundred and eighty, certain Roman Catholic Missionaries of the diocese of Quebec have performed, in their missions, Marriages, Baptisms and Burials, and have kept regular Registers of the same; but those Registers have not been kept in duplicate and may not be legal, though the entries therein are authenticated by the signatures of the Missionaries by whom such entries were made; and whereas a large number of families are interested in having the said Registers legalized, and it is expedient to provide for the regular delivery of those Registers which have been, from time to time, voluntarily delivered by said Missionaries into the Secretary's office of the Roman Catholic Archbishopric of Quebec: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. The Secretary of the Roman Catholic Archbishopric of Quebec, in so far as the Registers A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V and X of Marriages, Baptisms and Burials, mentioned in the Petition of His Lordship the Right Reverend Charles François Baillargeon, Bishop of Tloa and Administrator of the Roman Catholic Arch-diocese of Quebec, dated the twentieth day of March, one thousand eight hundred and sixty-two, are concerned, shall be considered as having and shall have, from the passing of this Act, the same powers as are enjoyed by the Parish Priests in their Parishes, in so far as relates to the Registers of Marriages, Baptisms and Burials of their Parishes.

Secretary of R. C. Archbishopric of Quebec to have certain powers as to Missionary Registers.

Copies of certain Registers to be made.

2. A correct copy of each of said Registers A, B, C, D, E, F, G, H, I, J, K, L, M and N, shall be made by such person as the Governor in Council may appoint, and the correctness of the said copy shall be certified by the said Secretary of the Archbishopric of Quebec, and shall afterwards be numbered and authenticated by a Judge of the Superior Court in the ordinary way.

Copies to be authenticated: extracts therefrom, duly certified, to be valid.

3. The copy, so numbered and authenticated, of each of said Registers, shall be considered, for all purposes whatsoever, as being in *lieu* of the duplicate required by law; and any copy of any entry, respecting any Marriage, Baptism or Burial, made and certified by the said Secretary of the said Archbishopric from the original of the Registers mentioned in the first section of the present Act, and remaining in the Archives of the said Archbishopric, or by the officer hereinafter named, from the authentic copy delivered into his office, shall be a *prima facie* proof of the facts therein alleged, and shall be received in all Courts of Justice and have the same force as any copy made of similar entries by a Parish Priest from the Registrar of his Parish.

Certain copies to be delivered to the Prothonotaries of Quebec and Kamouraska respectively.

4. The authentic copy of Register A, containing entries from the second day of February, one thousand six hundred and eighty, to the twenty-third day of January, one thousand seven hundred and fifty-seven, made at *La Cote St. Ange*, Jemsek, Beaubassin, *Rivière St. Jean*, *Rivière des Mines*, *Ste. Famille* of Pabos, *La Grande Rivière*, Gaspé, and other localities from Echedack to Kamouraska, Petcoudiac and Chypoudy, shall be delivered by the said Secretary of the said Archbishopric of Quebec into the office of the Prothonotary of the Superior Court for the District of Kamouraska; the copy of Registers B, C, D, E, F, G, H, I, J, K, L, M and N, containing entries, from the fourth day of June, one thousand seven hundred and fifty-nine, to the twenty-second day of August, one thousand eight hundred and fifty-nine, made at Tadoussac, *Islets Jérémie*, Chicoutimi, Seven Islands, Portneuf, Mingan, St. Augustin, Louramane, the *Postes du domaine du Roi* or *Postes du Roi*, Labrador, the *Côte du Nord*, from River St. John to *P'Anse au Blanc Sablon*, and other places on the North Shore, and St. Dunstan of Lake Beauport, shall be delivered by the said Secretary into the office of the Prothonotary of the Superior Court for the District of Quebec; and the said Prothonotaries, in so far as the said copies so delivered into their respective offices are concerned, shall have the same powers and duties as they have in so far as relates to other Registers of Marriages, Baptisms and Burials delivered into their offices.

As to Registers kept at Grosse Isle.

5. The Registers that shall be kept, after the passing of this Act, at *Grosse Isle*, by Missionaries or Priests of the Church of Rome, shall be delivered, as usual, a duplicate into the office of the Prothonotary of the Superior Court at Quebec, and the other

other into the office of the Secretary of the said Archbishopric, and the powers hereby given to the said Secretary and to the said Prothonotary shall also extend to the Registers hereafter kept at the said *Grosse Isle*.

6. The permanent Register of Marriages, Baptisms and Burials of the United Church of England and Ireland heretofore and now kept by the Ministers thereof in the Township of Ascot, shall be authenticated by the Judge or Prothonotary of the said Court at Sherbrooke, and thereupon said Register shall be deemed to have been and to be authentic. Registers kept in Ascot, confirmed.

C A P . X V I I I .

An Act respecting the Court of Error and Appeal in Upper Canada.

[Assented to 9th June, 1862.]

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows : Preamble.

1. The Presiding Judge of the Court of Error and Appeal in Upper Canada, whenever appointed as such by commission under the great seal, according to the provisions of the Act passed in the twenty-fourth year of Her Majesty's reign, chaptered thirty-six, shall have rank and precedence over all the other Judges of Her Majesty's Courts of law and equity in Upper Canada. Precedence of presiding judge appointed under 24 V. c. 36.

2. The said Presiding Judge, appointed by commission under the great seal as aforesaid, within six months after entering upon the duties of his office, shall take the following oath before the Governor in Council : To take an oath of office.

OATH.

I, _____, do solemnly and sincerely promise and swear, that I will duly and faithfully, to the best of my skill and knowledge, execute the powers and trusts reposed in me as the Presiding Judge of the Court of Error and Appeal in Upper Canada. So help me God. The oath.

3. Any retired Judge heretofore or hereafter appointed the Presiding Judge as aforesaid, who shall hold a patent for an annuity of two-thirds of the salary annexed to the office from which he had retired, shall be entitled, in addition to the same, to receive yearly, from and out of the Consolidated Revenue Fund of this Province, a sum equal to one-third of the amount of his salary at the time of his retirement, which additional sum shall be paid in the same manner and at the same times as such annuity. Additional allowance to President being a retired judge.

Provision as to sittings of the Court amended.

4. The eighth section of the thirteenth chapter of the Consolidated Statutes for Upper Canada is hereby repealed, and the following substituted, that is to say :—

“ The Court of Error and Appeal shall hold its sittings at the City of Toronto, on the fourth Thursday next after the several Terms of Hilary, Easter and Michaelmas, and may adjourn from time to time, and meet again at the time fixed on the adjournment, for the transaction of business.”

C A P . X I X .

An Act to repeal the Act twenty-third Victoria, Chapter fifty, and to amend *An Act respecting the Municipal Institutions of Upper Canada*, so far as relates to Recorders' Courts.

[Assented to 9th June, 1862.]

Preamble.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

23 V. c. 50 repealed.

1. The Act of the Parliament of this Province passed in the Session held in the twenty-third year of Her Majesty's reign, intituled : *An Act to amend an Act respecting the Municipal Institutions of Upper Canada*, and chaptered fifty, is hereby repealed.

Section 377 of U. C. Municipal Act repealed.

2. The three hundred and seventy-seventh section of the fifty-fourth Chapter of the Consolidated Statutes for Upper Canada, intituled : *An Act respecting the Municipal Institutions of Upper Canada*, is hereby repealed.

New section substituted.

3. The following section shall be substituted for the said repealed section, and shall in lieu thereof be read as the three hundred and seventy-seventh section of the said last above mentioned Act :

Sittings of Recorder's Court.

“ The Recorder's Court shall hold four Sessions in every year ; and such Sessions shall commence on the first Monday in the months of March, June and September, and on the third Monday in December.”

Commencement of Act.

4. This Act shall take effect upon and after the first day of August next after the passing thereof.

C A P . X X .

An Act to amend the law relating to the limitation of actions and suits in Upper Canada.

[Assented to 9th June, 1862.]

WHEREAS it is desirable to abolish the distinction Preamble. between plaintiffs or persons resident within or without the jurisdiction of the Courts of Law and Equity in Upper Canada, in the limitation of actions and suits: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. Any plaintiff or person in any action, suit or proceeding, either at Law or in Equity, who has been or is resident without or absent from Upper Canada, shall have no greater or longer period of time to bring, commence or prosecute any such suit, action or proceeding, by reason of such non-residence in, or absence from Upper Canada, than if such plaintiff or person had been or were resident in Upper Canada, when the cause of such action, suit or proceeding first accrued ; and all and every exception or distinction in any law or statute relating to the limitation of actions now in force in Upper Canada, in favor of any plaintiff or person resident without or absent from Upper Canada, by whatever terms or words such residence without or absence from Upper Canada is stated or described in such law or statute, shall be and the same are hereby abolished and repealed. No distinction to be allowed between residents and non-residents, as regards limitations of actions, &c., in U. C.

2. This Act shall not apply to suits or other proceedings instituted before the first day of July, one thousand eight hundred and sixty-three. Act not to affect suits before 1st July, 1863.

C A P . X X I .

An Act relating to Mortgages in Upper Canada.

[Assented to 9th June, 1862.]

WHEREAS it is expedient to amend the Act passed in Preamble. the Session held in the twenty-fourth year of Her Majesty's reign, intituled : *An Act to repeal the Laws relating to the Registration of Judgments in Upper Canada*, in so far as 24 V. c. 41. the same applies to the registration of certificates of discharge of Mortgages ; and also to remove all doubts as to the sufficiency of such certificates of discharge registered since the passing of the said Act : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1.

Sub-sect. 8 of
sect. 7 repealed.

1. Sub-section eight of section seven of the Act twenty-fourth Victoria, chapter forty-one, intituled: *An Act to repeal the Laws relating to the Registration of Judgments in Upper Canada*, is hereby repealed.

New sect. in
lieu of s. 58 of
c. 89 of Con.
Stat., U. C.

2. The following shall be substituted for and read in lieu of section fifty-eight of chapter eighty-nine of the Consolidated Statutes for Upper Canada :

Discharge of
Mortgages.

“When any mortgage has been satisfied, the Registrar, or his deputy, on receiving from the person entitled to the amount of such mortgage, or his attorney, a certificate in the form A, duly proved by the oath of a subscribing witness, in the same manner as provided for the proof of deeds and other instruments affecting lands, shall write the word ‘discharged,’ the date of his receiving such certificate, and the number thereof, and affix his name in the margin of the register wherein the said mortgage has been registered, and the same shall be deemed a discharge thereof; and such certificate shall be filed and numbered, and entered on the margin of the Register, under the word ‘discharged.’”

Entry by reg-
istrar.

Certificates of
discharge since
18th May, 1861,
declared valid.

3. Every certificate of discharge of mortgage in the said form A, registered in any Registry Office, in any County in Upper Canada, since the eighteenth day of May, one thousand eight hundred and sixty-one, which would have been before that date a sufficient discharge of the mortgage expressed and intended to be thereby discharged, shall have the same effect and validity as if the second section of this Act had passed and been the eighth sub-section of section number seven of the said Act twenty-fourth Victoria, chapter forty-one, at the time of the passing thereof.

C A P . X X I I .

An Act to amend chapter one hundred and five of the Consolidated Statutes for Upper Canada, intituled :
An Act respecting Petty Trespasses in Upper Canada.

[Assented to 9th June, 1862.]

Preamble.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Sect. 1 of cap.
105, Con. Stat.
U. C., repealed.

1. The first section of the Act, intituled: *An Act respecting Petty Trespasses in Upper Canada*, being chapter one hundred and five of the Consolidated Statutes for Upper Canada, is repealed.

New Section
substituted.

2. The following section shall be substituted for the repealed first section of the said Act, and shall, in lieu thereof, be read as the first section of the said Act :

“ Any

“ Any person who unlawfully enters into, comes upon, or passes through or in any way trespasses upon any land or premises whatsoever, being wholly inclosed, and being the property of any other person, shall be liable to a penalty of not less than one dollar, nor more than ten dollars for any such offence, irrespective of any damage having or not having been occasioned thereby ; and such penalty may be recovered, with costs, in every case of conviction before any one Justice of the Peace, who shall decide the matter in a summary way, and award costs in case of conviction, which may be had either on view or on confession of the party complained against, or on the oath of one credible witness ; But nothing herein contained shall extend to any case where the party trespassing acted under a fair and reasonable supposition that he had a right to do the act complained of, or to any case within the meaning of the twenty-eighth section of chapter ninety-three of the Consolidated Statutes of Canada, respecting arson and other malicious injuries to property.”

Penalty for unlawful trespassing.

Recovery of such penalty.

Proviso.

Con. Stat., Canada, cap. 93, s. 28.

C A P . X X I I I .

An Act to amend the Act respecting the Municipal Institutions of Upper Canada as to the issue of Shop and Tavern Licenses in Cities.

[Assented to 9th June, 1862.]

WHEREAS it is necessary, for the prevention of crime, that further restraints be placed upon the issue of Licenses for the sale of Intoxicating Liquors in Taverns or otherwise : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

1. So far as respects Cities, the first five sub-sections of the two hundred and forty-sixth section of the fifty-fourth chapter of the Consolidated Statutes for Upper Canada, “ respecting the Municipal Institutions of Upper Canada,” and the whole of the Act twenty-third Victoria, chapter fifty-three, are hereby repealed.

Certain Acts amended as regards cities in U. C.

2. In every City the Board of Commissioners of Police shall have power, and it shall be the duty of the said Board, from time to time, while no prohibitory By-law, enacted and approved under the sixth sub-section of the said section, is in force in such City :

Certain powers vested in Board of Commissioners of Police.

1. To grant Certificates for Tavern Licenses (that is licenses for the retail of spirituous, fermented, or other manufactured liquors to be drunk in the Inn, Ale-house, Beer-house, or other house, or place of public entertainment, in which the same is sold,) and to grant certificates for shop licences (that is licenses for

Certificates for licenses.

for

for the retail of such liquors, in Shops, Stores, or places other than Inns, Ale-houses, Beer-houses, or places of public entertainment);

Conditions for licenses.

2. To determine the terms and conditions to be complied with by all applicants for Tavern Licenses, and the security to be given by them for observing the same;

Security.

3. To determine the security to be given by all applicants for Shop or Tavern Licenses, for observing the By-laws of the City;

Number.

4. To limit the number of Tavern and Shop Licenses respectively;

Regulations, and sums payable for license.

5. To make regulations for the houses or places licensed, the time the licenses are to be in force, not exceeding one year, and the sums to be paid therefor respectively to the Chamberlain of the City, prior to the issuing thereof; subject always to the provisions of the two hundred and forty-seventh section of the said Act;

Classification of Taverns, &c.

6. To classify the houses or places to be licensed as Taverns, and the houses or places to be licensed as Shops respectively, and to fix the sum to be paid, subject to the provisions of the next preceding sub-section of this section, and of the section of the said Act therein cited, for either description of license for each and every class of house or place in respect of which the same may be granted.

Conditions to be observed before a license is granted.

3. But no certificate for a Tavern License shall be granted or issued under this Act unless upon petition praying for the same, signed by at least thirty of the resident Municipal Electors of the City within which the same is to have effect; nor shall the Board of Commissioners of Police in any City grant certificates for Tavern Licenses, in any year, in a proportion greater than one for every two hundred and fifty souls resident in such City, as shewn by the then last census, or any subsequent special enumeration taken by order of the City Council concerned; nor shall more than one in every twenty certificates for Tavern Licenses granted or issued in any City, be granted or issued for any house or place unprovided with the following accommodations, that is to say: four or more bedrooms, with the suitable complement of bedding and furniture for each, in addition to such bedrooms, bedding and furniture, as may be needed for the use of the family of the Tavernkeeper.

Number in any city.

Accommodation required in Taverns.

Certain provisions not to apply to Cities in U. C.

4. So far as respects Cities, the two hundred and fifty-ninth section of the said Act, except so much thereof as authorizes and empowers City Councils to pass By-laws for fixing and defining the remuneration to be received by Inspectors of Shop and

and Tavern Licenses, shall be and the same is hereby repealed ; and the Board of Commissioners of Police in each City is hereby authorized and directed ;

1. To appoint annually one or more fit and proper persons, Commissioners to appoint Inspectors of licenses. possessing the same property qualification as that required for the Councillors of such City, to be Inspectors of Shop and Tavern Licenses, who shall hold office during the current year ; and any vacancy occurring during the year, shall be filled by the Board for the remainder of such year ;

2. To fix and define the duties, powers and privileges of the Inspectors so appointed, and the security to be given by them for the discharge of the duties of their office. And prescribe their duties, &c.

5. The Board of Commissioners of Police in each City shall conform to the provisions of any By-law passed and duly approved therein under and according to the two hundred and forty-seventh section of the said Act ; and what remains unrepealed as to Cities of the two hundred and fifty-ninth, and the whole of the two hundred and sixtieth, the two hundred and sixty-second, the two hundred and sixty-third, and the two hundred and sixty-fourth sections of the said Act shall apply to Inspectors appointed by such Boards, and to all acts, matters, and things done or omitted to be done, defaults made, penalties incurred, and offences committed in relation to the same. By-laws to be observed. Certain unrepealed provisions to apply.

6. All By-laws heretofore, or at any time previous to the first day of January, one thousand eight hundred and sixty-three, lawfully made by City Councils, in virtue of the said two hundred and forty-sixth and two hundred and fifty-ninth sections of the said Act, shall continue in force until repealed or altered under the authority of this Act. Certain By-laws to remain in force.

7. Any officer or person who issues a License contrary to the provisions of this Act, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall pay a fine of not less than forty, nor more than one hundred dollars, or may be imprisoned for a period not exceeding thirty days, or both, at the discretion of the Court. Penalty for illegally issuing a license.

8. This Act shall apply to Upper Canada only, and shall take effect upon, from and after the first day of January, one thousand eight hundred and sixty-three, and not before. Act limited to U. C., commencement.

C A P . X X I V .

An Act to explain the Act to provide for the separation of the City of Toronto from the United Counties of York and Peel, for certain judicial purposes.

[Assented to 9th June, 1862.]

Preamble.

24 V. c. 53.

WHEREAS it is expedient to explain an Act passed during the last session of the parliament of the province, intitled : *An Act to provide for the separation of the city of Toronto from the United Counties of York and Peel, for certain judicial purposes* ; and to confirm certain proceedings already taken thereunder : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Separate sitting of County Court to be held for the city of Toronto.

1. The said Act shall not be read nor construed as establishing a county court of the county of the city of Toronto, but shall be received as establishing for the said city separate sittings for the trial of cases sued in the then existing Courts, and as providing for payment to the said city of jury fees paid on cases entered for trial at sittings of courts holden therefor.

Proceedings heretofore taken confirmed, how continued.

2. All writs issued and all proceedings of whatsoever description taken under the said Act, as in the county court of the county of the city of Toronto, shall have the same validity as if issued or taken in the county court of the united counties of York and Peel, and shall be amended by entitling all such writs and proceedings in the said last named court, and when renewed or continued, they shall be renewed or continued in the county court of the united counties aforesaid.

Public Act.

3. This Act shall be deemed a Public Act.

C A P . X X V .

An Act to charge the Corporation of the City of Toronto with the payment of the expense of taking care of, supporting and maintaining certain prisoners in the Common Gaol of the United Counties of York and Peel.

[Assented to 9th June, 1862.]

Preamble.

WHEREAS the Corporation of the United Counties of York and Peel have, by their petition, represented that they have paid the expense of taking care of, supporting and maintaining, in the Common Gaol of the United Counties, certain prisoners for whose support it is alleged that the Corporation of the City is liable to the Corporation of the Counties, from the first day of January, in the year of Our Lord one thousand

thousand eight hundred and fifty-seven, to the thirtieth day of November, in the year of Our Lord one thousand eight hundred and fifty-eight, without having been compensated therefor by the said City of Toronto; and the Corporation of the United Counties have prayed that such expense be made a debt chargeable upon and payable by the Corporation of the City of Toronto, to the Corporation of the United Counties; and whereas it has been shewn that the two Corporations have agreed that the sum of five thousand five hundred dollars shall be paid by the Corporation of the City to the Corporation of the Counties, in full satisfaction and discharge of the said claim; and it is just that the prayer of the petitioners be granted: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The Corporation of the said City is hereby authorized to pay, and shall pay, to the Corporation of the said Counties, the sum of five thousand five hundred dollars, in full satisfaction and discharge of the said claim. \$5,500 to be paid by the City to the United Counties.

2. The said amount shall be paid in debentures of the Corporation of the said City, payable at the end of twenty-one years, with interest thereon, at the rate of six per cent. per annum, payable half-yearly. How to be paid.

3. This Act shall be deemed a Public Act. Public Act.

C A P . X X V I .

An Act to amend the Act for the management of the
Toronto Harbour.

[Assented to 9th June, 1862.]

WHEREAS the Commissioners of the Harbour of Toronto have, by their Petition, set forth that the Pier at the mouth of the said Harbour, constructed by them for the purpose of protecting the same, can now be made available for other purposes, and is well adapted for the site of Grain Elevators, and that application has been made to them by Railway Companies for a lease of the same, with the view of laying down branch rails on the said Pier and constructing such Elevators, and that such accommodation is much needed by the trade of Toronto, and would greatly benefit the public, and at the same time would bring in some return for the outlay expended by the Petitioners, without, in any way, interfering with their proper and legitimate business or duties as such Commissioners, and have prayed to be enabled to enter into the necessary leases, and make the necessary arrangements, with Railway Companies or other parties, for the above purpose; and whereas it is expedient to grant the prayer of the said Petition: Therefore, Her Majesty, by and with the advice and

consent of the Legislative Council and Assembly of Canada, enacts as follows:

Commissioners may lease the Pier for certain purposes, and for a certain period.

May agree with any Railway Company, &c.

1. The Commissioners of the Harbour of Toronto may, at any time, and from time to time, grant leases of the Pier at the mouth of the said Harbour, constructed by them for the purpose of protecting the same, to Railway Companies, or to any persons, for the purpose of constructing Grain Elevators thereon, and laying down branch lines of railway leading to such Grain Elevators; and any such lease may be made and entered into for any period not exceeding twenty-one years; and the said Commissioners may also, at any time, and from time to time, make and enter into any agreement or arrangement with any Railway Company, or with any person, for the construction and use of any Grain Elevator or of any Branch line of Railway on or over the said Pier, and generally for the management and working thereof, when constructed, for any term not exceeding twenty-one years.

Public Act.

2. This Act shall be deemed a Public Act.

C A P . X X V I I .

An Act to repeal two certain Acts therein mentioned, relating to the separation of the County of Peel from the County of York, and for other purposes.

[Assented to 9th June, 1862.]

Preamble.

19, 20 V. c. 66.

23 V. c. 95.

WHEREAS the Provisional Council of Peel, by their petition, have represented that since the Act passed in the session held during the nineteenth and twentieth years of Her Majesty's reign, intituled: *An Act to provide for the separation of the County of Peel from the County of York*, much dissatisfaction has prevailed among the people of the said County of Peel, in regard to the action taken at various times by the Provisional Council of the said County; that the Provisional Council of one thousand eight hundred and fifty-nine, in pursuance of the fourth section of the said Act, fixed the County Town in the Village of Malton; that in consequence thereof the Legislature did, by an Act passed in the twenty-third year of Her said Majesty's reign, intituled: *An Act to amend the Act providing for the separation of the County of Peel from the County of York, and to provide for the selection of the County Town of the County of Peel*, repeal the fourth section of the said first mentioned Act, and all Acts done and proceedings taken by the said Provisional Council on the authority thereof, and did by the same Act provide another and different mode for the selection of the said County Town;

That under and pursuant to the provisions contained in the last mentioned Act, the Village of Brampton was selected as the County Town of the said County;

That

That thereupon afterwards a vote of the electors was taken on a by-law for supplies, submitted under the authority of the last mentioned Act for the erection of County Buildings in the said Village of Brampton, which by-law was negatived by a large majority ;

That subsequently and during the present year, another by-law was submitted to the electors for such supplies as aforesaid, or for union with the County of York, when a majority of the votes was in favor of union with York ;

That a majority of the electors in the County of Peel are in favor of union with the County of York ;

And whereas it is desirable to re-unite the said Counties :

Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. The whole of the Act passed in the session held in the nineteenth and twentieth years of Her Majesty's Reign intituled : *An Act to provide for the separation of the County of Peel from the County of York*, and the whole of the Act passed in the session held in the twenty-third year of Her said Majesty's Reign, intituled : *An Act to amend the Act providing for the separation of the County of Peel from the County of York, and to provide for the selection of the County Town of the County of Peel*, and all proceedings, acts, matters and things had, done or committed by the said Provisional Council of the County of Peel, under the said Acts or either of them, shall be and the same are hereby repealed, made void and of none effect;

Acts 19, 20 V.
cap. 66, and 23
V. cap. 95, re-
pealed.

Provided that nothing in this Act contained shall have the effect of hindering or defeating the demands of creditors or others having just claims against the Provisional Corporation of the said County of Peel, by reason of any thing done, committed or suffered by the Council of the said Provisional Corporation since its organisation under the provisions of the first mentioned Act hereby repealed, but that all such demands and claims may be enforced against the Corporation of the United Counties of York and Peel, which said Corporation shall have full power and authority to levy and raise from the rate-payers of the said County of Peel any sum or sums of money that may be necessary to pay and satisfy such just claims.

Proviso as to
claims against
Provisional
Corporation of
Peel.

2. No separation of the said Counties of York and Peel shall take place, nor shall any Provisional Council of the said County of Peel be again established, until a By-law shall be passed by the Corporation of the said United Counties of York and Peel, which shall be submitted to the electors of the County

No separation
of York and
Peel before a
By-law is
passed to that
effect.

County of Peel, on some day to be fixed in the said By-law, and by which By-law the electors shall be required to vote upon the following schedule :

SEPARATION.		COUNTY TOWN.	
Yes.	No.		

Publication of By-law before the voting thereon.

3. The said By-law shall be published once a week in two daily newspapers in the County of York, and one newspaper, (if any) in the County of Peel for two months, next before the voting thereon by the electors, and the voting shall take place and continue for the same time, and under the same regulations as to place and all other circumstances, and the result shall be made known to the Corporation of the said United Counties in the same way, as if the vote had been taken on any By-law for money, required by law to be submitted by the said Corporation to the rate-payers of the said County.

By-law must be petitioned for.

4. Such By-law shall be introduced by the said Corporation of the said United Counties, when it shall have been petitioned for by a majority of the Municipal Corporations of the said County of Peel.

Proceedings after the voting upon the By-law.

5. If upon any such By-law being submitted to the electors, the vote shall be against the separation of the Counties, no By-law for separation shall be again submitted to the electors for five years thereafter, but if the majority of votes shall be in favor of separation and also in favor of a place within the County for the County Town, the Reeves and Deputy Reeves shall meet at the City of Toronto, within one month after the first meeting of the Corporation of the United Counties, next after the said vote shall have been taken, on such day as the Warden of the said United Counties shall name, and shall then form a Provisional Council, and shall have full power and authority, at that or any subsequent meeting, to pass a By-law to raise the funds necessary for the erection of the County buildings, which By-law shall be valid and effectual to all intents and purposes whatever, without any submission thereof to the electors, and such Provisional Council shall have all other powers and authorities conferred upon Provisional Councils by the Municipal Act of Upper Canada.

Public Act.

6. This Act shall be a Public Act.

C A P . X X V I I I .

An Act to separate the Townships of Biddulph and McGillivray from the County of Huron, and to annex the same to the East Riding of the County of Middlesex.

[Assented to 9th June, 1862.]

WHEREAS the inhabitants of the Townships of Biddulph and McGillivray have, by their petition, represented that it would be advantageous to them that the said Townships should be separated from the County of Huron and annexed to the County of Middlesex, and it is expedient to grant the prayer of the said petition : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

1. Upon, from and after the first day of January, one thousand eight hundred and sixty-three, the said Townships shall be separated from the County of Huron, and annexed to and form part of the County of Middlesex, for all purposes whatsoever, except for the purpose of the representation of the people in the Legislative Council and Assembly.

Annexion for all other purposes, except representation.

2. From and after the said first day of January, one thousand eight hundred and sixty-three, the Corporation of each of the said Townships respectively shall pay to the Corporation of the United Counties of Huron and Bruce, such proportion of the then outstanding debt of the said United Counties, and in such manner as may be determined by arbitration under the provisions of the Act respecting Municipal Institutions in Upper Canada.

As to debt of Huron and Bruce.

3. The said Townships shall not be liable for any portion of the debt of the County of Middlesex contracted or incurred previous to the first day of January, one thousand eight hundred and sixty-three.

As to debt of Middlesex.

4. This Act shall be deemed a Public Act.

Public Act.

C A P . X X I X .

An Act to extend to the counties of Wentworth and Lincoln the Act for the protection of persons holding lands on the shore of Lake Ontario, in the counties of York, Peel and Halton.

[Assented to 9th June, 1862.]

WHEREAS the owners of lands lying on the shore of Lake Ontario, in the counties of Wentworth and Lincoln, have prayed that the protection afforded by the Act hereinafter mentioned

Preamble.

mentioned

mentioned may be extended to them, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

20 V. c. 75
amended and
extended to
Wentworth
and Lincoln.

1. The first section of the Act twentieth Victoria, chapter seventy-five, is hereby amended by adding at the end thereof the following words: "or at any other place within the limits of or opposite to either of the counties of Wentworth or Lincoln;" and the said Act so amended shall extend and apply to the counties of Wentworth and Lincoln, as well as to the counties of York, Peel and Halton.

Public Act.

2. This Act shall be a Public Act.

C A P . X X X .

An Act to enable the Rate-payers of the County of Lincoln to select a more convenient place for the County Town.

[Assented to 9th June, 1862.]

Preamble.

WHEREAS the Municipal Council of the County of Lincoln have, by their petition, prayed that an Act may be passed to enable the Municipal electors of the County to change the place for the County Town thereof, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

County Council
may pass a By-
law.

1. The Municipal Council of the County of Lincoln may pass a By-law to change the place for the County Town of the County, and to name another place to be such County Town.

A certain
majority
required.

2. Such By-law shall not be valid unless, on the final passing thereof, it receives the assent, by a majority equal to at least one-third of the votes against the same, of the Municipal electors of the County, to be taken in the same manner as is by law provided in the case of a By-law for creating a debt for taking stock in a Railway Company.

Procuring
County Build-
ings.

Proclamation.

3. The County Council may take such other measures as they may deem expedient to procure the necessary County buildings at the place which may be so selected for the new County Town; and as soon as the new County Buildings are ready, the Governor shall issue his Proclamation, giving effect to the change from the day therein mentioned.

Before such
Proclamation
issues, right of
Niagara to

4. But before the Governor shall issue his Proclamation giving effect to the said By-law, it shall be referred to Arbitrators, to be selected and chosen as is provided in section three hundred

hundred and fifty-eight of chapter fifty-four of the Consolidated Statutes for Upper Canada, (which said section, for the purposes of this Act, shall be taken as a portion thereof so far as the same is applicable to this Act,) to ascertain and decide whether the Corporation of the Town of Niagara is entitled to claim any and what compensation from the Corporation of the County of Lincoln, for or by reason of the erection of the Buildings at present used for County purposes ; and in the event of the Arbitrators awarding that compensation should be paid to the Town of Niagara, the amount so awarded shall be paid or secured to the said Corporation of the Town of Niagara before the issuing of the said Proclamation.

compensation
to be settled by
arbitration.

5. This Act shall be deemed a Public Act.

Public Act.

C A P . X X X I .

An Act to consolidate part of the debt owing by the Municipality of the County of Hastings.

[Assented to 9th June, 1862]

WHEREAS the Warden and County Council of the County of Hastings have shewn, by petition, that in addition to other debts owing by the said Municipality, they have incurred liabilities to the amount of eighty-five thousand dollars, for the building of bridges and roads within the limits of the said Municipality, and which amount with interest will become due within a period of five years, and they desire to be permitted to consolidate this portion of their debt and to spread the payment of the same over a period of twenty years, and that they may be permitted to issue Debentures, bearing a rate of interest not to exceed seven per centum per annum, and it is expedient to grant the application : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

1. The Municipality of the County of Hastings may pass a By-Law or By-laws for authorizing the issue of Debentures of the said Municipality for a sum not exceeding one hundred thousand dollars in the whole, to redeem the Debentures now afloat owing by the said Corporation, and which have less than five years to run.

New loan of
100,000 dollars
authorized to
pay old debt.

2. The Debentures to be issued under this Act shall be made payable at a period of not less than twenty years after date thereof, at such place or places, either in this Province or elsewhere, and in sterling or provincial currency, and bearing such a rate of interest not exceeding seven per cent. per annum, payable either half-yearly or yearly, as the said Municipality shall deem proper, and which shall be set forth in the By-Law or By-Laws authorized to be passed by the first section of this Act.

Form and
nature of new
Debentures.

By-laws authorizing such loan must impose a special rate.

Duty of County Treasurer.

Investment of Sinking Fund.

Application of the Loan.

Penalty for contravention.

Exchange of old for new Debentures.

Registration of By-laws substituted for vote of Rate-payers.

Certain officers to be Commissioners for the Sinking Fund, &c.

Public Act.

3. The By-Law or By-Laws, authorizing the issue of such Debentures, shall provide for the yearly raising of such special rate as will be required to pay the yearly interest, and such yearly instalment or proportion of the principal sum, as, according to the number of years the Debentures have to run, will be sufficient to pay off the principal sum when it falls due, in addition to all other rates to be levied in each year; and the County Treasurer and County Clerk shall notify to the respective Local Municipalities in the County the amount required of them for the purposes of this Act, independent of any action which the Council of the County Municipality may take thereon.

4. The annual amount, so raised by assessment to liquidate the principal, shall, after the payment of the interest, be invested in Provincial Securities, that is, in Securities of the Government of the Province of Canada; but it shall, at all times, be lawful to apply any portion of the said investment in the purchase of the Debentures authorized to be issued under this Act.

5. The proceeds of the Debentures aforesaid shall be applied in redeeming the Debentures of the Municipality, having less than five years to run, referred to in the first section of this Act, and for no other purpose whatever; and any officer of the said Municipality applying such proceeds for any other purpose, shall be deemed guilty of a misdemeanor, and liable, upon conviction, to be punished by fine and imprisonment, or either, as the Court shall direct.

6. The Municipality may authorize the exchange of the Debentures to be issued under this Act, for the Debentures already issued, and hereby proposed to be redeemed, upon such terms as may be agreed upon by the Municipality and the holders of such last mentioned Debentures.

7. The By-Laws required to be passed by this Act shall not require any publication previous to their final passing, nor shall it be deemed necessary to take a vote of the rate-payers upon the same, but every By-Law passed under this Act shall be filed with the Registrar of the County.

8. The Warden for the time being, the County Treasurer and the Judge of the County Court, shall be Commissioners to invest the funds to be raised by taxation under this Act, and any By-Law for carrying out the same, and shall report annually to the Council of the Municipality what they shall have done during the previous year; A copy of the said report shall be sent to the Governor General in Council, to be by him laid before Parliament; A majority of the Commissioners, appointed by this section, shall be sufficient to do the business with which the said Commissioners are entrusted.

9. This Act shall be a Public Act.

C A P . X X X I I .

An Act to enable the Town of Niagara to dispose of its interests in the Erie and Ontario Railroad, and for other purposes.

[Assented to 9th June, 1862.]

WHEREAS the Corporation of the Town of Niagara has advanced large sums of money for the construction of the Erie and Ontario Railroad, and whereas such moneys were raised by the said Town on the credit of the Municipal Loan Fund, and such advances by the said Town were partly secured by the Company to the Town by first mortgages on the said road, upon which mortgages neither principal nor interest has been paid; and whereas the said Town has applied for authority to sell the said road, and it is expedient to authorize the sale of the legal and equitable interests of the said Town of Niagara in the said road as so applied for by the said Town: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The Corporation of the Town of Niagara shall be, and is hereby empowered, with the approval of the Governor in Council, to sell and convey all the right, title, franchises, privileges and interests, both at law and in equity, conveyed or vested, or intended to be conveyed or vested, to or in the said Town of Niagara, under the said mortgages, to any person or persons, body politic or corporate, and either at public or private sale, and by any form of instrument under the corporate seal of the said Town, which shall clearly express the conveyance.

Corporation of Niagara may sell and convey its interest in the Railway.

2. In case there should be a surplus of the purchase money over and above the amount due upon the mortgages held by the said Town of Niagara against the said Railroad Company, the same shall be applied to the payment of other creditors of the Company according to their respective priorities.

If there be a surplus of purchase money.

3. Nothing herein contained shall confer upon the Corporation of the Town of Niagara or on the said purchaser or purchasers any other or greater right, title or property in the wharves and works at Niagara than is now held by the said Corporation of the Town of Niagara or by the said Erie and Ontario Railroad Company, or confer or permit any rights on any portions of the Great Western Railway, nor shall affect any unpaid claims against the Erie and Ontario Railroad Company, in respect of rights of way, whether for temporary or permanent occupation; which said last mentioned claims shall be a charge upon the said rights and property hereby authorized to be sold.

What rights only shall be vested in the Corporation or in the purchaser.

Claims for right of way not to be affected.

4. This Act shall be deemed a Public Act.

Public Act.

C A P .

CAP. XXXIII.

An Act to alter and amend the Act to consolidate the Debt of Port Hope.

[Assented to 9th June, 1862.]

Preamble.

24 V. c. 62.

WHEREAS the Town Council of the Town of Port Hope have, by their petition, prayed that the Act passed in the Session held in the twenty-fourth year of Her Majesty's reign, intituled : *An Act to consolidate the Debt of the Town of Port Hope*, may be amended so as to empower the Corporation of the said Town to issue Debentures payable in a less time than twenty years, and it is expedient to grant their prayer : Therefore Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Debentures may be for less than 20 years.

1. The Debentures authorized by the said recited Act to be issued by the Corporation of the Town of Port Hope, may be payable at a less time than twenty years, should the said Corporation deem it expedient to issue any such Debentures payable within twenty years.

Public Act.

2. This Act shall be a Public Act.

CAP. XXXIV.

An Act to empower the Town Council of the Town of Lindsay, in the County of Victoria, to lease a portion of the Town plot called "Queen's Square," in the said Town.

[Assented to 9th June, 1862.]

Preamble.

WHEREAS the Town Council of the Town of Lindsay, in the County of Victoria, have, by their petition to the Legislature, prayed to be empowered to lease a certain portion of the Market or Queen's Square Reserve in the said Town, which will not be required for some length of time, for public purposes ; and whereas it is expedient to grant the prayer of the said petition : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Town Council may lease the said Lot.

1. The Town Council of the said Town of Lindsay shall have the power, and is hereby authorized to lease and let, from time to time, on such terms and conditions as may be hereafter established by by-law or by-laws of the said Council, but not for any term exceeding twenty-one years, and to any person or persons or body or bodies corporate, the whole or any part or parts of the reserve commonly known as Market or Queen's Square, situate on Kent Street, in the said Town, with the exception

exception of that part of the said Square containing one and a half acres, more or less, on which the Town Hall now stands, and corresponding to town lots numbers eleven, twelve and thirteen, north of Kent street aforesaid, and bounded on the north by town lots numbers eleven, twelve and thirteen, south of Peel street, in the said town. Exception.

2. The portion of the said Square, hereinbefore excepted and reserved, shall not be leased or let, but shall be kept and retained exclusively as a site for a Town Hall and Market building, and for such other buildings or uses as may be considered necessary for the public purposes of the said Town. Excepted portion to be kept for Town Hall, &c.

3. The said Town Council shall have all such powers to collect and receive the rents and moneys arising from the leasing or letting of the aforementioned parts of the said Square, as are given by law to landlords as against their tenants. Powers for collection of rents.

4. The moneys arising from such leasing and letting shall form part of the general and public funds of the said Town. Application of rents, &c.

5. This Act or any thing herein contained shall not empower the said Council to lease or close up any street or highway, running through or adjoining any part of the said Square, as originally laid out by Government. Council not to close any street.

6. This Act shall be deemed a Public Act. Public Act.

C A P . X X X V .

An Act to legalise a By-law made and passed by the Town Council of the Corporation of the Town of Perth, in the United Counties of Lanark and Renfrew, for raising a certain sum of money therein mentioned.

[Assented to 9th June, 1862.]

WHEREAS doubts have arisen as to the legality of a By-law assented to by a majority of the municipal electors of the Corporation of, and thereafter made and passed by the Town Council of the Town of Perth, in the United Counties of Lanark and Renfrew, on the thirteenth day of the month of June, in the year of Our Lord one thousand eight hundred and fifty-nine, and intituled: *By-law to raise, by way of loan, a certain sum of money, by the issue of debentures, for the purposes therein mentioned*, and whereby it was authorized that debentures should be issued to the amount of five thousand pounds, for the purposes stated in the said By-law; and whereas debentures have been issued under the said By-law, but have not hitherto been sold or otherwise disposed of in consequence of such doubts, and the said Council of the said Corporation Preamble.

By-law cited.

Corporation have petitioned to have such doubts removed and the said By-law declared valid : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

The said By-law confirmed : also debentures issued under it to a certain amount.

Proviso.

Proviso.

Proviso : for assent of rate-payers.

1. The said By-law, for and notwithstanding such doubts, and any irregularities in the passing of the said By-law, or matters preliminary thereto, or any insufficiency at law therein, either in substance or form, is hereby legalized and made valid, and shall be held to have been valid from the time of the passing thereof, and the debentures issued under the said By-law, and which have not yet arrived at maturity, to the extent of three thousand eight hundred pounds currency, or such less sum as the said Council shall by a majority determine, at a meeting thereof, holden after not less than one week's notice, given in two newspapers published in the Town of Perth ; and all proceedings and dealings heretofore made and had, under the said By-law, are also hereby declared legal and valid ; Provided, always, that it shall not be lawful to the said Corporation to dispose of or put off a greater amount of the said Debentures than three thousand eight hundred pounds currency, or such less sum as the said Council shall, as aforesaid, have determined ; and the residue of the said debentures over such sum shall be, by the Mayor and Treasurer of the said Corporation, cancelled and destroyed ; Provided, also, that the rights of Her Majesty, or of this Province, in respect to any claim or lien created by any existing Statute altered or amended by this Act, shall in no wise be affected by any provision in this Act contained ; and provided further, that this Act shall not have any force or effect unless nor until the assent to its provisions of at least two thirds in number of the rate payers of the said Town whose assessments shall together amount to more than one half of the whole sum assessed in and by the then last Revised Assessment Roll of the said Town, shall have been first signified by them in writing over their own signatures, before witnesses, to the Mayor of the said Town by him certified under his hand and the seal of the said Town to the Governor, and by His Excellency made public by a Proclamation in the *Canada Gazette*.

Public Act.

2. This Act shall be deemed a Public Act.

C A P. X X X V I.

An Act to incorporate the Village of Lanark, in the County of Lanark.

[Assented to 9th June, 1862.]

Preamble.

WHEREAS the inhabitants of the Village of Lanark, in the County of Lanark, have, by their Petition, represented that from the steady increase of the population of the said

said Village, it has become necessary to confer upon it corporate powers, and prayed that it may be incorporated accordingly, and it is desirable to grant the prayer of the said Petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. From and after the passing of this Act, the inhabitants of the said Village of Lanark shall be a body corporate, apart from the Township of Lanark, in which the said Village is situate, with such powers and privileges as are now or shall hereafter be conferred on Incorporated Villages in Upper Canada, and the powers of such corporation shall be exercised by, through and in the name of the corporation of the Village of Lanark.

Lanark incorporated as a Village.

2. The said Village of Lanark shall comprise and consist of the following lots and parcels of land, that is to say: Town Plots, as originally laid out by Government—East half of Lots three and four, in the first concession; Lot one, west half, and west part of east half of Lot two, in second Concession; Lot one, and the east part of west half and east half of Lot two, and east half of Lot five, in the third Concession; Lots one, two, three, four and five, in the fourth Concession; Park Lots numbers three, four, five, six, eleven, twelve, thirteen, fourteen, in Lot number three—and one, two, seven, eight, nine, ten, fifteen, sixteen, in Lot number four, second Concession; Park Lots numbers one, two, seven, eight, nine, ten, fifteen, sixteen, in Lot number three—and three, four, five, six, eleven, twelve, thirteen, fourteen, in Lot number four, in the third Concession.

Boundaries of the Village.

3. After the passing of this Act, it shall be lawful for the Governor of this Province to appoint a Returning Officer for the said Village of Lanark, which Returning Officer shall appoint the time and place for holding the first election in the said Village, of which appointment the said Returning Officer shall give notice in a newspaper published in the Village, or if there be no newspaper published there, then by notices posted in at least three conspicuous places in the said Village, ten days before the said election.

Governor to appoint a Returning Officer.

4. The duties of the said Returning Officer, and the qualification of the Voters and of the persons elected as Councillors at such first election, shall be those prescribed by law with respect to Townships in Upper Canada.

His duties, and qualification of electors.

5. The Collector or Township Clerk of the Township of Lanark, or other person having the legal custody of the Collector's Roll of that Township, for the year of Our Lord one thousand eight hundred and sixty-one, shall furnish to the Returning Officer, on demand made by him for the same, a true copy of such roll, so far as the same relates to Voters resident

Copy of Collector's Roll to be furnished to Returning Officer.

in

in the said Village, and so far as such roll contains the names of the male freeholders and householders rated upon such Roll, in respect of real property lying within such limits, the amount of the assessed value of such real property for which they shall be respectively rated on such Roll, which copy shall be verified on oath, or as is now required by law.

Oath of office. **6.** The said Returning Officer, before holding the said election, shall take the oath or affirmation now required by law to be taken by Returning Officers for Incorporated Villages in Upper Canada.

Succeeding elections to be as elsewhere. **7.** Elections for Councillors for the said Village of Lanark, after the year one thousand eight hundred and sixty-two, shall be held in conformity with the provisions of law applying to Incorporated Villages in Upper Canada.

Oaths of Office, &c., of Councillors. **8.** The several persons who shall be elected or appointed under this Act, shall take the same oaths of office and of qualification as are now prescribed by law.

Number and powers of Councillors. **9.** The number of Councillors to be elected under this Act shall be five, and they shall be organized as a Council in the same manner as in Villages incorporated under the provisions of the Upper Canada Municipal Corporations Acts, and have, use and exercise the powers and privileges vested in Councillors in such Incorporated Villages.

Village separated from Township. **10.** From and after the passing of this Act, the said Village shall cease to form part of the said Township of Lanark, and shall, to all intents and purposes, form a separate and independent Municipality, with all the privileges and rights of an incorporated Village in Upper Canada;—but nothing herein contained shall affect or be construed to affect any taxes imposed for the payment of any debt contracted by the Township of Lanark aforesaid, but the said Village of Lanark shall be liable to pay to the Treasurer of the Township of Lanark aforesaid, in each and every year until any such existing debt be fully discharged, the same amount which was collected within the said described limits of the said Village towards the payment of such debt, for the year one thousand eight hundred and sixty-one, and the same shall be a debt against the said Village.

Provisions as to existing debt.

Election of Township Councillors in the place of any residing in the Village. **11.** Any Councillor elected to serve in the Township Council of the said Township of Lanark for the present year, and residing within the above prescribed limits of the said Village, shall immediately, on the appointment of a Returning Officer as provided by this Act, cease to be such Councillor, and the duly qualified electors of the Township of Lanark aforesaid, not included in the said limits, shall thereupon proceed to elect a new Councillor or Councillors, as the case may

may be, to serve in the Council of the said Township for the remainder of the year, as in the case of death or resignation provided for by the Municipal laws of Upper Canada.

12. The Officers of the said Council of the Township of Lanark shall not proceed to collect any rate or assessment imposed by the said Council for the present year, within the limits of the said Village, but the amount which may be required for the purposes of the said Village, within the present year, shall be based on the assessment of the Township assessor or assessors for the present year, and shall be collected by the officer or officers to be appointed by the said Village Council for that purpose.

As to taxes for 1862.

13. The Clerk of the said Township shall, and is hereby required to furnish to the Clerk to be appointed by the Council of the said Village, on demand made by him therefor, a true copy of the Assessment Roll for the present year, so far as the same shall contain the rateable property assessed within the said Village, and the names of the owners or occupants thereof.

Copy of part of Assessment Roll to be furnished to Village Clerk.

14. The expenses of any assessment imposed for the present year, so far as the same shall relate to assessments made within the limits of the said Village, and the expenses of furnishing any documents, or copies of papers or writings, by the Clerk or other officer of the Council of the said Township hereinbefore referred to, or required to be furnished, shall be borne and paid by the said Village Council to the said Township Council or otherwise, as the said Township Council shall require.

Expense for Papers, &c., required under this Act.

15. And whereas there is within the limits of the said Village of Lanark, as hereby constituted, a certain block of land and a Township Hall, now belonging to the corporation of the Township of Lanark, and it is necessary that the said Township Hall, and the land on which it stands, should belong to the said Village, as the Town Hall thereof, and that a fair and equitable division of the said block of land, or the value thereof, should be made between the said Township and Village, and that compensation should be made to the said Township by the said Village, for a due and equitable proportion of the value of the said Township Hall, to the erection of which the said Township had contributed;—therefore it shall be lawful for the Corporation of the said Township and the corporation of the said Village, to agree together as to the division of the said property, in a fair and equitable manner, or as to a due compensation for such proportionate value according to the rights of each of the said corporations therein, and to carry out and give effect to such agreement by By-Law or otherwise; and by such agreement, either of the said Corporations may become bound to pay to the other, any sum of money which may be determined upon, if the property itself is divided,

Recital as to Township Hall and land.

Township and Village may agree for division, and in default of agreement their rights to be determined by arbitration.

divided, in order that the share awarded to each may be proportionate to its right therein; and such sum of money, if not paid immediately, or any part of it not so paid, shall be a debt due by the one corporation to the other; and if the said corporations cannot so agree, then the matter shall be referred to and determined by arbitration, in the manner provided by the three hundred and fifty-eighth section of the fifty-fourth chapter of the Consolidated Statutes for Upper Canada, and the award of the Arbitrators may extend to and determine any matter with regard to which the said Corporations might agree under this section, and shall have the same effect as an agreement under this section containing like provisions would have had.

Public Act.

16. This Act shall be deemed a Public Act.

C A P . X X X V I I .

An Act to incorporate the Village of Arnprior, in the County of Renfrew, and for other purposes therein mentioned.

[Assented to 9th June, 1862.]

Preamble.

WHEREAS the inhabitants of the Village of Arnprior, in the County of Renfrew, have, by their petition, represented that from the rapid increase of the population of the said Village, it has become necessary to confer upon it corporate powers, and prayed that it may be incorporated accordingly, and it is desirable to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Arnprior Incorporated as a Village.

1. From and after the passing of this Act the inhabitants of the Village of Arnprior shall be a body corporate apart from the Township of McNab, in which the said Village is situate, and as such shall have perpetual succession and a common seal, with such powers and privileges as are now or shall be hereafter conferred on incorporated villages in Upper Canada; and the powers of such Corporation shall be exercised by, through, and in the name of the Corporation of the Village of Arnprior.

Boundaries of the Village.

2. The incorporated Village of Arnprior shall comprise and consist of the following lots and parcels of land, that is to say—Lots numbers three and four in the fifteenth Concession, Lots numbers two, three, four and five, in the fourteenth Concession, and the north-east half of Lots numbers two, three, four and five, in the thirteenth Concession,—of the said Township of McNab, in the County of Renfrew.

Governor to appoint a Returning Officer.

3. Immediately after the passing of this Act, it shall be lawful for the Governor of this Province to appoint a Returning Officer

Officer for the said Village of Arnprior, which Returning Officer shall appoint the time and place for holding the first election in the said Village, of which appointment the said Returning Officer shall give notice in a newspaper published in the said Village, or if there be no newspaper published in the said Village, then by notice posted in at least three conspicuous places in the said Village, ten days before the said election.

Notice of Election.

4. The duties of the said Returning Officer, and the qualifications of voters and persons elected as Councillors at such first election, shall be as prescribed by law with respect to townships in Upper Canada.

His duties. Qualification of voters.

5. The Collector or Township Clerk of the Township of McNab, or other person having the legal custody of the Assessment Roll of that Township, for the year of our Lord, one thousand eight hundred and sixty-two, shall furnish to the said Returning Officer, on demand made by him for the same, a true copy of such Roll, and so far as such Roll contains the names of the male freeholders and householders rated upon such Roll in respect of real property lying within such limits, the amount of the assessed value of such property for which they shall be respectively rated on such Roll, which copy shall be verified on oath or as is now required by law.

Copy of Assessor's Roll to be furnished to Returning Officer.

6. The said Returning Officer, before holding the said election, shall take the oath or affirmation now required by law to be taken by Returning Officers for incorporated Villages in Upper Canada.

Returning Officer to be sworn.

7. Elections for Councillors for the Village of Arnprior, after the year one thousand eight hundred and sixty-three, shall be held in conformity with the provisions of law applying to incorporated villages in Upper Canada; the election for the year one thousand eight hundred and sixty-three shall be held as hereinbefore provided for the said first election; copies of the Rolls of the said Township for the year one thousand eight hundred and sixty-two, being required to be furnished in the same manner as is provided and required for the said first election, and the Returning Officer for the said election for one thousand eight hundred and sixty-three, shall be appointed by the Council of the said Village of Arnprior, at their last meeting in the year one thousand eight hundred and sixty-two, held before the twentieth day of December in that year.

Elections after 1863, to be as in other places. Election for 1863.

8. The several persons who shall be elected or appointed under this Act, shall take the oath of office and of qualification now prescribed by law.

Oaths of Officers, &c.

9. The number of Councillors to be elected under this Act shall be five, and they shall be organized as a Council in the same manner as in villages incorporated under the provisions

Number and powers of Councillors, &c.

of the Upper Canada Municipal Acts, and have, use and exercise the same powers and privileges as in the said incorporated villages.

Village to be separate from Township.

Provision as to existing debts.

10. From and after the passing of this Act, the said Village shall cease to form part of the said Township of McNab, and shall, to all intents and purposes, form a separate and independent Municipality, with all the privileges and rights of an incorporated Village in Upper Canada; but nothing herein contained shall affect or be construed to affect any taxes imposed for the payment of any debts contracted by the Township of McNab aforesaid, but the said Village of Arnprior shall be liable to pay to the Treasurer of the Township of McNab aforesaid, in each and every year until any such existing debt be fully discharged, the same amount or the same proportion, which was to be collected in the year one thousand eight hundred and sixty-two, for the payment of such debts within the said described limits of the said Village; and the said Treasurer of the Township of McNab shall refund and pay to the Treasurer of the Village of Arnprior, all moneys collected from licenses granted to taverns and shops in the said Village of Arnprior, in the year one thousand eight hundred and sixty-two.

New Township Councillors to be elected in place of any residing in the Village.

11. Any Councillor elected to serve in the Township Council of the said Township of McNab, for the present year, and residing within the limits of the said Village, as above described, shall immediately, on the passing of this Act, cease to be such Councillor; and the duly qualified electors of the said Township of McNab, not included in the said limits, shall thereupon proceed to elect a new Councillor or Councillors, as the case may be, to serve in the Council of the said Township for the remainder of the year, as in the case of the death or resignation of Councillors, provided for by the Municipal Acts of Upper Canada.

Township Officers not to collect taxes in the Village in 1862.

How Village tax shall be raised.

Proviso as to school rate.

12. The Officers of the said Council of the Township of McNab shall not proceed to collect any rate or assessment imposed by the said Council for the present year, within the limits of the said Village, but the amount which may be required for the purposes of the said Village for the present year, shall be based on the assessment of the Township Assessor for the present year, and shall be collected by the officer or officers to be appointed by the said Village Council for that purpose; Provided always, that nothing herein contained shall affect any school section or school rate for the present year, nor the right of any school section to any money already set apart for school purposes.

Requisite portion of Assessment Roll to be furnished for said Village.

13. The Clerk of the said Township shall, and he is hereby required to furnish to the Clerk to be appointed by the Council of the said Village, on demand made to him therefor, a true copy

copy of the Assessment Roll for the present year, so far as the same shall contain the rateable property assessed within the said Village, and the names of the owners thereof.

14. The expenses of the assessment made for the present year, so far as the same shall relate to assessments made within the limits of the said Village, and the expenses of furnishing any documents or copies of papers and writings by the Clerk or other officer of the Council of the said Township hereinbefore referred to, or required to be furnished, shall be borne and paid by the said Village Council to the said Township Council or otherwise, as the said Township Council may require.

As to expenses of Assessment, &c., for 1862.

15. From and after the passing of this Act, a Division Court shall hold its sittings and be established in the Incorporated Village of Arnprior, such Division Court to be styled and entitled the Eleventh Division Court of the United Counties of Lanark and Renfrew, and the limits of the said Division Court shall be the said Village of Arnprior and the Township of McNab.

Division Court to be established at Arnprior.

Limits of Division.

16. The Judge of the County Court of the United Counties of Lanark and Renfrew, shall cause the sittings of the said Eleventh Division Court to be held at Arnprior in the month of July next, or at his next Division Court Circuit thereafter, and the sittings of the said Court shall be held at the said Village of Arnprior from time to time thereafter at such periods as the said Judge shall deem expedient; Provided always, that not less than four sittings of the said Court shall be held during each and every year after the year one thousand eight hundred and sixty-two.

Periods of holding Court.

Proviso—four sittings during each year.

17. This Act shall be deemed a Public Act.

Public Act.

C A P . X X X V I I I .

An Act to amend the Act to confirm certain side roads in the Township of Scarborough, and to provide for the defining of other road allowances and lines in the said Township.

[Assented to 9th June, 1862.]

WHEREAS by an Act of the now last Session, intituled: *Preamble.*
An Act to confirm certain side roads in the Township of Scarborough, and to provide for the defining of other road allowances and lines in the said township, 24 V. c. 64.
 the Municipal Council of the said Township were authorized to cause a survey to be made in order to define the precise lines of the side roads theretofore opened, improved and travelled upon in the said Township; but authority was not given to the said Council to define under the same survey the lines of the side roads which had

had not then been opened, improved and travelled; and whereas the survey authorized by the said Act has not yet been made, and the said Council have, by their petition to the Legislature, set forth that it would be greatly to the advantage of the said Township, if all the side roads thereof were included in the same survey, and have prayed that the said Act may be so amended as to grant the prayer of their petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Time for survey extended.

1. The time for making the survey mentioned in the second section of the said Act is hereby extended until the expiration of two years from the passing of this Act.

Lines to be straight.

2. The several side roads in the said Township, as mentioned in the first section of the before-mentioned Act, shall be drawn in a straight line from the centre of the road at present travelled at the front line of the concession, to the centre of the road at the rear line thereof, any thing in the said Act expressed or implied to the contrary notwithstanding; Provided, always, that the nature of the ground admits of a road of proper grade being constructed on such straight line, and that such straight line does not intersect any valuable buildings, or render it necessary to construct any expensive bridge or other road work; but if the straight line should intersect any valuable buildings or render it necessary to construct any expensive bridge or other road work, then the surveyor shall make such deviation from the straight line as the said Council shall instruct him to do.

Exception if such line would interfere with buildings, &c.

Side roads not opened to be surveyed.

3. The Municipal Council of the said Township may, at the time of or immediately after the survey authorized by sections one and two of the said Act, cause all side roads not heretofore opened, improved and travelled, or only in part opened, improved and travelled, or respecting which there may be any dispute, to be surveyed, and their precise lines defined by permanent cut stone boundaries, properly marked and planted as in other cases, and such survey shall be included in the map and report of the survey, to be made and deposited pursuant to the said Act, and the expenses shall be defrayed by levying a rate for the survey last mentioned, as well as for the before mentioned survey, on the proprietors, in proportion to the quantity of land held by them respectively in the concession, in the same manner as any sum required for any other purposes authorized by law may be levied; and the monuments so planted shall be deemed to be true and unalterable boundaries.

How the survey shall be paid for.

How the position of any such road shall be determined.

4. In ascertaining and defining any line for side road allowance not opened, improved and travelled upon, or only in part opened, improved and travelled, or in respect of which there may be any dispute, before the passing of this Act, the surveyor

surveyor employed by the said Council shall commence from such posts or monuments as were planted or marked in the original survey for the front angles of such road allowance; or if the original landmarks from which such road allowance should commence cannot be found, the surveyor shall obtain the best evidence the nature of the case admits of respecting such post, limit or allowance for side road, and if the same cannot be satisfactorily ascertained, then the distance shall be measured between the nearest opened, improved and travelled side roads established as hereinbefore mentioned, or between a side road so established and the nearest undisputed post, limit or monument, as the case may be; and such surveyor, employed as aforesaid, shall so establish the position of the said allowance for road as to leave an equal breadth to the lots on each side thereof, to the nearest established road or original monument; the position for such road in the rear of the concession shall then be determined by measuring the distance contained between the nearest side roads established as in the said Act mentioned, and in like manner as for the front, the said surveyor shall define the rear boundary thereof so as to leave to the lots on each side of such road or roads an equal breadth of the quantity of land contained between the side roads established as hereinbefore mentioned; and the required line of side road shall be drawn through the concession in a straight line, from the point in the front to the point in the rear, so found; and all lines for such side road allowance so determined, shall be, and the same are hereby declared to be, the true and unalterable boundaries of the allowances for such side roads.

5. The allowance for side roads in the broken front concessions abutting on Lake Ontario, which have not been opened, improved and travelled, and where no posts or other boundaries were planted in the original survey on the bank of the lake to define the position thereof, or to define the limits of lots on either side thereof, and all roads in such concessions which cannot be defined by the methods hereinbefore mentioned, shall be drawn from the original posts or monuments established on the front line of the concession in the rear thereof, parallel to the nearest established side road towards that end of the concession to which the lots are numbered, and such allowances for side roads so established shall be, and are hereby declared to be, true and unalterable boundaries.

How allowance for roads in the broken front concessions shall be determined.

6. The side lines or limits between lots, as mentioned in the third section of the Act before mentioned, shall be drawn so as to give an equal breadth to the lots contained between the monuments hereinbefore established; and such division lines or limits so determined, shall be, and be taken to be, the true lines and limits thereof, any thing in chapter eighty-eight of the Consolidated Statutes for Upper Canada, or in any other statute of limitations, to the contrary notwithstanding.

Lines mentioned in sect. 3 of 24 V. c. 64, how to be determined.

7. This Act shall be deemed a Public Act.

Public Act.

C A P .

C A P . X X X I X .

An Act to legalize the investment of certain Clergy Reserve moneys by the Corporation of the Township of Lobo.

[Assented to 9th June, 1862.]

Preamble.

WHEREAS the Corporation of the Township of Lobo have, by their Petition, represented, that they have heretofore made certain investments of moneys apportioned to them from the Upper Canada Municipalities Fund, and have prayed that the said investment made by the said Corporation be declared valid, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Investments in mortgages declared valid.

1. All investments heretofore made by the Corporation of the Township of Lobo, of Clergy Reserve moneys apportioned to the said Corporation from the Upper Canada Municipalities Fund, and secured by mortgage or mortgages, are hereby declared to be valid to the same extent as if the said Corporation had been authorized by law to make such investments.

Corporation may enforce payment of such investments.

2. The Corporation of the Township of Lobo may enforce the payment of any mortgage made to the Municipality or Corporation of the said Township, as security for any such investment as aforesaid, in any Court of Law or Equity, by action, suit or foreclosure, as the Corporation may deem expedient; and in case of foreclosure of any such mortgage, may hold the property mortgaged, and may sell, lease or otherwise dispose of the same, and may convey the same in one lot, or in one or more lots or portions, to any person or persons willing to purchase the same, and may apply the rents or moneys arising from any such lease or sale, in like manner as if the said property were such as the Corporation is now by law empowered to acquire, hold and dispose of.

Powers in case of foreclosure.

Public Act.

3. This Act shall be deemed a Public Act

C A P . X L .

An Act to establish and confirm certain Roads in the Township of Reach.

[Assented to 9th June, 1862.]

Preamble.

WHEREAS the Corporation of the Township of Reach, in the County of Ontario, has, by petition represented that many of the Road Allowances, and Road established by Municipal and other authority in that Township, have been surveyed, opened and travelled, and statute labor and the public money expended thereon for years; and that, upon recent

recent and more correct surveys being made, it has been discovered that many of the said roads so travelled and improved are not on the true allowances for the same, or on the ground set forth in the By-laws establishing the same; and that, to alter such roads and place them on the true lines would cause great loss to the public and to private individuals, and have therefore prayed that such roads may be established and confirmed: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The several roads following, that is to say:—The road known as the Brock Road, commencing in front of the first concession of the said Township of Reach, thence running northward through the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth and fourteenth concessions;—the road known as the Centre Road, commencing in front of the fifth concession of the said Township at the Village of Manchester, thence running northward through the fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth and fourteenth concessions;—the road known as Simcoe Street, commencing in front of lot number eighteen, in the first concession of the said Township, thence running northward through the Villages of Prince Albert, Borelia and Sonya, till it joins the road on the division line between the Counties of Ontario and Victoria, on the eastern limit of the thirteenth concession of the said Township;—the road established and supposed to be on the line between lots numbers ten and eleven in the first, second, third and fourth concessions of the said Township;—the road known as the Uxbridge Road, commencing at the Village of Epsom, in the seventh concession of the said Township, thence running through parts of the seventh and eighth concessions of the said Township to the division line between the Townships of Reach and Uxbridge;—the road opened and travelled on lot number twenty-three in the second concession, and the road supposed to be on the dividing line between lots numbers twenty-two and twenty-three in the third concession of the said Township of Reach,—shall be and are hereby established, confirmed and declared to be public highways; and the width of such highways shall be one chain, except in those cases where such road or roads was or were declared, by the authority under which the same was or were opened, to be of a different width, in which case such road or roads shall be of the width so declared.

Certain roads confirmed as public highways.

Width of such roads.

2. The said Corporation of the Township of Reach may cause the said roads to be surveyed to define the precise lines thereof, and may cause permanent cut stone or other monuments to be placed on the lines so defined, at the front and rear angles of each concession through which such roads pass, and at any other termini thereof, and the lines so defined shall be, to all intents and purposes, the true and unalterable boundaries of such roads.

Corporation may place boundary stones.

Provision in case certain roads should be found to be on the lots instead of between them.

How the strip between the line and road shall be disposed of.

Provision in case of refusal to pay for the strip of land, or to name Valuator.

3. Should it appear, upon accurate survey, that the road supposed to be on the line between lots numbers ten and eleven, in the first, second, third and fourth concessions of the said Township, and the road supposed to be on the dividing line between lots twenty-two and twenty-three, in the third concession of the said Township, are not on those lines respectively, but wholly or in part on one of the said lots ten or eleven, or of the said lots twenty-two or twenty-three, no road shall be opened on the line between the said lots, and the strip of land lying between such line and the said roads, as respectively hereby established, shall be vested in the said Corporation of the Township of Reach for the purpose of being sold and conveyed to the owner or owners of the lot or lots, or part of the lot, that shall be cut off from the road by such strip, if such owner or owners shall desire to purchase the same at a valuation, to be determined by valuers to be chosen, one by the owner or owners of the lot, or part of the lot cut off from such road, another by the owner or owners of the lot or part of the lot on which such road runs, and the third by the Corporation of the said Township, and the valuation of any two of the valuers so appointed shall be binding; and, upon payment of the said valuation to the said Corporation, for the use of the owner or owners of the lot or lots or part of the lot or lots over which such road runs, the said Corporation shall convey the land so purchased to the purchaser, his heirs and assigns in fee.

4. In case the owner or owners of the lot, or part thereof, so separated from such road, shall refuse to purchase the strip of land lying between his, her, or their land and the said road respectively, or shall neglect or refuse to appoint a valuator within ten days after being notified so to do by the Clerk of the said Corporation, who is hereby required to give such notice at the instance of the owner or owners of the land on which such road runs, or shall neglect, for one month after such valuation, to pay the amount thereof to the said Corporation, the said Corporation shall convey, in fee forever, the said strip of land, or such parts thereof as shall lie between the said road and the land of the person or persons so refusing to purchase or neglecting or refusing to appoint a valuator, or neglecting to pay the purchase money after valuation, as aforesaid, to the owner or owners of that part of the lot on which such road runs, lying opposite to the land of the person or persons so refusing to purchase, or neglecting or refusing to appoint a valuator, or refusing to pay the amount of such valuation aforesaid.

Public Act.

5. This Act shall be deemed a Public Act.

C A P . X L I .

An Act to confirm the action of the Corporation of the late united Townships of Arthur and Luther, under the Act to enable County Councils to raise money for assisting persons in certain cases to sow their land, and for other purposes.

[Assented to 9th June, 1862.]

WHEREAS the corporations of the Townships of Arthur and Luther have, by Petition, shewn, that under the Act to enable County Councils to raise money for assisting persons in certain cases to sow their land, and for other purposes, passed in the twenty-second year of Her Majesty's reign, the Council of the late united Townships of Arthur and Luther, having borrowed a large amount from the County Council of the County of Wellington, instead of loaning the same to persons in want, or purchasing the seed wheat and delivering the same to persons in need thereof, under a misapprehension of their duties and powers under the said Act, purchased provisions and distributed the same, and relieved needy individuals therewith; And also that no by-law, as required by the said Act, was regularly passed by the Council of the late united Townships of Arthur and Luther before their separation, which took place on the first day of January, in the year of Our Lord one thousand eight hundred and sixty, and have prayed that their proceedings in the premises may be legalised, and it is expedient to grant the said prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The purchase and distribution of food and provisions by the Council of the late united townships of Arthur and Luther, made in the year of Our Lord one thousand eight hundred and fifty-nine, and the relief by them given, as in the preamble recited, shall be deemed within the intention and provisions of the said Act to enable County Councils to raise money for assisting persons in certain cases to sow their land, and for other purposes; and the parties who obtained such food, provisions and other relief, shall be liable and shall pay for what they so received, at the prices fixed by a resolution of the Council of the said late united townships, passed on the eighteenth day of October, in the year of Our Lord one thousand eight hundred and fifty-nine, as if the same were a loan of money, or seed wheat, under the said Act.

Loans and distribution of food instead of seed wheat, legalized and confirmed.

2. Such amounts or loans shall be held to have been payable by the parties who obtained such food or provisions, by instalments, as intended and provided by a certain irregular by-law of the said Council, numbered four, that is to say, one-third of the said amounts or loans, on the first day of February, one thousand

Periods for repayment of advances.

thousand eight hundred and sixty, with interest after the rate of six per cent. on the whole loan; one-third of the said amounts or loans on the first day of February, one thousand eight hundred and sixty-one, with one year's interest, after the said rate, on two-thirds of the whole loan; and the remaining one-third of the said amounts or loans, with one year's interest thereon, after the said rate, on the first day of February, one thousand eight hundred and sixty-two; together with a percentage of six and one half upon each instalment and interest, to cover the expenses of collection.

Collection Roll of Arthur to shew certain particulars.

3. The Clerk of the Municipal Council of the Township of Arthur shall make out a Collector's Roll, and deliver the same to the Collector of the said township, which shall state fully the names of all parties who are known to have obtained food, provisions and relief as above stated, from the Council of the said late united townships,—the quantities and description of food, provisions or other necessaries, obtained by them separately,—the prices at which the articles were charged to such parties—the total amount charged against each of such parties,—and the amounts of the instalments chargeable against each of such parties, with interest,—and the dates at which such instalments respectively became due,—all the amounts paid by such parties respectively, up to the time such Roll is placed in the hands of the Collector,—and the amounts of the said instalments and interest thereon which are due by such persons separately at the time of the delivery to the Collector of such roll; and the Collector of the township of Arthur may collect the same in the name of the corporation of the township of Arthur, according to the provision and intention of the said irregular by-law, together with a commission or a percentage of six and one half for expenses of collection, and interest after the rate of six per centum per annum, as above provided, in the same manner as if such instalments, percentage and interest, were a special annual rate, duly imposed in accordance with the provisions of the sixth section of the said Act.

Collection and percentage to Collectors.

If the amount advanced is disputed it may be sued for in the Division Court.

4. In case any doubt or dispute arises as to the amount with which any such party should be charged, or in case of the party charged residing beyond the limits of the townships of Arthur and Luther, the Collector may, in the name of the corporation of the township of Arthur, sue for and recover the whole amounts charged against him in any division court having jurisdiction, as for a debt due to the said corporation.

Provision in case other parties than those on the Collector's Roll are found to have received advances.

5. And whereas a large number of individuals have obtained from the said Municipal Council, food, provisions, and other necessaries as aforesaid, whose names are as yet unknown to the Clerk of the Municipality of the Township of Arthur, it is therefore further enacted, that in case it is discovered, after such roll is placed in the Collector's hands, under this Act, that any party other than those named in the said Collector's Roll has obtained

obtained food, provisions and relief from the said Municipal Council, under the said Act, the Clerk of the Municipality of the Township of Arthur shall add the name of such party to the said roll, with the particulars in the third section of this Act provided, and the Collector shall collect the amounts due by him, and proceed against him in the same manner as if his name had been upon the original Roll.

6. The Collector of the Township of Arthur shall, on demand, furnish to the Treasurer of the Municipality of the said township, a correct list, sworn to before any Justice of the Peace for the County of Wellington, of all the parties from whom he has at any time collected money under this Act, and a correct account of the amount paid by each individual, and shall at the same time pay over the amount so collected to the said Treasurer.

Collector to account for moneys by him received under this Act.

7. This Act shall be deemed a Public Act.

Public Act.

C A P . X L I I .

An Act respecting the Survey of the third and fourth Concessions of the Township of Crowland, in the County of Welland.

[Assented to 9th June, 1862.]

WHEREAS disputes have arisen regarding the original survey of part of the line between the third and fourth concessions of the Township of Crowland, in the County of Welland; and whereas Edmund Joseph Decew, Esquire, a Provincial Land Surveyor, in the year of Our Lord, one thousand eight hundred and fifty-four, under the provisions of the Act twelfth Victoria, chapter thirty-five, was appointed by the Commissioner of Crown Lands to survey the said line and to mark the same by permanent stone boundaries; and whereas the said Edmund Joseph Decew, did subsequently survey the said line, and caused permanent boundaries to be planted at the front angles of the lots, as provided by the said Act, but in making such survey, it is alleged that the said Edmund Joseph Decew had not the benefit of all the evidence that might have been obtained or given, touching the original survey of the said line, and disputes and differences have arisen as to the correctness of the said survey; and whereas to put an end to such disputes and differences, the parties interested in the lands affected by the said survey, are willing that for the mutual satisfaction of all parties, a new survey of the said line shall be made by some other competent Land Surveyor, wholly unconnected with the owners of the said lots, and not otherwise interested in the premises; and whereas it is desirable that a re-survey of the said line should be had under the provisions of the Act chapter seventy-seven of the Consolidated Statutes

Preamble.

Statutes

Statutes of Canada : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Survey of E. J. Decew set aside.

1. The said survey of the said Edmund Joseph Decew so made as aforesaid, shall be and the same is hereby set aside and annulled

New survey to be made under Commissioner of Crown Lands.

2. It shall be the duty of the Commissioner of Crown Lands, within six months after the passing of this Act, without any further or other application to the Governor by the County Council of the said County of Welland, than has already heretofore been made, to cause the said line to be re-surveyed by a disinterested and competent Provincial Land Surveyor, in the manner prescribed by the said last recited Act, and it is hereby declared that the fifty-eighth and subsequent sections of the said Act, so far as the same relate to the survey of the said line, and to the expenses thereof, and to the obligation on the County Council of the said County of Welland, to levy on the proprietors of the said lots, the sum necessary to defray the same, or otherwise, howsoever, shall be and the same are hereby extended to and are made part of this Act.

Costs of such survey.

3. The said Land Surveyor in proceeding to ascertain the original boundary between the said Concessions, besides examining persons on oath, shall be at liberty, and he is hereby required to make use of all such documentary evidence heretofore by any person or persons legally taken, touching the said original boundary, as shall be produced to him ; and all such evidence so taken, may be filed in the Registry Office of the said County of Welland, with a plan and report of the said survey, in accordance with the one hundred and third section of the said Act, and a certified copy thereof shall be forwarded to the said Commissioner of Crown Lands.

Powers of Surveyor employed on such survey.

Evidence taken to be filed with Registrar.

Public Act.

4. This Act shall be deemed a Public Act.

C A P. X L I I I .

An Act to establish the side lines in the township of Kenyon, in the County of Glengarry.

[Assented to 9th June, 1862.]

Preamble.

WHEREAS the Corporation of the township of Kenyon have, by their petition, represented, that a great number of the side road allowances in the said township have been opened up and travelled, and statute labour and public money expended thereon for a number of years ; that it has been discovered, upon recent and more accurate survey being made in several concessions, in the said township, that many, if not all, of the said side roads, so laid out as aforesaid, and improved and

and travelled, are not on the true original allowances, and that to alter the said lines of road, and to place the same on the true allowances would be attended with great difficulty and expense; and have prayed that the side roads, where opened and improved, should be confirmed and established; and it is expedient to grant the prayer of their petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The several side roads in the said township of Kenyon, as now laid out and improved and travelled, shall be and the same are hereby declared to be the true and unalterable Government allowances for side roads in the said township, any law or usage to the contrary notwithstanding. Present travelled roads confirmed.

2. This Act shall be deemed a Public Act.

Public Act.

C A P . X L I V .

An Act to authorize the Mayor, Aldermen and Citizens of the City of Montreal, to borrow certain sums of money for drainage and other purposes therein mentioned.

[Assented to 9th June, 1862.]

WHEREAS it is necessary to provide means for the more effectual drainage of certain sections of the City of Montreal, where serious danger is apprehended to the lives of the inhabitants of the said City; and whereas it is expedient to establish an Electric Fire-alarm Telegraph in the said City, the more effectually to guard against accidents by fire, and to subserve also the purposes of the Police and Water Departments; and whereas the Council of the said City have, by their Petition, asked for the authority they require, to borrow the sums necessary for the purposes above referred to, and it is expedient to grant such prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

1. For the purpose of draining the localities above referred to, and also to assist the said Corporation in making the improvements and street repairs that may be required in the said City, during the present year, the said Corporation is hereby authorized to borrow a sum not exceeding one hundred and seventy-five thousand dollars, and to issue, under the hand of the Mayor and seal of the Corporation, Debentures or Corporation Bonds, to the amount of one hundred and seventy-five thousand dollars aforesaid, payable twenty-five years after the date of the issue thereof, respectively, and bearing interest payable semi-annually on the first days of May and November in each and every year, and at a rate not exceeding six per centum per annum; and all such debentures may be issued from time Loan of \$175,000 authorized for drainage.
Debentures.

Coupons.

time to time, at such periods, and for such amounts as shall be deemed expedient; and they may have *coupons* annexed to them, for the half-yearly interest payable on them, which *coupons*, being signed by the Mayor or the Treasurer of the said Corporation, shall be respectively payable to the bearer thereof, when the half-yearly interest therein mentioned becomes due, and shall, on payment thereof, be delivered up to the said Corporation; and the possession of any such *coupons* by the Corporation shall be *prima facie* evidence that the half-year's interest therein mentioned has been paid, according to the tenor of such debentures; and all such debentures, the interest as well as the principal thereof, are and shall be secured on the general funds of the said Corporation.

How secured.

Loan of
\$20,000
authorized for
City Telegraph.

Debentures.

2. For the purpose of constructing and establishing a City Electric Telegraph as aforesaid, it shall be lawful for the said Corporation to effect a special loan of twenty thousand dollars, to be designated the "City Telegraph Loan," and to issue under the hand of the Mayor and the seal of the Corporation, Debentures or Corporation Bonds to the amount of twenty thousand dollars aforesaid, payable twenty-five years after the date of the issue thereof respectively, and bearing interest payable semi-annually on the first day of May and November in each and every year, and at a rate not exceeding six per centum per annum; and all such debentures shall be headed with the words or title "The City Telegraph Loan," to designate the object and purpose for which they shall be issued; they may be issued from time to time, at such periods and for such amounts as shall be deemed expedient; and they may have *coupons* annexed to them, for the half-yearly interest payable on them, which *coupons* being signed by the Mayor or the Treasurer of the said Corporation, shall be respectively payable to the bearer thereof, when the half-yearly interest therein mentioned becomes due, and shall, on payment thereof, be delivered up to the said corporation; and the possession of any such *coupons* by the Corporation shall be *prima facie* evidence that the half-year's interest therein mentioned has been paid, according to the tenor of such debenture; and all such debentures, and as well the interest as the principal thereof, are and shall be secured on the general funds of the said Corporation, as well as by a special privilege on the works and apparatus to be constructed and established by means thereof.

Coupons.

How secured.

Form, &c., of
Debentures,
may be in cur-
rency or ster-
ling, &c.

3. The amount which the said Corporation is empowered to borrow by the two preceding sections, may be borrowed either in this Province or elsewhere, and the principal sum and interest thereon as aforesaid, may be made payable either in this Province or elsewhere, and either in sterling money, or the currency of this Province, or in that of the place where the same shall be payable, and generally all the provisions of the Acts now in force as to debentures issued by the said Corporation, shall apply to those to be issued under this Act, except only in so far as they may be inconsistent with this Act.

4. And whereas the said Corporation of the Mayor, Aldermen and citizens of the City of Montreal, under the authority of an Act of the Provincial Legislature, passed in the twelfth year of Her Majesty's Reign, intituled: *An Act further to amend an Act incorporating the St. Lawrence and Atlantic Railroad Company*, and with a view to promote the speedy completion of the said road, subscribed for five thousand shares of the stock of the said St. Lawrence and Atlantic Railroad Company, the said shares representing a capital of one hundred and twenty-five thousand pounds, for which the said Corporation issued their Bonds or Debentures, as a loan in favor of the said Company, payable as follows, viz:

Recital of loan to St. Lawrence and Atlantic R. R. Company.
12 V. c. 176.

1.—Twenty-five thousand pounds on the first of March, one thousand eight hundred and fifty-seven ;

2.—Twenty-five thousand pounds on the first of June, one thousand eight hundred and fifty-nine ;

3.—Twenty-five thousand pounds on the first of October, one thousand eight hundred and sixty-one ;

4.—Twenty-five thousand pounds on the first of October, one thousand eight hundred and sixty-three ;

5.—Twenty-five thousand pounds on the first of September, one thousand eight hundred and sixty-five ;

And whereas an Act was passed in the sixteenth year of Her Majesty's Reign, intituled: *An Act to empower any Railway Company whose Railway forms part of the Main Trunk Line of Railway throughout this Province, to unite with any other such Company, or to purchase the property and rights of any other such Company, and to repeal certain Acts therein mentioned, incorporating Railway Companies*; and whereas under the powers and provisions of the hereinbefore last cited Act, the said St. Lawrence and Atlantic Railroad Company has been united with and incorporated into the Grand Trunk Railway Company, under the name of "The Grand Trunk Railway Company of Canada," upon certain terms and conditions embodied in an agreement made and passed between the Directors of the said St. Lawrence and Atlantic Railroad Company, and the said Grand Trunk Railway Company, bearing date the twelfth day of April, one thousand eight hundred and fifty-three, and which agreement has since been ratified and confirmed by an Act passed in the eighteenth year of Her Majesty's Reign, intituled: *An Act to amend the Acts relating to the Grand Trunk Railway Company of Canada*; and whereas the said Grand Trunk Railway Company have, by the said amalgamation and by the said agreement of the twelfth of April, one thousand eight hundred and fifty-three, assumed and become responsible for all the liabilities and debts of the said St.

16 V. c. 39.

18 V. c. 33.

Loan of
\$350,000
authorized to
pay off remain-
der of the said
loan of not re-
deemed by
Grand Trunk
Railway Com-
pany.

Debentures,
and what pro-
visions shall
apply to them.

Proviso.

Lawrence and Atlantic Railroad Company, including the payment of the Bonds or Debentures hereinbefore referred to; and whereas the said Grand Trunk Railway Company have, by virtue of the said amalgamation and of the said agreement, paid and redeemed the first and second instalments of the said Bonds or Debentures, amounting to twenty-five thousand pounds each, and respectively due on the first of March, one thousand eight hundred and fifty-seven, and first of June, one thousand eight hundred and fifty-nine, as aforesaid; and whereas the said Grand Trunk Railway Company have failed to meet the payment of the third instalment of the said Bonds or Debentures, due on the first of October last past, as well as the interest accrued on the said Bonds or Debentures since the first day of March, one thousand eight hundred and sixty-one; and whereas there is reason to believe the said Grand Trunk Railway Company may not meet or redeem the payment of the balance due as aforesaid, or to be due on the said Bonds or Debentures at the period and periods fixed for such payment and redemption; and whereas the said Corporation have no funds at their disposal with which to meet or redeem the payment of the said Bonds or Debentures at maturity, and it is expedient that some provisions should be made to enable the said Corporation to take up or redeem the said Bonds or Debentures at their maturity, in the event of the said Grand Trunk Railway Company failing to do so;—Therefore, for the purpose of enabling the said Corporation to pay the instalment due as aforesaid on the first of September, one thousand eight hundred and sixty-one, on the said Bonds or Debentures, and also the last two instalments thereof, to be respectively due as aforesaid, on the first of October, one thousand eight hundred and sixty-three, and the first of September, one thousand eight hundred and sixty-five, and the interest thereon, if not previously redeemed by the said Grand Trunk Railway Company, the said Corporation may and they are hereby authorized to borrow a sum of three hundred and fifty thousand dollars, and to issue, under the hand of the Mayor and seal of the said Corporation, Debentures or Bonds, payable twenty years after the date of the issue thereof respectively, and bearing interest payable semi-annually on the first days of May and November in each and every year, and at a rate not exceeding six per centum; and all such Debentures or Bonds may be issued from time to time, at such periods, and for such amounts as may be deemed necessary, and they may have *coupons* annexed to them, in the same manner and form as the Bonds or Debentures referred to and authorized to be issued by the first and second sections of this Act, and generally all the provisions of the first, second and third sections of this Act, as to the Debentures to be issued under the authority of the same, shall apply to the Debentures or Bonds to be issued under the present section, except only in so far as they may be inconsistent with the present section; Provided, however, that nothing herein contained shall in any way interfere with, alter or affect any right or claim which the said

said Corporation may have or possess against the said Grand Trunk Railway Company of Canada, as regards the payment of the original Bonds or Debentures granted by the said Corporation to the said St. Lawrence and Atlantic Railroad Company as aforesaid, and that the obligation to redeem the said Bonds or Debentures, and interest thereon, at maturity, assumed by the said Grand Trunk Railway Company, as aforesaid, shall continue to have its full effect and remain in force, notwithstanding any thing contained in the present Act; Proviso. Provided, also, that nothing in this section shall be construed to exempt or relieve the said Grand Trunk Railway Company from any of the liabilities incurred or assumed by them, in regard to the payment of the said Bonds or Debentures, by the amalgamation of the said Grand Trunk Railway Company with the said St. Lawrence and Atlantic Railroad Company as aforesaid, and the agreement entered into, as aforesaid, between those two Companies on the twelfth of April, one thousand eight hundred and fifty-three.

5. All the provisions of any law inconsistent with the provisions of this Act shall be and the same are hereby repealed. Inconsistent enactments repealed.

6. This Act shall be held to be a Public Act. Public Act.

C A P . X L V .

An Act to amend the Acts incorporating and relating to the City of Quebec.

[Assented to 9th June, 1862.]

WHEREAS the Corporation of the City of Quebec have, Preamble. by their petition, prayed for certain amendments to the several Acts incorporating and relating to the City of Quebec; and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. Every voter at municipal elections for Councillors in the City of Quebec, shall vote in each ward in which he is assessed to an amount qualifying such voter to vote at present in one ward; no person shall be permitted to give more than one vote in each ward; Voters to vote once only in each ward in which they are qualified. Provided, always, that no voter shall have more than one vote at any election for Mayor of said City, and every such voter at an election for Mayor shall vote in the ward in which he resides, and if he reside beyond the City limits, he shall make his option, in writing, at least one month before the election, in which ward he will vote, being duly qualified to vote therein. Proviso, only one vote for Mayor.

2. The Mayor of the City of Quebec, the Recorder of the City of Quebec, and the Inspector and Superintendent of Police Board of Revisors appointed.

of the City of Quebec, for the time being, shall be and constitute a Board of Revisors, to revise the voters' list, and decide according to the best of their judgment upon the claims made under and in pursuance of the provisions of the Statutes in that behalf made and provided, for the insertion or omission of names in or from the said list, and the Mayor shall preside at the meetings of the said Board; and such Board shall, on their first day of meeting, be duly sworn by a Justice of the Peace for the District of Quebec, well and impartially to perform their duties as such Revisors; and the said Board shall give public notice before their first day of sitting, of the order in which they will take up the lists of the several wards, and they shall meet on the twentieth day of November or on the first juridical day thereafter, if the same be a holiday, at ten o'clock in the forenoon, in the City Hall, for the purpose of hearing persons concerned in making the said claims, or their duly constituted attorneys, and deciding upon them, and shall adjourn from day to day until all the voters' lists be revised and settled; The Mayor, when presiding at the said Board, shall have power to examine persons upon oath respecting the said claims, and all matters connected with the revision of the said lists; and the said Board, after hearing the best evidence of which the cases will admit, shall, and they are hereby required to decide upon and make the necessary additions to and erasures from the said voters' lists, in relation to the applications before them; and the said Board shall also have power to correct any mistake, or supply any incidental omission made by the assessors in the said lists; and the said lists so revised and settled, shall be signed by the Mayor, and sealed with the City Seal, and shall be the only correct voters' lists; Provided, always, that the said lists shall be finally completed before the tenth day of December in each year; and provided also, that no person's name shall be erased from any of the said lists without his being informed of the claim to that effect, and having an opportunity of being heard in reference thereto; Whenever any member of the said Board shall be prevented from attending the meetings thereof, by illness, absence from the said City or otherwise, it shall be the duty of the Mayor of the said City, and he is hereby authorized forthwith to name, from among the members of the Council of the said City, such and so many Councillors as may be necessary to supply the places of the members of the said Board who shall be prevented from attending as aforesaid, which said Councillors shall have full power and authority to act in the premises after being duly sworn in the manner in this section provided, until the close of the election or the return of the persons in whose place they were appointed, and in case the Mayor be absent as aforesaid, then the members of the Board, including the persons appointed to act in the absence of the others, present at any meeting thereof, shall choose one of their number to preside at such meeting, and such person so chosen shall have the power herein given to the Mayor in respect of his presiding at such Board; Provided, always, that the same

To be sworn.

Duties and power of Board.

Proviso: as to erasing names.

In case any member is unable to attend.

Proviso.

same appeal now given from the Board of Revisors shall be given from the decision of the Board hereby created.

3. The voters' list for each ward, when so settled and signed, shall be again placed and kept in the City Hall until after the close of the elections, and shall then be filed in the office of the City Clerk.

Voters' list to be kept in City Hall.

4. Whenever a poll shall have been granted for the election of a Councillor in any ward, the voting for such Councillor shall take place in such ward for which such poll shall have been granted, at such place within the same as shall have been fixed by the Council of the said City at any meeting thereof, held previous to the tenth day of December in each year; The said voting shall begin on the fifteenth day of December in each year, or if that be a holiday, then on the first juridical day thereafter, and shall last and continue on the next juridical day thereafter only; The poll shall be opened each juridical day at nine of the clock in the morning, and shall be closed at four of the clock in the afternoon each day.

Where elections shall take place.

Days and hours of voting.

5. The election in each ward shall be presided over by such Councillor as shall have been named for that purpose by the said Council at any meeting thereof, held previously to the tenth day of December in each year.

President of Election.

6. As soon as a poll shall have been granted for the election of a Councillor as aforesaid in any ward, it shall be the duty of the City Clerk of the said City forthwith to make a correct copy of the voters' list for such ward, to which copy he shall attach the seal of the said City and affix his signature; and he shall moreover make oath before the Recorder of the said City, or any Justice of the Peace for the District of Quebec, that such copy is a correct copy of the said voters' list for such ward, which oath shall be appended to the said copy, and thereupon the said City Clerk shall forthwith transmit to such Councillor named to preside at the election in such ward as aforesaid, the said copy of the said voters' list for the said ward.

Duty of City Clerk as regards elections.

7. Every person whose name shall appear in the said copy of the said voters' list for the said ward, transmitted to the said Councillor as aforesaid, shall be entitled to vote at the election of a Councillor or Councillors as the case may be, for such ward without any further enquiry as to his qualification; and without taking any oath other than the following, which oath the said Councillor presiding as aforesaid, is hereby required and authorized to administer:

Rights of persons named in voters' lists to vote, and on taking what oath.

“ I make oath that my name is _____, and that I am _____
 “ the person named in the copy of the voters' list for _____
 “ ward of _____ and in the City of Quebec, for municipal elections,
 “ now shewn me, that I have not before voted at this election
 “ in _____ Form of oath.

“ in this ward ; that I have not received directly or indirectly
 “ any money, promissory note, promise, place or employment,
 “ and that the assessments or taxes due by me have not been
 “ paid by any one to induce me to vote for any of the candidates
 “ at this election, and that I am at least twenty-one years of
 “ age. So help me God.”

Poll books to
 be prepared.

8. The Council of the said City shall cause books to be prepared, one of which shall be delivered by the City Clerk, to such Councillor so named to preside at such election as aforesaid, at least twenty-four hours before such voting shall commence, in which shall be written under the supervision of the said Councillor during the said voting, the name of each voter who shall vote at the said election in the said ward, together with the name of the person for whom such voter shall vote to be Councillor for such ward.

When oath to
 be administered
 to voters.

9. Upon the demand of any candidate, or his duly authorized agent, or of any duly qualified elector of such ward, it shall be the duty of such presiding Councillor, and he is hereby authorized to administer to any voter the oath appended to the seventh section of this Act ; if the voter refuse to take the said oath, the words “ refused to swear ” shall be written opposite his name, and he shall not be allowed to vote, if the voter take the oath, the word “ sworn ” shall be written opposite his name, and his vote shall be received and registered ; in either case the name of the party who demands that the oath be administered shall be written down in the said book in a column to be provided for that purpose.

Poll clerk to be
 appointed in
 each ward.

10. The Mayor of the said City shall appoint a Clerk for each ward to write down in the said book under the supervision of the said presiding Councillor, the names of all the voters who shall vote at the election in such ward, and to make all other entries therein by this Act or by law required to be made ; before such clerk shall act in the premises, he shall take before the said Mayor or before any Councillor of the said City, the following oath :

His oath.

“ I, _____, do hereby make oath that I will faithfully,
 “ truly, and impartially, to the best of my ability, perform the
 “ duties of clerk at the election for Councillor for
 “ Ward of this City, to be begun and holden on the
 “ day of December instant. So help me God.”

Provisions in
 case of poll
 being granted
 for election of
 Mayor.

11. If a poll be granted for the election of a Mayor of the said City, the voting for such Mayor shall take place in each ward in the said City, at such place in each ward as shall have been fixed by the said Council at any meeting thereof held previous to the tenth day of December in each year ; The provisions hereinabove contained respecting the right to vote, as shewn by the said copy of the said voters' list, the transmission of

of the said copy to the Councillor appointed to preside at the election, the days of voting, the duration of the said voting, the entering of voters' names in the said book, the swearing of voters, the entering of the names of the candidate for whom the voter shall vote for Mayor, the appointment of Councillor to preside at the election, the appointment of clerk to make the said entries, the oath to be taken by such clerk, and all the other provisions hereinbefore enacted in respect of the election of a Councillor or Councillors for each ward, shall apply to the election of such Mayor; It being provided that the names of the persons voting for Mayor in each ward shall be entered in the same book as that in which shall be entered the names of those voting for Councillor for such ward, and when voters record their votes for Mayor and for Councillor in such ward, separate and distinct columns shall be kept in each of the said books, at the head of which shall be written the names of the candidates or persons voted for, and as each voter declares the name of the party for whom he votes, the vote shall be recorded by making the figure '1' in the column opposite the voter's name, and under the name of the candidate or person voted for.

Entry of names
of voters.

12. In the event of the decease or absence from illness or otherwise, of any Councillor appointed to preside at any election as aforesaid, or of any clerk appointed as aforesaid, it shall be the duty of the said Mayor forthwith to appoint another in his stead; and in this case such clerk to be so appointed shall take, in the manner hereinbefore provided, the oath respecting the performance of his duties as such clerk.

In case of ab-
sence of Presi-
dent or Poll
Clerk.

13. At the close of the voting each day in each ward as aforesaid, it shall be the duty of the Councillor presiding at the said election to add up the number of votes given and recorded in the said book at the said election, to and for each candidate for the office of Mayor of the said City, and to each candidate for the office of Councillor for the said ward, and to return the said book to the City Clerk immediately after the close of the election; The said Councillor shall make oath before the Recorder, the Mayor, or any Councillor of the said City, that the said book has been truly and faithfully kept, and he shall subscribe his signature to the said oath.

Duty of Coun-
cillor presiding
after the close
of the election.

Oath.

14. On the first juridical day of December in each year after the close of the said voting, at ten of the clock in the forenoon, the said Board of Revisors shall meet in the City Hall, and shall have all the said ward books kept at the elections in the several wards brought before them, and shall thereupon ascertain and report to the said Council at its first meeting thereafter, the total number of votes given to and recorded in the whole of the said books, for each candidate for the office of Mayor of the said City, and the total number of votes given to and recorded in each ward book, for each candidate for the office of Councillor for the said ward, and

Duty of Board
of Revisors af-
ter close of
voting.

Counting votes.

and for whom the greatest number of votes has been recorded for the office of Mayor of the said City, and for the office of Councillor for each ward thereof, and the said Council shall thereupon declare the party having the greatest number of votes for the office of Mayor of the said City, to be elected Mayor of the said City, and the party having the greatest number of votes for the office of Councillor in each ward to be elected Councillor of the said City, and in case of any equality of votes in respect of the said office of Mayor or Councillor, the said Council shall determine which of the said parties having the said equality shall be elected to office; and the said books, with the names of the said voters, and the names of the parties for whom they have respectively voted, shall remain in the office of the City Clerk, where they shall be open to inspection by any elector on payment of twenty-five cents; Provided, always, that the newly elected Mayor and Councillors as aforesaid, shall not enter upon the duties of their office and shall not enjoy any of the rights and privileges, nor be liable to any of the duties and responsibilities of Mayor or Councillors, until, from and after the third Monday in January in each year.

Case of equality of votes.

Books to remain with City Clerk.

Proviso.

Penalty on members of Board refusing to act.

15. If any member of the said Board of Revisors appointed as such by this Act, or appointed by the said Mayor under the provisions of this Act, shall neglect or refuse to perform any of the duties required of him under the provisions of this Act, he shall incur a penalty of eight hundred dollars.

Duty of Treasurer as regards City accounts.

16. 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 the Mayor or of any of the Councillors of the said City, and all the accounts of the said Treasurer, with all vouchers and papers relating thereto, shall be made up to and closed on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, and the thirty-first day of December in each year; and shall immediately, after each of the said days, be submitted by such Treasurer to the Auditors elected for the said City, and such members of the said Council as the Mayor of the said City shall name; and the said books of account, accounts and all vouchers and papers relating thereto, shall thereupon be open to the inspection and 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 quarter preceding such 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 for the quarter ending on the thirty-first day of December in each year, the Treasurer shall make out in writing, and cause to be printed, a full abstract of his accounts for

Submission of accounts to auditors.

Abstract to be published after audit.

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.

17. It shall not be necessary that any Auditor elected by the said Council should possess any qualification in respect of real or personal estate. Auditors need not qualify.

18. Whenever the Road Surveyor, or City Inspector of the said City, shall deem it necessary that a new footway should be laid down, or renewed in front of any house or premises in any street in the said City, in which street the water and drainage shall have been introduced, it shall be incumbent on the proprietor or occupant of such house or premises, within seven days after notice to that effect shall have been served upon him or her by the said Road Surveyor or City Inspector, to furnish and deliver on the spot the necessary deals or planks to make such footway or renew the same, and in default of his or her doing so within the said delay, it shall be competent to the said Road Surveyor or City Inspector to cause the said deals or planks to be purchased for the purpose aforesaid and delivered on the spot aforesaid, and to recover the cost thereof of and from the said proprietor or occupant, by action in the name of the Mayor, Councillors and Citizens of the City of Quebec, in the Recorder's Court, together with the costs of such action; In cases where, by his lease or agreement, the occupant is not bound to pay for such charges, he shall be entitled to recover the amount of the said deals or planks, or the amount of the said judgment and costs, from the proprietor of the said house or premises. Provisions as to the making of new foot-paths.
Recovery of costs.
Right of occupant as against proprietor.

19. In cases where any assessments, rates, taxes or duties are charged against, or for and in respect of heirs or persons, when there are more than one, whose names cannot conveniently be ascertained, it shall be sufficient to enter in the assessment books, the name of any one of such heirs or persons, and upon such heir or heirs, or person or persons being foreclosed in respect of their right to complain of any charges in the said assessment books contained, execution may issue against the goods and chattels, land and tenements, of such heir or heirs, person or persons, for the whole amount charged in the said assessment books against him or them respectively, with the costs of such execution; and in cases where the said assessments, rates, taxes, or duties are charged against any tenant or occupant who shall not pay the same, execution may issue against the goods and chattels, garnishing the premises in the occupation of such tenant, and such goods and chattels shall be liable to seizure and sale for the payment thereof, and of the costs of such execution. In case names of parties assessed cannot be ascertained.
Seizure of goods garnishing the premises.

Criminal Jurisdiction of Recorder's Court.

20. From and after passing of this Act, the Recorder's Court of the said City shall only have criminal jurisdiction in cases instituted for the recovery of fines or penalties imposed by or under the provisions of the Acts incorporating or relating to the said City, and by, or under the provisions of the by-laws, rules and orders, now or which hereafter may be in force in the said City, or where, for the violation of either, imprisonment may be awarded.

Certified copies of By-laws to be held authentic.

21. All copies, written or printed, of any by-law, rule or order of the Council of the said City, certified by the City Clerk, which shall be produced before the said Recorder's Court, shall be held authentic, and shall accordingly be received in evidence in the said Court, and in any other Court into which the proceedings may be removed or brought by *certiorari*, or appeal, or otherwise, civil or criminal, without further proof, unless proof to the contrary be shewn, as required by the laws in force in Lower Canada.

Provision for enforcement of penalties.

22. All fines and penalties imposed by the provisions of the Acts incorporating or relating to the said City, or by the provisions of the by-laws, rules or orders of the Council of the said City, now or hereafter to be in force, or by the provisions of the rules or orders which now are, or which hereafter may be in force in the said City, shall be recovered with costs, by payment of the said fine or penalty and costs, either immediately or within such delay as shall be granted by the said Recorder's Court, and in default of immediate payment, (or within the said delay,) of the said fine or penalty and costs, the party against whom judgment shall have been rendered, shall be imprisoned in the Common Gaol of the District of Quebec for a period not exceeding two months, unless such fine or penalty with costs, and the costs of the commitment be sooner paid; anything in the said Acts, by-laws, rules, or orders to the contrary notwithstanding.

Addition to sect. 61 of 18 Vic. cap. 159.

23. After the words "sufficient to pay the interest of the purchase money thereof," in the sixty-first section of the Act passed in the eighteenth year of Her Majesty's Reign, chapter one hundred and fifty-nine, intitled: *An Act to amend and consolidate the provisions contained in the ordinances to incorporate the City and Town of Quebec, and to vest more ample powers in the Corporation of the said City and Town*, there shall be added the words "the expenses incident to the first repairs consequent thereon."

Sect. 16 of the said Act amended.

24. The sixteenth section of the last mentioned Act is hereby amended by striking out of the same, the words "and the said certificates may be deposited in the City Hall," and the said words are hereby struck out of and from the said section.

25. The thirty-fourth section of the last mentioned Act is hereby amended by striking out of the same, the words "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 the said words are hereby struck out of and from the said section. Sect. 34 of said Act amended.

26. The fortieth section of the last mentioned Act is hereby amended by striking out of the same, the words "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 the said words are hereby struck out of and from the said section. Sect. 40 of said Act amended.

27. After the words "employ any means of corruption, by," in the fourth section of the Act passed in the twenty-second year (one thousand eight hundred and fifty-eight,) of Her Majesty's Reign, numbered chapter thirty, intituled: *An Act to amend the Act passed in the eighteenth year of Her Majesty's Reign, chapter one hundred and fifty-nine, intituled: An Act to amend and consolidate the provisions contained in the ordinances to incorporate the City and Town of Quebec, and to vest more ample powers in the Corporation of the said City and Town,* there shall be added the following words, "paying any assessments, or taxes or by." Sect. 4 of 22 Vic. cap. 30, amended.

28. The eleventh section of the last mentioned Act is hereby amended, by adding the following words, which are hereby added to the end of the said section, namely, "together with all and every, the sum and sums, amount and amounts charged against him therein for taxes, rates, duties, or other municipal charges whatever, and it is hereby further provided, that when any person shall be so foreclosed, it shall not be necessary that any suit, action, or proceeding be instituted for the recovery of the said assessments, taxes, rates, duties or municipal charges, or any or either of them, but the same and the whole thereof shall be, remain, and have the effect of a judgment rendered by the said Recorder's Court against such person so foreclosed, which said judgment shall come into force and date from the day upon which such person shall have been so foreclosed, and execution may issue against the goods and chattels, lands, and tenements of such person to obtain payment of the said assessments, taxes, rates, duties and municipal charges, at the expiration of fifteen days after such foreclosure as aforesaid; provided always, that fifteen days' notice shall be given to such person of the amount of his indebtedness, previous to the issuing of such execution; provided always, that nothing herein contained shall prevent or be construed to prevent any such person from filing any opposition to such execution, alleging any matter or thing which could now be urged before the said Recorder's Court, notwithstanding any such foreclosure as aforesaid, and provided further, that no such opposition shall be received" Sect. 11 of said Act amended.
Effect of foreclosure of right of appeal as respects assessment.
Proviso.
Proviso.
Proviso.

received or filed unless the costs upon and incident to such execution be paid at the time such opposition is so presented.

Sect. 19 of said Act amended.

If the assessments for the year are not completed.

29. The nineteenth section of the last mentioned Act is hereby amended by adding the following words, and they are hereby added to the end of the said section, namely, " provided always, that if the said assessments, taxes, rates, and duties for the current year have not been entered in the assessment books, at the time when it shall become necessary to claim in such distribution, by reason that the time for making the said assessments, taxes, rates and duties, and entering the same in the said books, has not yet arrived, the assessments, taxes, rates and duties for such current year, shall, (subject to evidence to the contrary by the parties interested,) be taken to be similar in amount to those of the previous year.

As to dismissal of City Clerk or Treasurer.

30. The City Council of Quebec, shall not have the power of dismissing the City Clerk or the City Treasurer, without a complaint being first made in due form by the Mayor, before the Recorder of the said City, against the officer complained of, and without a written certificate given to the Mayor by the said Recorder, after a proper investigation, and shewing that the above complaint is well founded.

Form of passing and publishing By-laws.

31. Any By-law to be passed henceforth by the said City Council shall be read by the said Council thrice, at regular and separate meetings, before its final adoption and its being laid before the Governor, and after being read a first time, it shall be published at full length in one French and one English newspaper published in the said City, and shall be followed by a notice stating the day on which the said By-law will be read a second time, and at least five clear days shall intervene between the day of such publication and that of the said second reading, and also between each reading of the said By-law.

Council not to vote by ballot.

32. The City Council shall never vote by ballot on any question whatsoever, all the votes of the said Council being public, and any vote given by ballot by the said Council after the passing of the present Act, shall be null and void.

Condition of special tax on wards for purchase of property.

33. The said City Council shall never have the power, without the consent of at least two thirds of the Municipal electors of the interested ward or wards previously obtained, to impose a special tax on the said ward or wards for the purchase therein, of any real estate under the sixty-first section of the Act of the eighteenth year of Her Majesty's reign, chapter one hundred and fifty-nine.

Recorder's Court and Recorders to have like powers with other Courts in certain matters.

34. The Recorder's Court and the Recorder of the said City, with respect to all civil matters and proceedings within the jurisdiction of the said Court, both as regards actions *en garantie*, incidental demands, or demands in intervention, and also

as

as regards oppositions to executions issued out of the said Court, and other matters and things relating to any civil action, instance or proceeding within the jurisdiction of the said Court, or in cases of *rebellion à justice* or of removal of his property and effects by any defendant, or in relation to the power of taking any affidavit in any civil cause, instance or proceeding now pending or hereafter to be brought in the said Court, shall have, within the limits of the jurisdiction of the said Court, all and every the powers enjoyed in such cases by the ordinary Courts of civil jurisdiction in Lower Canada and by the Judges thereof.

35. Sections ten, thirteen, fourteen, fifteen, eighteen and nineteen, of the said Act passed in the eighteenth year of Her Majesty's Reign, chaptered one hundred and fifty-nine, intituled: *An Act to amend and consolidate the provisions contained in the ordinances to incorporate the City and Town of Quebec, and to vest more ample powers in the Corporation of the said City and Town*; section three of the Act passed in the nineteenth year of Her Majesty's Reign, chaptered sixty-nine, intituled: *An Act to render the Mayor of Quebec elective by the electors of Quebec*; sections seven, eight and ten of the said Act passed in the twenty-second year (one thousand eight hundred and fifty-eight) of Her Majesty's Reign chaptered thirty, intituled: *An Act to amend the Act passed in the eighteenth year of Her Majesty's Reign, chapter one hundred and fifty-nine, intituled: An Act to amend and consolidate the provisions contained in the ordinances to incorporate the City and Town of Quebec, and to vest more ample powers in the Corporation of the said City and Town*, and the first section of the Act passed in the twenty-second year (one thousand eight hundred and fifty-nine,) of Her Majesty's Reign, chaptered sixty-three, intituled: *An Act to amend the several Acts respecting the Corporation of the City of Quebec*, are, and each of them is hereby repealed.

Certain sections of Act 18 Vic. cap. 159, 19 Vic. cap. 69, 22 Vic. (1858) cap. 30 and 22 Vic. (1859) cap. 63, repealed.

36. Any person who shall swear falsely upon any oath by this Act prescribed to be taken, being administered to him, shall be guilty of wilful and corrupt perjury, and shall be liable to all the penalties of the said offence.

False swearing to be perjury.

37. No Act, section or provision of any Act repealed by the repeal of the several Acts or sections by this Act repealed, shall revive by reason of such repeal.

Provisions not revived.

38. All other Acts, and provisions of Acts which are inconsistent with, or repugnant to the provisions of this Act, are hereby repealed.

Inconsistent provisions repealed.

39. This Act shall be deemed a Public Act.

Public Act.

C A P . X L V I .

An Act to amend the Act to provide for the improvement and management of the Harbor of Quebec.

[Assented to 9th June, 1862.]

Preamble.

22 V. c. 32,
(1855.)

WHEREAS it is expedient to remove doubts which have arisen touching the interpretation to be given to the second section of the Act passed in the twenty-second year of Her Majesty's Reign, chapter thirty-two, intituled: *An Act to provide for the improvement and management of the Harbor of Quebec*, and to amend the provisions of the said Act: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Amendment to
sect. 2.

1. After the following words in the second section of the said Act, "all land below the line of high water on the north side of the river St. Lawrence," the words,—“and all land below the line of high water mark on the rivers Cap-Rouge and Montmorency, and on the rivers St. Charles and Beauport, where the tide ebbs and flows,”—shall be added and shall make part of the said section and Act.

Commissioners' powers enlarged as to imposing penalties.

2. The Commissioners for the improvement and management of the Harbor of Québec, are hereby empowered, by any By-law to be hereafter made, to impose penalties not exceeding one hundred dollars currency or sixty days imprisonment, for any one offence, upon persons infringing or contravening the provisions of the said Act, as hereby amended.

Commissioners may impose a tonnage duty.

3. It shall be lawful for the said Commissioners, by any by-law to be hereafter made, to impose and levy a tonnage-duty not exceeding five cents, for every ton measurement, upon all vessels coming from or trading to parts beyond the seas, discharging cargo or ballast, or loading in the Harbor of Quebec, and from time to time to alter the same, provided they do not exceed the rate aforesaid; and such tonnage-duty may be collected and recovered in the manner provided as to the rates and dues authorized by the said Act; Provided, always, that if any such vessel shall not discharge or take on board the whole of her cargo in the Port of Quebec, the tonnage duty shall be levied only proportionately to the ratio which the portion of cargo so discharged or taken on board bears to the entire quantity of cargo on board such vessel; But no such By-law shall be valid until it shall receive the sanction of His Excellency the Governor General in Council, in the manner pointed out by the fifth sub-section of the fourth clause of the Act recited in the first clause of this Act.

Proviso: as to vessels bound to Montreal.

Proviso.

Vessel not to be cleared until

4. The Collector or other Officer of Her Majesty's Customs at the Port of Quebec shall not grant a clearance outwards from

from the said Port of Quebec, to any such vessel as aforesaid, unless the master of such vessel produces a certificate from the Secretary-Treasurer of the said Commissioners, or from some other person duly appointed by the said Commissioners to receive tonnage-dues, shewing that he has paid the tonnage-dues imposed under the authority of this Act. tonnage duty is paid.

5. Concurrent jurisdiction is hereby given to the Trinity House of Quebec, to hear and try all cases wherein any Justice of the Peace or Magistrate has jurisdiction by the Act herein first above cited, and hereby amended. Jurisdiction to Trinity House Quebec.

6. This is a Public Act, and shall be construed as one Act with the Act first above cited and hereby amended, and all words and expressions in this Act shall have the meaning assigned to them in the said Act. How this Act shall be construed.

C A P . X L V I I .

An Act to erect that part of the parish of St. Roch of Quebec, situate on the North side of the River St. Charles, into a separate Municipality.

[Assented to 9th June, 1862.]

WHEREAS the Municipality of the Parish of St. Roch of Quebec is divided into two parts by the River St. Charles, and certain inhabitants and proprietors of that part which is situate on the north side of the said river, have, by their petition, represented that the land in the said Municipality, on the south side of the said river, is divided in great part into building lots, forming two large Villages, and that the land in the said Municipality, on the north side of the said river, is used exclusively for agricultural purposes, and that the said two parts of the said Municipality have no interests in common, being divided by a navigable river and intersected by a portion of the City of Quebec, and have prayed that an Act may be passed to erect that part of the said Municipality, situate on the north side of the said river, into a separate Municipality, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

1. Upon, from and after the first day of July, one thousand eight hundred and sixty-two, all that part of the present Municipality of the Parish of St. Roch of Quebec, which is situate on the north or left bank of the river St. Charles, shall be erected into and constitute a separate Municipality, under the name of the "Municipality of St. Roch of Quebec, North," and shall have all the rights, powers and privileges of a separate Municipality, under the Lower Canada Consolidated Municipal Act. New Municipality constituted.

Remainder of
St. Roch to be a
Municipality.

2. The remaining portion of the said present Municipality of the Parish of St. Roch of Quebec, shall continue to be a Municipality, with the like rights, powers and privileges, under the name of the "Municipality of the Parish of St. Roch of Quebec, South."

Meeting to
decide whether
the said division
shall take effect
or not.

3. On the first Tuesday of the month of July next after the passing of this Act, the inhabitants of the new Municipality, entitled to vote at Municipal Elections, shall meet at some place within that part of the Banlieu of Quebec, commonly called "St. Laurent," in the Parish of St. Roch, at ten o'clock in the morning, and shall elect, by a majority of the votes of the electors present, a Chairman to preside at the said meeting, who shall be invested with all the powers and duties assigned by the said Act, to the person presiding at every Municipal Election; Public Notice of such meeting shall be given by not less than three electors, eight days previous to the day fixed for the meeting, at the church door of the Parish of St. Roch of Quebec.

Poll if de-
manded.

4. At the said meeting, before proceeding to the election of Councillors for the new Municipality, in case ten or more of the electors present and entitled to vote make a demand in writing for a poll, to decide whether the incorporation under this Act shall be effected, the person presiding shall record, or cause to be recorded, the votes of the electors present, upon the said question, in a poll book to be kept for that purpose; and if a majority of such votes are not given in the affirmative, the said election shall not be proceeded with, but if there be such majority, the said first municipal election shall be proceeded with, and, if necessary, the meeting may be adjourned until the following day, in order to continue the election.

No election if a
majority decide
for the nega-
tive.

Public Act.

5. This Act shall be deemed a Public Act.

C A P . X L V I I I .

An Act to amend the Act to incorporate the Town of Lévis.

[Assented to 9th June, 1862.]

Preamble.

24 Vic. cap. 20.

WHEREAS it has become necessary to amend certain portions of the Act to incorporate the Town of Lévis, and to remove all doubts as to the interpretation of certain clauses of the said Act: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Limits of Lau-
zon Ward.

1. Hereafter the Second Ward, called Lauzon Ward, shall be bounded to the South-east by the summit of the Cape, commencing at the South-west line of the property of George Couture and following the said summit of the Cape, running North-east to the South-west line of the land of Jean Baptiste Carrier.

2. The following words after the word "south" in the fifth line of the description of the Second Ward, called Lauzon Ward, in the second section of the Act to incorporate the Town of Lévis, "along the said line to the foot of the Cape, and following the foot of the Cape towards the North-east to the South-west line of the land of Jean Baptiste Carrier, extended to the foot of the said Cape, thence towards the South as far as Richmond Street on the hill," shall be struck out and the following words shall be substituted after the said word "south" :—"As far as the summit of the Cape commencing at the South-west line of the property of George Couture, and following the said summit of the Cape (running towards the north-east) to the south-west line of the property of Jean Baptiste Couture extended to the summit of the said Cape ; thence running south as far as Richmond Street."

Amendment
of Section 2.

Description of
ward No. 2
corrected.

3. The following words shall be added after the word "town," in the second line of the second subsection of the third section of the said Act, "unless he is able to sign his name and"

Words added
to Section 3.

4. The following words shall be added after the word "voting," in the fifteenth line of the fifth section of the said Act : "and the tenant residing in or upon any property upon which such municipal or school taxes shall be so due, shall in like manner be incapable of voting at such election, unless such taxes shall have been paid as aforesaid either by himself or by the proprietor ; and whenever the tenant shall have paid any such taxes, he may deduct the amount thereof from any rent due by him to the proprietor."

Words added
to Section 5.

Tenants voting.

5. All the words after the word "except," in the sixth line of the tenth section, are hereby repealed, and the following substituted : "that the three Councillors who remained in office on the first January last, shall retire from office in January next, one thousand eight hundred and sixty-three,—one for each ward ; and the Councillors who shall retire from office hereafter shall be declared by lot in the manner to be established by the Council, of whom three from amongst the seven elected in January last shall retire from office in January, one thousand eight hundred and sixty-four, one for each ward ; and in January, one thousand eight hundred and sixty-five the four senior (*anciens*) Councillors shall retire from office—one for Lauzon Ward, one for Notre Dame Ward, and two for St. Lawrence Ward ; and thereafter, commencing in January, one thousand eight hundred and sixty-six, four Councillors shall retire from office, who shall be declared by lot, from amongst the senior Councillors—one for Lauzon Ward, one for Notre Dame Ward, and two for St. Lawrence Ward, and so on for each year."

Section 10
amended.

Retirement of
Councillors.

Addition to
Section 11.

6. The following words shall be added after the word "election" in the last line of the eleventh section of the said Act:—"and may also, in case of sickness or incapacity to preside at such election, appoint a deputy under his hand and seal, who shall have the same powers, privileges and duties, and be bound under the same penalties as the Councillor so appointed to preside."

Addition to
Section 34.

7. After the word "assessors," in the third line of the thirty-fourth section, the following words shall be added: "or of a majority of them."

Subsections
added to
Section 36.

8. After the thirty-sixth section, the following sub-sections shall be added:

Valuation Roll.

1. "The assessors, or such of them as shall have made the valuation, shall prepare and sign a roll exhibiting the valuations made by them, and they shall deposit the same with the Secretary-Treasurer of the said Town, within eight days after it shall have been completed;"

Its contents.

2. "In such roll the valuator shall specify not only the names and designations of all proprietors, tenants and occupants of real estate or other assessable property, but they shall also designate the real property, the proprietors of which are unknown to them, by the number and concession, or by the limits and boundaries, in case such property has no number generally known, and instead of the name of the proprietor shall insert the word 'unknown';"

Owners and oc-
cupiers of pro-
perty to answer
questions.

3. "To enable the assessors to discharge this duty correctly, every occupant or proprietor of a house or other building liable to assessment under such valuation roll, shall be bound to answer correctly all questions put to him, having reference thereto, by the said assessors, and to furnish all necessary information; and if such occupant or proprietor refuses to answer correctly the questions so put, or if the answers made by him are false or incorrect, he shall be liable to a fine not exceeding twenty dollars nor less than eight dollars, or to imprisonment for a term not exceeding one calendar month nor less than fifteen days;"

Council may
correct the
Roll.

4. "If the Council are of opinion that the valuation of any real property has been made under its true value, to the prejudice of the owners of other property, or above its value, to the prejudice of the owner thereof, then the said Council may amend the valuation roll by fixing such sum as they shall think just and reasonable, as the value of such property."

Subsection
added to
Section 46.

9. The following sub-section shall be added after the fourth sub-section of the forty-sixth section of the said Act:

4. The Corporation of the town of Lévis shall also have power to erect and place toll-gates on the beach road under their control, at such points as they shall consider suitable, and to place preventive bars wherever they shall deem them necessary; provided, always, that persons residing between the principal toll-gates and the preventive bars shall not be bound to pay toll at such preventive bars; and the said Corporation are hereby authorized to borrow a sum not exceeding thirty-two thousand dollars, for the purpose of macadamising the beach road within the limits of the said town, and to issue debentures to that amount, whereof the principal sum and interest, at six per centum per annum, shall be payable out of the tolls and revenues only of such road and works under the control of the said Corporation, after payment of all expenses of maintenance and management connected with such road and works; the said Corporation and the South Shore Turnpike Road Trustees, at Quebec, with the consent of the Mayor and Councillors, may enter into any equitable arrangement between themselves in relation to the said beach road, such arrangement to be subject to the approval of the Governor in Council before it shall have force or effect; and so soon as the same shall have received such approval, the said Trustees shall have the right and privilege of placing toll-gates on the beach road, as aforesaid, and receiving the revenue thereof, and they shall be empowered to borrow the aforesaid sum of thirty-two thousand dollars, with the same powers and duties as the said Corporation.

Power to place gates on the Beach Road.

To raise a loan.

Agreement with Turnpike Trustees.

10. In lieu of the words "provided, always, that this privilege shall only apply to assessments due for one year and no longer," in the seventh and eighth lines of the fiftieth section of the said Act of Incorporation, the following shall be inserted:—"Provided, always, that the privilege granted by this Act shall extend to all arrears due for two years, whatsoever may be the amount thereof."

Section 50 amended.

Arrears.

11. The following words shall be added after the word "thereof," in the last line of the seventh sub-section of the fifty-seventh section: "and provided, also, that this exemption shall not extend to the maintenance and repair of the front roads opposite to such buildings, which shall be maintained and repaired at the cost and charge of the holders or tenants of such buildings, and this shall apply to the first making of such roads as well as to the maintenance and repair thereof."

Addition to Section 57.

12. The following words shall be added after the word "occupant," in the last line of the seventy-fifth section; "or by the Trustees of any religious denomination."

Addition to Section 75.

13. This Act shall be deemed a Public Act.

Public Act.

C A P . X L I X .

An Act to detach from the Municipality of St. Lambert a portion of that part of it which is situate in the Barony of Longueuil, and to annex the same to the Municipality of the parish of Longueuil.

[Assented to 9th June, 1862.]

Preamble.

20 V. c. 132.

WHEREAS certain inhabitants of that part of the Municipality of St. Lambert which is situate in the Barony of Longueuil do not find it for their interest, or conducive to the satisfaction of their requirements, in connection with the laws respecting Municipalities and Roads and Schools in Lower Canada, to belong to the said Municipality, and it becomes necessary in consequence to amend the Act passed in the twentieth year of Her Majesty's Reign, chapter one hundred and thirty-two, erecting St. Lambert into a Municipality, and the Act amending it passed in the twenty-second year of Her Majesty's Reign, chapter seventy-eight: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

A certain tract of land detached from St. Lambert and annexed to Longueuil.

1. From and after the passing of this Act, that part of the said Municipality of St. Lambert situate in the Barony of Longueuil hereinafter described, that is to say, a piece of ground situate in the second concession of the Municipality of St. Lambert, bounded on the north-west by the Honorable George Moffatt, on the south-east by the *Ruissseau St. Charles* road, on the south-west by the *Piniere* road, and on the north-east by the *Côte Noire* road,—shall, for the purposes of the laws respecting Municipalities and Roads and Schools, be detached from the said Municipality of St. Lambert, and shall be annexed and united to the Municipality of the Parish of Longueuil for the aforesaid purposes.

To remain liable for debts, &c.

2. The rate payers in that part of the municipality of St. Lambert, detached therefrom as aforesaid, shall remain liable for all debts and for the fulfilment of all duties which they owed to the municipality of St. Lambert, before the passing of this Act.

Public Act.

3. This Act shall be deemed to be a Public Act.

C A P . L .

An Act to annex the Township of Aston and part of the Township of Wendover to the County of Nicolet.

[Assented to 9th June, 1862.]

WHEREAS the inhabitants of the Township of Aston and Preamble.
of the thirteenth and fourteenth ranges of Wendover have, by their petition, set forth the great inconvenience to which they are subjected, owing to the distance they are compelled to travel in order to reach the *chef-lieu* of the District of Arthabaska; and whereas it is expedient to separate these localities from the Counties of Drummond and Arthabaska and to annex them to the County of Nicolet for all purposes whatsoever: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. From and after the first day of January, one thousand eight hundred and sixty-three, the Township of Aston shall be separated from the County and District of Arthabaska, and the thirteenth and fourteenth ranges of the Township of Wendover shall be separated from the County of Drummond and from the District of Arthabaska; and by virtue of this Act the localities aforesaid are and shall be annexed to the County of Nicolet and to the District of Three Rivers for all purposes whatsoever, as if the said localities had always formed part thereof. Aston and part of Wendover annexed to Nicolet County.

2. This Act shall not have the effect of preventing the payment of all school and municipal debts contracted previous to the passing of this Act, and shall in no way affect suits now pending before any Court of Justice. Proviso as to debts.

3. This Act shall be deemed a Public Act. Public Act.

C A P . L I .

An Act to erect the parish of St. Pierre de Durham, in the County of Drummond, into a separate Municipality.

[Assented to 9th June, 1862.]

WHEREAS the Township of Durham, in the County of Preamble.
Drummond, is extensively settled throughout, and whereas it contains three centres of business and population, represented by the three villages of Durham, South Durham and L'Avenir, which are from six to ten miles distant the one from the other, whose local interests are at variance, and therefore detrimental to the well-working of the Municipal law in that locality, and it is desirable to divide the said Township into

into at least two separate Municipalities; and whereas a part of the said Township has lately been canonically erected into a Parish, and a great number of the inhabitants interested have, by petition, prayed for the passing of an Act to erect the said Parish into a separate Municipality: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Municipality of
L'Avenir
erected.

1. Upon the first Tuesday of the month of July next, the territory comprised within the limits of the Parish of St. Pierre de Durham, in the County of Drummond, as erected by canonical decree, shall be detached from the Townships of Durham and Wickham, and the inhabitants thereof shall be and are hereby created a corporation or body politic, under the name of "the Corporation of the Municipality of L'Avenir," for all municipal purposes whatsoever, as if the erection of the said Municipality had taken place in the usual way in accordance with the provisions of the Lower Canada Consolidated Municipal Act, and the Act amending the same.

Meeting of
Municipal
Electors.

2. On the first Tuesday of the month of July next, the inhabitants of the said Municipality, entitled to vote at Municipal Elections, shall meet in the Village of L'Avenir, at ten o'clock in the morning, and shall elect, by a majority of the votes of the electors present, a Chairman, to preside at the said meeting, who shall be invested with all the powers and duties assigned by the said Acts to the person presiding at every Municipal Election; Public notice of such meeting shall be given by not less than three electors, eight days previous to the day fixed for the meeting.

Electors first
to decide as
to separate
erection.

3. At the said meeting, before proceeding to the election of Councillors for the said Municipality, in case ten or more of the electors present, and entitled to vote, make a demand in writing for a poll, to decide whether the incorporation under this Act shall be effected, the person presiding shall record, or cause to be recorded, the votes of the electors present, upon the said question, in a poll-book to be kept for that purpose, and if a majority of such votes are not given in the affirmative, the said election shall not be proceeded with; but if there be such majority, the said first municipal election shall be proceeded with, and, if necessary, the meeting may be adjourned until the following day, in order to continue the election.

Poll if de-
manded, to be
open till 5
P. M.

4. If a poll-book be opened for the recording of votes upon the question of the erection of the said Municipality, it shall be closed at five o'clock in the afternoon, and the Chairman shall then announce the state of the poll, by declaring which side has the majority; then, if it be in favor of the incorporation, he shall adjourn the meeting till the next morning, at nine o'clock; to proceed with the election of Councillors.

If the vote be
in the affirma-
tive.

5. The Chairman of the meeting shall, on the second day, at the hour mentioned in the preceding section, if thereto required by three qualified electors, open a poll-book in which he shall inscribe, or cause to be inscribed, all the names of voters qualified to vote in the said Municipality, and who shall present themselves to vote ; but if he be not required so to do, he shall declare duly elected Councillors the persons who shall have the majority of the electors present in their favor.

Election of Councillors.

6. If a poll-book for the registration of the votes for the candidates be opened, it shall be so opened with the formalities and for the time prescribed by the Lower Canada Consolidated Municipal Act.

Poll Book.

7. The first election of Councillors for the said Municipality having been made, all future elections shall be made at the time and in the manner required by the Acts above cited in this Act.

Future Elections.

8. The Municipal Council of the said Municipality may elect its Mayor, appoint its Officers and all persons required to carry out the Acts aforesaid, complying with the provisions thereof as regards notices to be given, and do all things within the limits of its jurisdiction, as if it had been organized in January, 1862, and the Councillors and Officers so appointed shall remain in office until the appointment of their successors in the ordinary course of the Municipal law.

Powers and duties of Municipal Council.

9. If the Council think proper to do so, it may obtain from the Municipal Councils of the Townships of Durham and Wickham, an extract, certified by the Secretary-Treasurers of the said Municipalities, of the valuation-rolls last made of all the properties situated within the limits of the said Parish, and such certified extracts shall serve as a valuation-roll for the Municipality, until another shall have been made.

Valuation Roll.

10. That part of the Township of Durham, situated beyond the limits of the Parish aforesaid, shall continue to form a Municipality under its present designation.

Remainder of Durham.

11. That part of the Township of Wickham, situated beyond the limits of the Parish aforesaid, shall continue to form a Municipality under its present designation.

Remainder of Wickham.

12. Nothing herein contained, or that may be authorized or done in pursuance of this Act, shall have the effect of releasing any part of the territory so detached from the debts or obligations contracted before the passing of this Act, by the Municipality of which it formed a part.

As to debts previously incurred.

13. This Act shall be deemed a Public Act.

Public Act.

CAP. LII.

An Act to divide the township of Hemmingford, in the county of Huntingdon, into two separate Municipalities.

[Assented to 9th June, 1862.]

Preamble.

22 V. c. 36.

WHEREAS the division of the township of Hemmingford, in the county of Huntingdon, proposed in the Act twenty-second Victoria, chapter thirty-six, was not carried into effect under the said Act, and a very large number of the inhabitants of the said township have, by their petition, represented that the welfare and convenience of those residing in the western section of the said township would be greatly promoted if the said township were divided into two municipalities, and have prayed that it may be so divided ; and it is expedient to grant their prayer : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

New township of Havelock described and constituted after the passing of this Act.

1. Upon, from and after the first day of April, one thousand eight hundred and sixty-three, so much of the present township of Hemmingford as lies in the first range of the said township, from lot number twenty-two to lot number forty-two ; in the second range, from the lot number seventy-three to lot number ninety-three ; in the third range, from the lot number one hundred and nineteen to lot number one hundred and thirty-seven ; in the fourth range, from the lot number one hundred and sixty to lot number one hundred and seventy-four ; in the fifth range, from lot number one hundred and ninety-seven to lot number two hundred and six ; in the first range of the Clergy Reserve lands, in the said township, from lot number eleven to lot number fifteen, and lots numbers ten and eleven in the second range of the said Clergy Reserve Lands,—including all lots and parts of lots hereinabove mentioned,—shall be separated from the present township of Hemmingford, and shall form a distinct township and local municipality, under the name of the township of Havelock ; and the said township of Havelock shall thereafter be deemed to be such separate municipality for all municipal, school, judicial and other purposes whatsoever, in the same manner and to all intents and purposes as though the said township of Havelock had been a distinct township from the remainder of the said township of Hemmingford, but had been united therewith and was hereby detached therefrom ; and the said township of Havelock shall enjoy and exercise all the rights, powers and privileges conferred by any Acts or laws whatsoever upon township municipalities in Lower Canada ; and the remainder of the said present township shall constitute and remain the township municipality of Hemmingford, and so many of the present municipal councillors and school commissioners as reside within the township of

To be a township for all purposes.

Remainder of Hemmingford to continue a township.

Hemmingford

Hemmingford as hereby constituted and limited, shall, notwithstanding this Act, remain in office, and continue to be members of the municipal council and school commissioners for the township of Hemmingford as limited by this Act, until they vacate their offices and seats in due course of law.

2. Within one month after the first day of April, one thousand eight hundred and sixty-three, an election of councillors and school commissioners shall be held in and for the township of Havelock, upon notice to that effect to be given by the registrar of the county of Huntingdon, who shall in such notice appoint the time and place for such election, and of the first meeting of the municipal council of the said township, and seven councillors shall be elected to form the council of the said municipality by the inhabitants of the township entitled to vote at such elections, in the manner prescribed by the Lower Canada Consolidated Municipal Act; and the said municipality and council shall be invested with all the powers by the said Act conferred upon local municipalities and councils; and the said new municipality shall enjoy all the rights, powers and privileges conferred upon school municipalities by the school laws;

First election of Councillors and School Commissioners for Havelock.

2. In default of such election being held as above directed, the councillors and school commissioners for the said municipality of Havelock shall be appointed by the Governor in the manner by law prescribed, and any councillors or school commissioners elected or appointed under this Act, shall hold office until the general election of municipal officers in eighteen hundred and sixty-four, and no longer.

In default Governor to appoint.

3. The present municipal officers, other than councillors and school commissioners, of the township of Hemmingford, shall retain the same office in that one of the municipalities hereby constituted in which they reside respectively, and the vacancies among such other officers in each municipality shall be filled in the manner provided by the said Lower Canada Consolidated Municipal Act.

Present municipal officers, except Councillors and school Commissioners, continued.

4. The debts, obligations and liabilities of the present township of Hemmingford (if any there be) shall be assumed by the township of Hemmingford as hereafter to be constituted; and to enable the said township to provide for the payment thereof, the municipality thereof shall be entitled to have and receive all rates, assessments and debts which may be due and collectable in the present township of Hemmingford at the time this Act shall go into effect; and in the event of the amount received from such rates, assessments and debts not being sufficient for the payment in full of the said liabilities, it shall be lawful for the county council of the county of Huntingdon to pass a by-law providing for a special assessment to be levied in the township municipalities hereby constituted, of an amount sufficient

How the present liabilities of the township of Hemmingford shall be discharged.

sufficient for the complete discharge of such joint debts and liabilities as may be then still unprovided for.

Disposal of any surplus in the hands of former Secretary-Treasurer.

5. And in the event of any surplus funds remaining in the hands of the secretary-treasurer for the present township of Hemmingford, after all such rates, assessments and debts shall have been collected, and after all the liabilities of the said township have been paid and satisfied, it shall be the duty of the said secretary-treasurer to make an apportionment thereof between the two municipalities hereby constituted, such apportionment to be based upon the value of the assessable property in each of the said municipalities, as shewn by the last valuation roll for the present township of Hemmingford.

Act. 22 V. c. 36 repealed.

Proviso.

6. The Act cited in the preamble to this Act (twenty-second Victoria, chapter thirty-six,) is hereby repealed ; but nothing in this Act, or in chapter seventy-five of the Consolidated Statutes for Lower Canada, mentioning the township of Havelock as included in the county of Huntingdon, shall be construed as affecting any suit now pending as regards the question whether the territory hereby constituted the township of Havelock, or any part thereof, was or was not a parish municipality before the passing of this Act, the intention of the said chapter seventy-five being merely to declare the territory which might, under the Act hereby repealed, have formed the township of Havelock, to be in the county of Huntingdon.

Provision as to School House.

7. And whereas a school house has lately been erected on the said lot number one hundred and sixty, which, after the passing of this Act, will stand in and belong to the township of Havelock, it is hereby provided, that if the school commissioners of the township of Havelock do hereafter, by any action on their part, deprive the school commissioners of the township of Hemmingford, as hereafter to be constituted, of a joint use of the said school house, the said township of Hemmingford shall be entitled to recover from the township of Havelock a proportionate part of the then value of the said school house, in the ratio in which that part of the school district so deprived contributed towards its erection,—the amount to be determined by arbitration.

Public Act.

8. This Act shall be deemed a Public Act.

CAP. LIII.

An Act to authorize the Municipal Council of the township of Acton to open roads according to the operations of Patrice Renault Blanchard, Esquire, Land Surveyor, with reference to the survey, boundary lines, reports and plans executed and prepared by him for the division and settlement of the limits of the lots in the first five ranges of the said township of Acton, in the county of Bagot and District of St. Hyacinth.

[Assented to 9th June, 1862.]

WHEREAS, by reason of the original survey of part of the township of Acton, in the County of Bagot and District of St. Hyacinth, made, in eighteen hundred and five, by J. Kilborn, Provincial Land Surveyor, having been but imperfectly performed, so that the lines drawn by the said Surveyor could not be identified on the ground in a satisfactory manner, Patrice Renault Blanchard, Esquire, Provincial Land Surveyor, was, in the year eighteen hundred and fifty-six, employed by the Commissioner of Crown Lands to verify and complete the survey of the same, and the subdivision of the lots therein; and whereas, notwithstanding the non-approval by such Commissioner of the consequent survey thereof, by the said Patrice Renault Blanchard, on account of its not having been entirely made in the manner required by law, that portion of his operations which relate to the boundary lines of the said ranges, appears so nearly to correspond with those of the original survey as to warrant the opening of range roads on the lines thereby laid down; and whereas it is important, in order to facilitate the clearing and settlement of the said township, that the opening of such roads should not be longer delayed, by reason of question as to the lines whereon the same should run; and it is therefore expedient, in compliance with the prayer of the Municipal Council of the said township, to grant them the power so to open such roads: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. Notwithstanding such non-approval of the said survey of the said Patrice Renault Blanchard, the local Council of the said township of Acton may cause to be deposited in the office of the Commissioner of Crown Lands, the original, or a copy duly certified by the said Patrice Renault Blanchard, of his report of the said survey, and of his plan shewing the result thereof; and such report and plan shall thereupon be filed and kept of record in the said office, and duly certified copies and extracts thereof shall be deemed authentic, as though the same had been approved by the said Commissioner; and upon such deposit having been made, the said Council may forthwith proceed

Preamble.

Blanchard's survey to be valid so far as regards the opening of roads.

proceed to open all or any part of the range roads in that portion of the said township under their jurisdiction, upon the range lines as thereby set forth, as though the same were legally established for range lines; and all roads so opened shall thereafter be to all intents the front roads of such ranges.

Not to affect
rights of land
owners, &c.

2. Nothing herein contained shall in any wise affect the rights of property of any owner of land in the said part of the said township,—or prevent the said Council from opening any part of any of such roads on any other line, with the consent of the parties interested,—or prevent the parties interested from thereafter removing any part of any of such roads to such other line at their own expense, provided such new piece of road be in such case so laid out and opened as in no wise to prejudice the public interests; nor shall any thing herein contained be so construed as to imply that lines were ever regularly drawn by the said J. Kilborn, and marks or posts planted by him in his said survey of part of the township of Acton, or the contrary.

Further
proviso.

Public Act.

3. This Act shall be deemed a Public Act.

C A P . L I V .

An Act to incorporate the First and Second Congregations of Hinchinbrooke, in connection with the United Presbyterian Church of North America.

[Assented to 9th June, 1862.]

Preamble.

WHEREAS the Trustees of the First and Second Congregations of the Township of Hinchinbrooke, in connection with the United Presbyterian Church of North America, have, by their petition, represented that for upwards of two years, two Congregations of Christians have existed in the said Township, under the name of the First and Second Congregations of the Township of Hinchinbrooke, of the United Presbyterian Church of North America; that they have acquired a glebe for the use of their Minister, and have also erected three churches and a parsonage house, and having incurred debts in so doing, they are desirous of borrowing money thereon, and disposing, if necessary, of a part of the said property, for the purpose of liquidating their said debt; and the said Trustees, the better to enable them so to do, have prayed that the said Congregations may be incorporated, and be invested with the usual corporate powers, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Members of the
Congregations
incorporated.

1. William Henry Gibson, Thomas W. Broadfoot, William M. Watson, William Erskine, William Lindsay, James McCrackin, Thomas Lane, William Henderson, Joseph Anderson, Robert Farquhar, and all other persons who now are;
or

or may hereafter become communicants of the said Congregations, shall be, and they are hereby, constituted a body politic and corporate, under the name of "The First and Second Congregations of the Township of Hinchinbrooke, in connection with the United Presbyterian Church of North America," and under that name may acquire, by any title whatsoever, any lands or tenements, real and personal property, for the actual use and benefit of the said Congregations, and may sell and alienate any property so acquired, and apply the proceeds thereof for the use of the said Congregations, and may hypothecate any such land and tenement for the purpose of raising funds for the erection of churches or other buildings, or to liquidate any debt heretofore incurred for that purpose, provided that such sale or hypothec be approved of by a majority of the Joint Board hereinafter mentioned, and may make such By-laws, Rules and Regulations, not contrary to the laws of this Province, the provisions of this Act, or the principles or usages of the said denomination of the United Presbyterian Church of North America, as may appear to the said Corporation necessary or expedient for the interests thereof, and may from time to time amend or repeal the same, or make others in their stead.

Corporate name and powers.

Property.

By-laws.

2. On the second Monday in February of each year, a meeting shall be held of the male members of each of the Congregations respectively, for the election, by a majority of the votes of the members present, of three Trustees, and for the transaction of the necessary business of the Congregation.

Annual meetings of Congregations and Election of Trustees.

3. The three Trustees so elected shall form a committee for the administration of the secular affairs of their respective Congregations, for the leasing of the pews and sittings, in their respective churches, and for receiving the moneys arising therefrom, and the other revenues of the Congregation, and may recover the same in the name of the Corporation; They shall continue as heretofore to manage the property, real and personal, belonging to their respective Congregations, and retain all powers with regard to the same which they have heretofore enjoyed, subject always to the by-laws and regulations of the Corporation.

Duties of Trustees.

4. The said trustees for the two Congregations together shall form a Joint Board for the transaction of the general business of the Corporation, and for the management of the joint property of the Congregations, and they shall make an annual report thereon to the Corporation, at a general meeting thereof, to be held annually on the second Monday of February, to receive the same, and for the transaction of all business appertaining to the general management and interests of the Corporation.

Joint Board, its powers and duties.

Registers of
Marriages, &c.

5. From and after the passing of this Act, the provisions of chapter twenty of the Consolidated Statutes for Lower Canada, respecting marriages, baptisms and burials, shall apply to the Congregations incorporated by this Act, and the ministers thereof may validly solemnize marriages, and may obtain and keep registers under the said Act, subject to the requirements, penalties and provisions thereof.

Corporation
may unite with
another de-
nomination.

6. The said corporation may, by a vote of not less than two-thirds of its male members, pass a resolution declaring the connexion of the said corporation with the United Presbyterian Church of North America terminated, and that they have connected themselves with any other branch of the Presbyterian denomination, and any such change shall be valid, and shall not affect their rights or powers under this Act, and they shall have power in such case to change their corporate name.

Public Act.

7. This Act shall be deemed a Public Act.

C A P . L V .

An Act to render valid the election and proceedings of the Trustees for the erection of a Catholic Church in the Parish of Ste. Brigide.

[Assented to 9th June, 1862.]

Preamble.

WHEREAS the Trustees for the erection of a church for the use of the inhabitants of the parish of Ste. Brigide, professing the Roman Catholic religion, have, by their petition, represented that they were elected on the first day of March, one thousand eight hundred and fifty-seven, by the freeholders residing in the said Parish; that, at a later period, it was considered expedient to alter a part of the plans and specifications of the said Church, in consequence of which alterations the said Trustees voluntarily resigned their charge as such, which resignation was accepted by the inhabitants of the said Parish; that after the resignation of the said Trustees, the election of new Trustees was proceeded to, and Moïse Martin Mitivier, Esquire, Marcel Marcoux, Peter McRoary, Alexis L'Homme and Augustin Fontaine, freeholders of the said Parish, were elected Trustees by the freeholders of the said Parish, in the room and stead of the Trustees who had resigned, which election was approved and confirmed by the Commissioners for the civil erection of Parishes in and for the Diocese of St. Hyacinth, in which the said parish of Ste. Brigide is situate; and that doubts have arisen as to the legality of the election of the said Trustees, last elected, and as to their powers and rights; and it is expedient for the welfare and peace of the said Parish that these doubts should be set at rest: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The resignation of the first Trustees of the aforesaid Parish of Ste. Brigide is declared good and valid to all intents and purposes whatsoever.

Resignation of former Trustees to be valid.

2. The election of the said Moïse Martin Mitivier, Marcel Marcoux, Peter McRoary, Alexis L'Homme and Augustin Fontaine, appointed Trustees in the stead of the said Trustees, who had so resigned, is confirmed and declared to be legal.

Election of present Trustees confirmed.

3. All the proceedings of the Trustees, so appointed in the stead of the said Trustees who had so resigned, are declared to be legal.

Proceedings confirmed.

4. This Act shall be deemed a Public Act.

Public Act.

C A P . L V I .

An Act for the re-organization of the Grand Trunk Railway Company of Canada, and for other purposes.

[Assented to 9th June, 1862.]

WHEREAS the interest on all the Bonds of the Grand Trunk Railway Company of Canada is in arrear as well as the rent of the Railways leased to it, and the Company has also become deeply indebted, both in Canada and in England, on simple contract, to various persons and corporations, and several of the creditors have obtained judgments against it, and much litigation is now pending; and whereas the keeping open of the Railway for traffic, which is of the utmost importance to the interests of the Province, is thereby imperilled, and the terms of a compromise have been provisionally settled between the different classes of creditors and the Company, but in order to facilitate and give effect to such compromise, the intervention of the Legislature of this Province is necessary: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Recital of the Company's difficulties.

And of the provisional adoption of terms of compromise.

1. All moneys to be received by the said Company from the Province and from Her Majesty's Imperial Government for postal services and for the conveyance of troops or military stores and munitions of war, shall be appropriated solely to the payment of the present debts of the Company owing either in Canada or in England to others than the Bondholders of the Company or holders of notarial mortgages registered in Lower Canada, in the manner and subject to the provisions hereinafter mentioned.

Moneys from postal or military services, how to be applied.

2. The said Company may issue Bonds to be secured on the moneys mentioned in the next preceding section, and the principal and interest whereof shall be a first charge on such moneys, and may issue such Bonds in favour of the creditors

Bonds may be issued on security of such moneys.

in

in the said section mentioned, or may dispose of such bonds and apply the proceeds to the payment of the present debts due to such creditors.

Power to Company to raise £ 500,000 by equipment mortgage bonds.

3. The Company may, from time to time, raise, by the creation and issue of Bonds, any sum or sums of money not exceeding in the whole five hundred thousand pounds sterling, such Bonds to be called Equipment Mortgage Bonds, to be redeemable at periods not exceeding fifteen years from the thirty-first of December, one thousand eight hundred and sixty one, and to bear interest not exceeding six per cent per annum, and to constitute a first charge or hypothec, both for principal and interest, upon and over all the Company's Railway, works, rolling stock and other plant, prior to all other charges or hypothecs thereon, and the moneys so raised shall be applied to the providing of additional sidings, wharfage, station and storage accommodation, elevators, rolling stock and other plant, or to some one or more of such objects.

Mode of issue of equipment mortgage bonds.

4. The Equipment Mortgage Bonds shall be issued and disposed of to such persons and in such manner as the Directors determine; an option of subscribing for them being first given to the then holders of Bonds of the Company or of stock issued in exchange for Bonds.

Power to reborrow.

5. The Company may, from time to time, reborrow all such moneys as may be required for paying or redeeming such Equipment Mortgage Bonds, by issuing other like Bonds having the same privileges, but so that the aggregate amount of the principal money secured by Equipment Mortgage Bonds, shall not at any time exceed the sum of five hundred thousand pounds.

First preferential bond-holders may convert their bonds into first preference stock.

6. The respective holders of the first preferential Bonds of the Company may, at any time, within five years from the passing of this Act, exchange their Bonds for stock of the Company of equal nominal amount, and the Directors of the Company may, at any time, or from time to time, create and issue the stock required for the purpose of such conversion, to be called "First Preference Stock."

Second preferential bond-holders may convert their bonds into second preference stock.

7. In like manner the respective holders of the second preferential Bonds of the Company may, at any time, within five years from the passing of this Act, exchange their Bonds for Stock of the Company of equal nominal amount, and the Directors of the Company may, at any time, or from time to time, create and issue the stock required for the purpose of such conversion, to be called "Second Preference Stock."

Seven per cent bonds converted into third preference stock.

8. The aggregate of the principal moneys secured by the ordinary Bonds of the Company bearing seven per cent interest and repayable in October, one thousand eight hundred and sixty-two, is hereby converted into a perpetual stock of the Company to be called "Third Preference Stock."

9. The aggregate of the principal moneys secured by all the ordinary Bonds created by the Company at any time before the first July, one thousand eight hundred and sixty-one, except the Bonds mentioned in the last preceding section, is hereby converted into a perpetual stock to be called "Fourth Preference Stock."

Other ordinary bonds converted into fourth preference stock.

10. The respective holders of the said several classes of bonds so converted, on presenting their bonds at the principal Office of the Company, either in London or Montreal, shall be entitled to receive in exchange therefor certificates of Stock of the class applicable to them respectively, and thereafter the holders of such respective Stock, for the time being, shall be entitled (subject as hereinafter mentioned) to the same privileges of voting and otherwise, as the holders of shares in the original stock of the Company.

Exchange of bonds for stock certificates.

11. The rate of interest upon the first and second preferential bonds respectively, for the period of ten years next after the thirty-first December, one thousand eight hundred and sixty-one, shall be five per cent. per annum, and no more, and that rate of interest shall be payable on presentation and delivery of the Coupons attached to such bonds respectively, and shall be accepted in satisfaction of the amount purporting to be payable on such coupons respectively; and no action shall be maintainable to recover upon or in respect of any such coupons, or upon any judgment founded thereon, any greater amount than the interest at the rate aforesaid; and the first and second preference stocks hereby authorized to be created and to be issued in exchange for first and second preference bonds, as and when created, shall be entitled to dividends, (but as between themselves, the first in priority to the second,) at the rate up to the year one thousand eight hundred and seventy-two, of five per cent. per annum, and thereafter at the rate of six per cent. per annum in perpetuity.

Rate of interest on first and second preference bonds reduced.

Dividends on stock in exchange for such bonds.

12. The third preference Stock hereby created shall, up to the year one thousand eight hundred and seventy-two, be entitled to a dividend at the rate of four per cent. per annum, and thereafter at the rate of five per cent. per annum, in perpetuity, with a contingent increase to six per cent. as hereinafter mentioned.

Rate of dividend on third preference stock 4 per cent.

13. The fourth preference Stock hereby created shall, up to the year one thousand eight hundred and seventy-two, be entitled to a dividend at the rate of three per cent. per annum, and thereafter at the rate of five per cent. per annum, in perpetuity, with a contingent increase to six per cent. as hereinafter mentioned.

Rate of dividend on fourth preference stock.

14. The provisions in the Grand Trunk Railway Act, 1854, as to the transferability and transmissibility of Stock,

Provision as to transfer &c.

of all stocks created under this Act.

and as to the Stock Register and the duplicate of such Register to be kept in London, England, the transfer of Stock in London aforesaid, and the power of the Directors to make regulations for facilitating transfers, and also all the clauses of the Railway Act with regard to shares and their transfer, shall be applicable to the several Stocks hereby created and authorized to be created.

No action on ordinary bonds after passing of Act.

15 From the passing of this Act, all rights of action and remedies upon and in respect of all bonds of the Company, other than the first and second preferential bonds, shall cease and be extinguished, and no proceeding upon or in respect of any such Bond, or any Judgment founded thereon, shall be available against any property or effects of the company.

Directors to take all necessary steps for conversion.

16. The Directors shall, as soon as practicable after the passing of this Act, take all proper and necessary measures for giving effect to the preceding enactments, as to the conversion of the several bond debts into stock, and as to the delivery of certificates of stock in exchange for bonds, and as to the giving of due notice by advertisement in Canada and in England of the time and place of effecting such exchange and otherwise.

Capitalization of arrears of interest up to end of 1862.

On first and second preferential bonds.

17. All arrears of interest due from the Company up to the thirty-first December, one thousand eight hundred and sixty-two, as well upon bonds as upon debts carrying interest, including the proportion of interest for any then current period, shall be capitalized as follows, that is to say : as respects the first and second preferential bonds, the respective holders thereof shall accept, in satisfaction of the arrears so respectively due to them, either first or second preferential bonds, as the case may be, or at their option first or second preference stock, as the case may be, of nominal amount equal to such arrears, but such last mentioned bonds and stock respectively shall not begin to bear interest or dividend until the thirty-first day of December, one thousand eight hundred and sixty-four, and for two years after that term shall bear interest at the rate of three per centum per annum only, after which time such bonds and stock respectively shall bear the same interest or dividend as the other bonds or stock of the same respective classes, and such bonds shall be convertible into stock in the like manner as the other first or second preference bonds, but subject to the same conditions as to the rate of dividend and the time when any rate of dividend will become payable, as would apply to the interest on such bonds : As respects the said bonds repayable in October, one thousand eight hundred and sixty-two, the respective holders thereof shall be entitled to have, in payment of the arrear of interest due to them thereon, third preference Stock equal in nominal amount to such arrear ; and as respects all other ordinary bonds of the Company and debts of the Company bearing interest, the holders of such bonds and the creditors in respect of such debts, shall respectively be entitled

On bonds payable in October, 1862.

On other ordinary bonds and debts.

entitled to have, in payment of the arrear of interest due to them respectively, fourth preference stock equal in nominal amount to such arrear;—such stocks respectively to be accepted in full satisfaction of such arrears respectively; And the Directors are hereby empowered and required to create and issue, in addition to the preference stock hereby created or authorized to be created, such amount of preference stock of the respective classes or denominations, as shall be required and sufficient for the purpose of providing for the conversion into stock of such respective arrears; but such last mentioned stock, of whatever class, shall not begin to bear dividend until the thirty-first day of December, one thousand eight hundred and sixty-four, and for two years after that time shall bear dividend at the rate of three per cent per annum only, and shall, during that period, be kept distinct from the general stock of the like class or denomination, and after that period such stocks respectively shall bear the same dividend as the preference stocks respectively of the same respective class or denomination, and shall become part of such stocks.

Creation of requisite stock authorized;—when to bear dividend.

18. No action, suit or other proceeding shall be maintainable by or on behalf of any holder of any preferential or other bond, or of any coupon to such bond, or by or on behalf of any creditor in respect of any debt bearing interest, to recover any arrear of interest due on such bond, or by virtue of such coupon, or in respect of such debt, which arrear shall have accrued due before the thirty-first December, one thousand eight hundred and sixty-two; and no judgment recovered in respect of any such arrear shall be enforceable against the company or its property or effects; and the interest on such of the second preferential bonds as shall not be converted into second preference stock, shall, in future, run from the thirty-first of December, one thousand eight hundred and sixty-two, so that each existing coupon shall represent a half year's interest, due the thirtieth of June or thirty-first of December, respectively, next following the day on which it would be payable according to its tenor.

No proceedings for interest accruing prior to 31st December, 1862.

Days on which interest shall hereafter become due on certain bonds.

19. Subject to the rights and powers of all other companies under any leases for the time being subsisting as to the railroads thereby respectively demised to the company, and subject to the provisions in section seventeen as to the period at which the stock authorized to be created for the payment of arrears, shall become entitled to dividend, the earnings of the company, other than those earnings in the first section of this Act mentioned, after deduction of working expenses as hereinafter defined, shall, in each half year ending the thirtieth day of June and thirty-first day of December, commencing with the half year ending the thirtieth day of June, one thousand eight hundred and sixty-two, but including any balance in the hands of the company on that day, arising from the traffic of the railway, be appropriated and applied in the order and manner following:

Order of appropriation of earnings of the company.

1. In payment of the interest for the time being due on the Equipment Mortgage Bonds ;

2. In payment rateably and *pari passu* of the interest for the time being due on the first preferential bonds, and the dividend for the time being due on the first preference stock, at the rates hereinbefore mentioned, including the bonds or stock issued in satisfaction of arrears of interest on those bonds ;

3. In payment rateably and *pari passu* of the interest for the time being due on the second preference bonds, and the dividend for the time being due on the second preference stock, at the rates hereinbefore mentioned, including the bonds or stock issued in satisfaction of arrears of interest on those bonds ;

4. In payment of the dividend for the time being due on the third preference stock, at the rate hereinbefore mentioned, including the stock issued in satisfaction of arrears of interest on that stock ;

5. In payment of the dividend for the time being due on the fourth preference stock, at the rate hereinbefore mentioned, including the stock issued in satisfaction of arrears of interest on that stock ;

6. In payment of a dividend, at the rate of three per cent per annum, on the ordinary stock of the Company, for ten years, from the first day of January, one thousand eight hundred and sixty-two, and thereafter at the rate of five per cent per annum ;

7. In payment of a further dividend, at the rate of one per cent per annum, on the third preference stock ;

8. In payment of a further dividend, at the rate of one per cent per annum, on the fourth preference stock ;

9. In payment of the interest for the time being due and accruing, subsequent to the first of January, one thousand eight hundred and sixty-two, on the Provincial Debentures issued in aid of the Company, before the passing of this Act, at the rate of six per cent per annum ;

10. In payment of the principal moneys secured by the equipment mortgage bonds, or in the formation of a sinking fund to redeem those bonds, as the Directors may determine ;

11. In payment of a further dividend on the ordinary stock of the Company.

20. The expression "working expenses," when used in this Act, shall mean and include all expenses of maintenance and

Working ex-
penses defined.

ren:wa

renewal of the railway and of the stations, buildings, works and conveniences belonging thereto, and of the rolling and other stock and moveable plant used in the working thereof,—and also all such rents or annual sums as may be paid in respect of railways, warehouses, wharves or other property leased to or held by the Company, or in respect of the hire of engines, carriages or waggons let to the Company,—rent, charges or interest on lands belonging to the Company, purchased but not paid for, or not fully paid for,—and also all expenses of and incident to working the railway and the traffic thereon; including stores and consumable articles,—also rates, taxes, insurance, and compensation for accidents or losses,—also all salaries and wages of persons employed in and about the working of the railroad and traffic, and all secretarial and establishment expenses, including Directors fees, salaries of Commissioners, agency, legal and other like expenses, interest on notarial mortgages registered in Lower Canada, and also interest on such mortgages as may be granted under section number thirty-five, and generally all such charges, if any, not above otherwise specified, (and no other) as in the case of English railway companies, are usually carried to the debit of revenue as distinguished from capital account; provided, however, that nothing herein contained shall give to the proprietors of any railway, warehouse, wharf or other property leased to the company, any further or other rights against the Company, its property or earnings, than they have under such lease.

21. If, in any year, during the ten years next after the thirty-first of December, one thousand eight hundred and sixty-two, any interest or dividend upon any of the preferential Bonds or preference Stocks of the respective classes before mentioned, shall, as to the whole or part, be unpaid, the holder of the Bond or Stock shall, in respect of such arrear, be entitled, on application made to the Company, at its principal Office, in London, and on satisfactory evidence of proprietorship, to receive a bond or certificate of Stock for an amount equal to such arrear, such bond or stock to be of the like quality as the bond or stock in respect of which the arrear accrued; and to be accepted in satisfaction thereof, and the Directors of the Company are required to create and issue so many bonds or so much stock as may be necessary for the purpose; and no action, suit or other proceeding shall be maintainable in respect of any such arrear, nor shall any judgment recovered in respect of such arrear be enforceable against the Company or its property or effects, unless the Company shall be sued on any covenant in any lease to it of any portion of its undertaking, in which case every right of action, suit or proceeding in respect of all such arrears, in satisfaction of which no such bond or certificate shall have been accepted, shall revive and be enjoyed as if this Act had not been passed.

Provision as to arrears to accrue during the ten years from 31st December, 1862.

No action for such arrears.

Exception.

Moneys received in respect of postal services to be applied in payment of dividend to certain creditors.

22. The proceeds of any bonds issued by the Company, under section two, shall be applicable and applied in or towards the payment of a dividend on all debts of the Company (whether judgment or other debts,) subsisting at the date of the passing of this Act, other than Bond debts, arrears of rent and interest, of notarial mortgages registered in Lower Canada, and debts (if any) incurred in respect of working expenses subsequently to the thirty-first of December, one thousand eight hundred and sixty-one, and the directors of the company shall take all necessary measures for carrying out the provisions of the said section and of this section; provided, always, that all debts other than for principal or interest on Bonds now due in Canada, of amounts not exceeding five hundred dollars each shall be paid in full.

Creditors to receive fourth Preference Stock for the balance of their debts, and the debts to be discharged.

23. For the balance which will remain due to the several creditors for the payment of so much as shall be paid in money, or received in bonds under section two, they shall respectively be entitled, on delivering up any securities which they may hold after such realization as mentioned in the last preceding section, to receive stock equal in nominal amount to the difference between the sum paid in money or bonds and stock as aforesaid, and twenty shillings in the pound, such payment to be made in perpetual stock to be created as next hereinafter mentioned, and such payment and delivery of stock shall be accepted by them respectively, in full satisfaction and discharge of their respective debts, and on the payment or tender of such dividend, and the delivery or readiness to deliver such stock, every such debt shall be absolutely barred and extinguished; Provided always, that this and the next preceding section shall be subject to the consent of three fourths in amount of such creditors of the company, resident in America, and three fourths of the creditors, resident in England respectively, to be given in writing on or before the first day of November, one thousand eight hundred and sixty-two; but should such consent be withheld for a period of three months beyond such date, then the appropriation of the moneys receivable by the Company for postal services, and for the conveyance of troops and military stores and munitions of war, as set forth in section one, shall cease and determine; and all parties shall be remitted to the position occupied by them respectively, prior to the passing of this Act.

Proviso.

If such consent be refused.

Directors to create stock accordingly.

24. The Directors shall, subject to the proviso to the next preceding section, create and from time to time issue such amount of stock as shall be required and sufficient for the purpose of providing for the balance or difference mentioned in the last preceding section, and the stock so created shall rank with the fourth preference stock hereinbefore mentioned, and shall have the same qualities and incidents as such stock.

25. Subject also to the proviso to section twenty-three, no execution shall, at any time, issue against the Company on any judgment recovered or to be recovered for any now existing debt such as are mentioned in sections one and two.

Restriction of execution for debts entitled to dividend.

26. The company (subject to the approval of three fourths at least of the votes given in person or by proxy at the meeting convened for the purpose, the notice convening such meeting stating that it is intended to take power to issue the bonds and securities therein mentioned instead of retaining them for the purchase or redemption of the equipment mortgage bonds,) may, in the place and to the extent of the amounts represented by preferential and ordinary bonds which were held by creditors of the company as collateral security, and which shall be given up on payment of the dividend hereinbefore mentioned, or which are now in the hands of the company unissued, create and issue second, third, and fourth preference stock, according to the respective classes and denominations of such bonds, and as respects the second preferential bonds may reissue the same or any part of them as bonds of the same quality and denomination; and the company may also sell and dispose of any bonds of the Atlantic and St. Lawrence Railroad Company or of the Toronto Corporation, held and given up as aforesaid, but shall not thereby subject itself to any liability on such Atlantic and St. Lawrence bonds, beyond that which may, from time to time, exist under the lease of that railroad; and the proceeds of all such stock or bonds, as the case may be, shall be applicable as capital to the general purposes of the undertaking.

Power to the company to sell pledged or unissued securities.

Bonds of Atlantic and St. Lawrence Railway Company.

27. Except as last aforesaid, it shall not be lawful for the company to create or issue any additional preference stock of any description hereby authorized or created, or any new stock, except subject to the preference dividends hereby made payable, or any more preferential bonds or debentures within the meaning of the company's Acts in that behalf.

Except as aforesaid no new preference bonds to be created.

28. The office of the company in London, England, shall be a principal office concurrently with that at Montreal.

The Company to have a principal office in London.

29. General meetings of the company, whether ordinary or special, may be held in London, England, and two ordinary general meetings of the company shall be held, one in April, and the other in October, in each year, either in Canada or in England, at the first of which the elections of Directors and Auditors shall take place; and advertisements of all general meetings shall be published in at least two London daily morning newspapers, and in the Canada Gazette, twenty-eight days at least before the holding of such meetings respectively; and in the case of special general meetings, in the advertisements convening the same, the objects for which they are called, and the business to be transacted thereat, shall be stated, and such advertisements shall be sufficient for the due convening of all general meetings without further or other notice.

Notices of General and special meetings which are to be held in London, England.

Directors may meet in England or Canada.

30. The meetings of the Directors shall, after the passing of this Act, be held in England or in Canada, or in both, as the Directors shall, from time to time, by minute, determine.

Certain meetings to be special, and Bondholders to have voting powers.

31. All meetings of the Company, under the third and eighth sections of the fifty-second chapter of the statutes passed in the twenty-second year of Her Majesty's Reign, or under the twenty-ninth or thirty-second sections of the present Act, or for the election of Directors, or for the purpose of accepting or refusing any lease of any railway or other undertaking not now in lease to the Company, shall be special general meetings; and all proprietors of bonds not converted into stock, shall have the same right of voting thereat, which would be conferred by stock or shares in the Company of equal nominal amount and *bonâ fide* held for an equal previous period; and all rules, as to the requisite proportion of the votes of shareholders or proprietors, at any such meeting, shall be interpreted as applying to the total number of votes given thereat by proprietors of stock or shares and bonds.

Bonds to be registered before holders can vote.

32. No vote shall, at any meeting, be received in person or by proxy in respect of any bond, unless such bond shall have been registered at least three months prior to such meeting, at the principal office of the Company either in Canada or in England, in the name of the person or persons by whom or by proxy for whom such vote shall be tendered, and unless such bond shall have been deposited by or on behalf of the same person or persons in the office of the Company, in England, forty-eight hours before the time fixed for the meeting; and for carrying this enactment into effect, bonds shall be registered at each principal office of the Company, in the name of the bearer, or in any name or names registered by the bearer, and the registrations so made at either office, shall be reported to the other office; but no such registration shall in any way affect the right to receive any principal money or interest secured by such bond.

Form of proxy for bondholders.

33. The proxy for a holder of bonds, may be *mutatis mutandis* in the same form or as near thereto as may be as that for a stockholder, and no person shall be entitled to vote as a proxy for any shareholder or bondholder, unless the instrument appointing such proxy have been transmitted to or lodged with the secretary of the Company not less than forty-eight hours before the time appointed for holding the meeting at which such proxy is to be used.

Working a certain portion of Railway, jointly with other Companies.

34. The Directors of the said Company and of the Great Western Railway Company, with the sanction of general meetings of the Shareholders of the said Companies respectively, may jointly work or lease the portion of railway between Port Huron and Detroit, in the State of Michigan, now under lease to the Grand Trunk Railway Company; and either or both of such

Companies

Companies may make agreements in reference thereto with the Detroit and Milwaukie Railway Company, and the Directors of the Grand Trunk Railway Company and of the St. Lawrence Dock Company may enter into agreements (with the like sanction) for the partition of the property of such Dock Company at Point Levi, in the County of Levis, between such Company, and the Grand Trunk Railway Company, on terms to be agreed between them; or for the rental of portions or the whole of such property to the Grand Trunk Railway Company, and the Grand Trunk Railway Company may become preference or ordinary Shareholders in the St. Lawrence Dock Company to an amount not exceeding twenty-five thousand pounds sterling.

35. The said Company may sell, hypothecate or mortgage any surplus lands or other property of the Company not forming part of their Railway, and may grant such mortgage or hypothec, or apply the money thereby raised, or the proceeds of such sale, to the discharge of any debts now owing by the Company in this Province.

Sale or mortgage of surplus lands.

36. Nothing in this Act contained shall affect or prejudice the present rights of the City of Montreal as holders of Shares in the St. Lawrence and Atlantic Railway Company, or under any agreement in respect thereof.

Certain rights of City of Montreal saved.

37. The Directors of the Company may pay and discharge, out of any of the funds of the Company, the costs and expenses attending this Act, together with any costs of the legal proceedings heretofore instituted in Canada, with a view to settle and determine the rights and priorities of the Bondholders and Creditors of the Company respectively; such last mentioned costs, in the event of such payment, to be taxed, if desired by such Directors, by the taxing officers of Her Majesty's High Court of Chancery in England, as respects any costs incurred in England, and by the proper officers of the Courts of Upper and Lower Canada respectively, as respects any costs incurred in Canada.

Payment of certain costs and legal expenses authorized.

Taxing costs.

38. Nothing in this Act contained shall be held or construed to interfere with or affect the rights of the Province as they now exist upon the said Railway Company.

Rights of the Province saved.

39. This Act shall not take effect, unless accepted by a majority consisting of two-thirds in number and amount of the bond and shareholders of the Company, present in person or by proxy, at a meeting of such bond and shareholders, to be held on or before the first day of September, one thousand eight hundred and sixty-two, in London, England, after such notice in England and Canada, as by the existing rules of the Company, would be sufficient for the calling of a meeting of the Company, the objects of such meeting being specially set forth in such notice; and at such meeting bondholders may be

Consent of Bond and Shareholders required to give effect to this Act.

How such consent may be

given and
proved.

be represented by proxies, in the form and according to the rules now in force respecting shareholders; and the certificate, in writing, of the chairman of such meeting, shall be taken as *prima facie* proof of its acceptance by such bond and shareholders, such certificate to be filed in the office of the Provincial Secretary of Canada, and certified copies by the said Secretary shall be taken and considered, in all Courts of law and equity in this Province, as sufficient *prima facie* evidence of the contents thereof.

Public Act.

40. This Act shall be deemed a public Act and shall be cited for all purposes as "The Grand Trunk Arrangements Act, 1862."

C A P . L V I I .

An Act to amend the Acts incorporating the Montreal and Champlain Railroad Company, and to authorize the raising of new preferred Stock, for certain purposes.

[Assented to 9th June, 1862.]

Preamble.

WHEREAS the Montreal and Champlain Railroad Company have prayed for certain amendments to their several Acts of Incorporation, and among other things, that they may be authorized to raise by subscription new Preferred Stock to an amount not exceeding five hundred and twenty thousand dollars for the purpose of paying off certain liabilities matured and about to mature; And whereas the financial condition of the said Company is such, that unless the means of paying off its liabilities be provided, the corporate property and assets thereof must be sold by legal process; And it is expedient to avoid needless injury to the public interests in the mode whereby the same shall be sold; and whereas the circumstances of the Company formed the subject of deliberation between the Shareholders thereof and the various classes of Bondholders and creditors of the said Company; and at a meeting called by public advertisement at the Company's office, in Montreal, on the third March, one thousand eight hundred and sixty-two, a Committee of seven persons, representing all classes of Bondholders, Creditors, and Shareholders, was named to devise some scheme for the protection of the interests of all concerned, and extricate, if possible, the Company from its financial difficulties; and whereas the Report of such Committee was submitted to another meeting called by like public advertisement, on the seventeenth day of the same month of March, and was unanimously adopted; and whereas the said Company have petitioned for authority to carry the recommendation of the said Committee into effect; and it is expedient and just that such authority should be given: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The Montreal and Champlain Railroad Company are authorized to issue new stock, to be called "The new Preferred Stock," to an amount not exceeding five hundred and twenty thousand dollars currency, in shares of two hundred dollars each, at such time, in such manner and on such conditions, and bearing such dividends, and payable by such instalments as the Directors may, in accordance with the report of the said Committee, determine.

New preference Stock for \$520,000 authorized.

2. The amount raised by the issue of such new stock shall be applied to pay off the following classes of debts, at the following rates, and for no other purpose whatever, to wit :

Purposes to which the proceeds shall be applied.

1st. To redeem the Rolling Stock held and pledged for the payment of the sum of ten thousand nine hundred and forty-three pounds, (forty-three thousand seven hundred and seventy-two dollars currency,) and all the interest accrued thereon ;

2nd. To pay off, in full, certain privileged debts, and for wages, &c., named in the report of the Committee, dated fourteenth March, one thousand eight hundred and sixty-two,—nineteen thousand one hundred and eighty-two pounds (seventy-six thousand seven hundred and twenty-eight dollars) and all interest accrued thereon ;

3rd. To pay off, in full, such of the bonds issued by the late Lachine Railway Company, bearing a first mortgage on that section of the Railway, and which matured on the tenth day of February last, amounting to two hundred thousand dollars, as may not be exchanged for bonds, as hereinafter provided ;

4th. To pay off, in full, and redeem at the earliest day on which, by the terms thereof, they can be redeemed, the sum of one hundred and sixty thousand dollars, represented by certain bonds bearing ten per cent. interest, known as the Caughnawaga Trust Bonds, and for the security of which, the Trustees hold the transfer from the Bank of Montreal of a judgment for the principal sum of eighty-four thousand two hundred and seventeen pounds nine shillings and six pence, with costs and interest, and also one hundred thousand pounds of bonds bearing a first charge on the Caughnawaga section of the said road ; or such part of the said sum of one hundred and sixty thousand dollars, as may not be placed in other bonds as hereinafter provided ;

5th. To pay a composition of twelve shillings and six pence per pound, to be accepted in full by the Bank of Montreal for a balance on a judgment for the principal sum of twenty-one thousand eight hundred pounds, rendered on the twenty-fourth day of November, one thousand eight hundred and fifty-five, in its favor, against the said Company, such composition amounting to nine thousand eight hundred and seventy-five pounds.

Certain Bonds
may be ex-
changed for
new ones.

3. And in order to facilitate the liquidation of the Company's liability, all holders of present matured bonds and of the said Caughnawaga Trust Bonds, shall and may, at their own option—to be declared to the Company within one month after the passing of this Act—have the right of exchanging at par the bonds they at present hold for bonds similar to, and ranking concurrently with those that shall be issued to the second and non-mortgage Bondholders, in accordance with section four of this Act; Provided, always, that in case of any such exchange of bonds hereby authorized, the amount thereof shall be deducted from the five hundred and twenty thousand dollars of new preferred stock, which said stock shall in such case only be issued to such an extent as with the amount of the exchanged bonds will make the sum five hundred and twenty thousand dollars; And provided that no such exchange shall be made or permitted by the Company unless and until the amount of Preferred Stock subscribed added to the amount of Bonds in respect of which such option shall have been declared shall be sufficient to make up the sum of five hundred and twenty thousand dollars.

Proviso.

Proviso.

Recital.

4. And whereas there are now outstanding three classes of bonds, the first, termed "The First Mortgage Bonds" on the Champlain Section, issued under the authority of the Act sixteenth Victoria, Chapter seventy-eight, and amounting to the sum of one hundred and eighteen thousand six hundred pounds sterling (five hundred and seventy-seven thousand one hundred and eighty-six dollars); the second class termed "Second Mortgage Bonds," and issued under the authority of the Act eighteenth Victoria, Chapter one hundred and seventy-seven, amounting to forty-eight thousand and fifty pounds currency (one hundred and seventy-two thousand and two hundred dollars); and the third class, termed "Non-Mortgage Bonds," issued under the authority of the Act thirteenth and fourteenth Victoria, Chapter one hundred and fourteen, and amounting to eighteen thousand and four hundred pounds (seventy-three thousand and six hundred dollars).

And whereas the Committee consider that the two last classes of bonds ranking only after the aforesaid first mortgage bonds are of doubtful value, but are of opinion that if the aforesaid preferred stock is subscribed and paid up, the intrinsic value of any new bonds which may be issued will be augmented—and they have recommended that the holders of the aforesaid second and non-mortgage bonds shall receive new bonds to be issued as hereinafter mentioned, at the following rates, to wit: the second mortgage Bondholders at the rate of eighty cents on the dollar, and the non-mortgage Bondholders at the rate of fifty cents on the dollar, both to bear interest at the rate of six per centum per annum, and to be redeemable not later than twenty years from the time of the issue thereof; And whereas a very large majority in number and value have signified

signified in writing their assent to this recommendation, and it is expedient that the same should be carried into effect: Therefore, be it enacted, that on the subscription and payment in full of the issue of five hundred and twenty thousand dollars of new preferred stock, or of such amount of preferred stock as with the new bonds mentioned in the third section of this Act shall suffice to make up the said amount of five hundred and twenty thousand dollars, the holders of the aforesaid second and non-mortgage bonds, after receiving the notice to that effect from the Company, shall be bound to receive in exchange therefor, new bonds of the said Company, bearing interest at six per centum per annum, redeemable not later than twenty years, from the issue thereof, to wit, the second mortgage Bondholders, new bonds at the rate of eighty cents in the dollar, and the non-mortgage Bondholders at the rate of fifty cents in the dollar; and such new bonds shall either bear a mortgage on the whole road concurrently with the present holders of the other first mortgage bonds, if the holders thereof consent to exchange the same, as provided for in the third and ninth sections of this Act or be a first mortgage after the redemption of the now existing bonds on the sections heretofore belonging to the Montreal and New York Railroad Company, as the case may be.

Certain Bondholders must exchange their bonds for new ones.

How such new bonds shall rank.

5. No new bonded debt (except as hereinbefore provided) shall be contracted by the Company without the consent of three-fourths in amount of the holders of the new preferred stock, and three-fourths of all the Bondholders to be present or represented at a meeting to be called for that purpose, except for the redemption of the new preferred stock, when the same is redeemable, and then at a less rate of interest than that paid on the stock, and any new bonds to be issued for that purpose shall rank posterior to those hereby authorized to be issued.

On what conditions only any further bonded debt may be contracted.

6. The holders of the new preferred stock shall have the same right to vote and be entitled to the same privileges, and subject to the same liabilities and penalties in all matters as the present Stockholders, and a new election of Directors shall take place after due notice and in the usual manner (such Directors to hold office until the next regular annual election) as soon as fifty per cent. of the preferred stock is paid in.

Holders of new preferred stock may vote, &c.

New election of Directors.

7. All executors, administrators, tutors, curators and trustees, in whose control shall be any of the bonds now outstanding, are hereby authorized to accept, in lieu thereof, other bonds as provided in sections numbers three and four, without incurring personal liability for so doing, and are also authorized to subscribe for any portion of the said new preferred stock, and pay the instalments thereon, out of the funds of any person or estate they represent, in the same manner as individuals, and without being under any disability by reason of their representative characters as such executors, administrators, tutors, curators or trustees.

Executors, &c., may exchange bonds: or subscribe for new stock.

Present sub-
scriptions
confirmed.

8. All subscriptions for the said new stock already made, shall be valid and binding, provided the conditions upon which the same were made shall be complied with.

Recital: con-
solidation of
debt.

9. And whereas it is desirable that the whole debt of the said Company should be consolidated, and be a charge not upon separate sections of their railway, but on the whole property of the said Corporation; And whereas there are now outstanding the sum of one hundred and eighteen thousand six hundred pounds sterling, of bonds, issued under the Act sixteenth Victoria, chapter seventy-eight, which are a first charge on the section of road leading from Montreal to Rouse's Point only; And whereas it is expedient that the holders thereof should be offered in exchange bonds at par of the issue of three hundred thousand pounds sterling, authorized by the Act twenty-third Victoria, chapter one hundred and seven, which would, concurrently with the amount required to redeem the second and non-mortgage bonds, as provided in the fourth section of this Act,—be a first charge on the whole corporate property and assets of the said Company, for the sum of one hundred and ninety-one thousand nine hundred and thirty-six pounds currency, and such further amount as may be exchanged under the said third section: Be it enacted, that the Directors shall, for six months after the passing of this Act, reserve a sufficient amount of the said issue, to effect the aforesaid change, and if after reasonable notice by public advertisement, the holders of the said first mortgage bonds, shall neglect or refuse to exchange them, they shall remain in their present position; The Directors shall have power in the interval to pass all needful resolutions, and to do all things necessary either by the issue of certificates to the holders of the second and non-mortgage Bonds, or otherwise, until it can be ascertained whether such exchange can be effected; And if the exchange be not effected, then the new bonds to be issued to such second or non-mortgage Bondholders shall bear first mortgage only on the sections of the road heretofore appertaining to the Montreal and New York Railroad Company, and a second mortgage on the section from Montreal to Rouse's Point, as provided for in the Act twenty-third Victoria, chapter one hundred and seven, section five, and shall be in the form of the schedule contained in the aforesaid Act; Provided that no exchange or issue of Bonds under this or the third section of this Act, or any other matter or thing herein contained shall affect in any way the contractors' claims referred to in the sixth section of the Act twenty-third Victoria, chapter one hundred and seven, or the priority reserved to them under the said last mentioned section, which priority, as thereby defined and limited, shall extend over all bonds issued under this Act.

Option to first
mortgage
bondholders.

Powers of
Directors.

As to new
bonds issued to
second or non-
mortgage
bondholders.

Proviso:
Saving con-
tractors' claims.

Sects. 109, 110,
of the Railway

10. The one hundred and ninth and one hundred and tenth sections of the sixty-sixth chapter of the Consolidated Statutes of

of Canada, intituled : *An Act respecting Railways*, shall hereafter apply to the said Company ; and any further enactments which the Legislature of the Province may hereafter make, for the carriage of the mail, or Her Majesty's Forces, and other persons and articles referred to in the said one hundred and ninth section, or the tolls therefor, or in any way respecting the use of any Electric Telegraph, or other service to be rendered to the Government, shall not be deemed an infringement of the privileges conferred; or intended to be conferred, by the said Acts of Incorporation, or any of them, or by this Act.

Act to apply to the Company.

Legislature may make further provisions for the like purpose.

11. This Act shall be a Public Act.

Public Act.

C A P . L V I I I .

An Act to make further provisions relating to the Cobourg and Peterborough Railway Company.

[Assented to 9th June, 1862.]

WHEREAS the Act intituled : *An Act to amend the Acts relating to the Cobourg and Peterborough Railway Company, and to grant further facilities to the said Company*, has failed in securing the objects intended, and it is advisable to grant more effectual means of accomplishing the desired objects : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

22 V. c. 119.

1. All the properties and franchises of the said Railway Company, comprising the real property, the corporate rights and the personal property (if any) shall be valued, and all claims of bondholders or creditors against the said company, or against the property of the company, shall be ascertained and their priorities determined by three indifferent persons, one to be chosen by the directors of the said company, one by the majority of the bondholders present in person or by proxy, at a meeting to be held for that purpose at the company's office in Cobourg, of which two weeks' notice shall be published in the *Canada Gazette*, and the third by the court of chancery (which shall have jurisdiction herein) ; Provided, always, if any one or more of the arbitrators so chosen shall die, refuse, or become incapable of acting, the court of chancery shall appoint an arbitrator or arbitrators in his or their stead, who shall act in the matter of the said valuation and award as fully as if he or they had been originally chosen or appointed.

Present value of Company's property and rights to be ascertained by arbitration.

Proviso.

2. It shall be the duty of the said arbitrators, or any two of them, to ascertain the present value of the railway and property of the said company, and the amounts and priorities of the claims against the same as aforesaid, and having taken evidence and made due inquiry, to make an award declaring the present

Also the claims against the same, and their order of priority.

Award to be filed.

present value of the railway properties and franchises as aforesaid, and the amounts and priorities of such claims; and the award, when so made, shall be filed in the office of the clerk of the peace for the united counties of Northumberland and Durham, and unless the said award be set aside by the court of chancery, the same shall be final and conclusive on all parties concerned.

Application for setting aside award or re-consideration thereof.

3. Any party interested as a bondholder, creditor or stockholder, may appear and give evidence before the arbitrators, and may apply to the court to set aside such award, or to have the matter thereof remitted to the arbitrators for re-consideration; but such application shall be made within one month after the award shall have been filed, otherwise the same shall be final.

Costs to be deposited: power of arbitrators.

4. The arbitrators shall not be required to proceed with such enquiry until funds shall have been deposited with them by the company, or by any shareholders of the company, sufficient, in the estimation of the said arbitrators, to secure all the expenses contingent upon such inquiry, and the arbitrators may disburse such funds for the purposes of such inquiry, and may retain therefrom their own fees and disbursements.

Notice of inquiry.

5. The arbitrators shall give notice in the *Canada Gazette*, in the *Cobourg Star*, and *Peterborough Review*, one month previous to holding the said inquiry.

Effect of the award.

6. The effect of the award, when so made, shall be to limit the amount of all the encumbrances or liens on the said railway, and against the said company, to the present value of the railway properties and franchises as declared in the award; and on payment of the said award, in the manner hereinafter provided, all encumbrances, liens, judgments, and claims against the said company of what kind soever shall be wholly discharged and acquitted, and all parties interested either as bondholders or creditors of the said company shall, as such, thereafter be forever foreclosed and debarred from claiming any right or interest in or over the said railway; Provided, always, that the claims in full for unpaid rights of way or station and depot grounds as agreed on or arbitrated on with the company shall be a first charge upon the award.

Effect of payment of sum awarded.

Proviso.

Paying in the said sum and distribution thereof.

7. The amount of the award so to be made shall, within eighteen months from the filing thereof in the office of the clerk of the peace for the united counties of Northumberland and Durham as herein provided, be paid by the said company into the court of chancery for Upper Canada, to be paid out or distributed by that court: In the first place, towards unpaid rights of way and depot and station grounds in full, and thereafter by *pro rata* distribution to the respective bondholders and creditors in accordance with the amounts and priorities established

established by the award, and upon petition by the claimants verified by affidavits ; Provided, always, that any of the holders of the said bonds shall have the option of converting their bonds into paid up new capital stock, in the proportion of double the sum which he or they would be entitled to receive under the award.

Proviso :
Conversion of
bonds into
stock.

8. So soon as the award shall have been paid into the court of chancery, and the encumbrances or liens on the said railway discharged or acquitted as herein provided, the railway, its properties and franchises, shall revert absolutely to the original shareholders, and the company shall thenceforth be governed by the original Act of incorporation, which shall then and thereafter be in full force and effect, excepting so far as the same shall be virtually altered or amended by this Act.

Property to
revert to Com-
pany clear of
encumbrances.

9. Upon the railway properties and franchises so reverting to the original shareholders, the original shares shall be reduced to twenty-five per cent. of the amount subscribed ; and the capital shall consist of that proportion of the paid up stock, the amount, if any, of the converted bonded debt, and any further subscription of new stock by municipalities or other parties, to the full amount of their subscriptions, which shall be called in from time to time, as the directors shall decide, such calls not to exceed ten per cent at one time, and to be payable after sixty days notice ; and the said new subscribed stock, and the converted bonded stock shall be a preferential stock, and shall be first entitled to dividends at the rate of eight per cent. per annum, before any profits are divided among the other shareholders.

Original stock
reduced.
New capital.

Calls.

10. Upon payment of the award in manner hereinbefore provided, a certain mortgage held over the railway by William Proudfoot, Esquire, as trustee for the bondholders, shall be assigned to such person or persons as the then directors of the company shall appoint, to be held as a security for moneys raised and advanced to pay off the said award, until the new company shall have been fully organised, and such moneys shall have been converted into preferential stock as aforesaid.

Mortgage held
by W. Proud-
foot.

11. The company being so re-organised, the shareholders shall hold a meeting at the town of Cobourg, for the election of directors, on the first Monday in January or July, whichever shall first happen after the satisfaction and discharge of the award as hereinbefore provided ; and after the election has taken place, the directors shall cause a new stock book to be opened, in which the new preferential shares shall be entered, together with the shares of the bondholders, if any, who shall elect to subscribe in the proportions aforesaid, and the reduced original stock.

First meeting of
re-organized
Company.

New stock
books, &c.

Completing the Road.

Debentures may be issued.

Leasing the Road.

Voting at elections of Directors.

Failure of any election.

Public Act.

12. The company, when so re-organised, may enter into contracts for filling in Rice Lake Bridge, for putting the railway and bridges into an efficient state of repair, and for the purchase of rolling stock, and they may issue debentures and negotiate the same or pay them to the contractors or others employed; such debentures shall not be for a less sum than two hundred dollars respectively, and shall be payable at such time or times, and on such terms as the directors shall see fit, the whole amount to be issued shall not exceed four hundred thousand dollars at any one time, and security may be given by mortgage or otherwise over the railway and rolling stock, to secure such debentures; and the company may, from time to time, make a lease or leases of the said railway and of the rolling stock.

13. At the first meeting for the election of directors under this Act, the original shareholders shall vote, and shall be eligible as directors for the succeeding year upon their original stock in the company; and on the same day in each year thereafter a new election of directors shall take place; at all elections subsequent to the first, the shareholders shall vote on the new stock list, and any person shall be qualified to sit and act as a director who shall hold stock to the amount of one hundred dollars.

14. In case of failure to elect directors on the day appointed, the directors shall retain office until a new board is chosen, which shall take place with as little delay as possible, one week's notice in a Cobourg newspaper being given before such election shall take place.

15. This Act shall be deemed a Public Act.

C A P . L I X .

An Act to grant further powers to the London and Port Stanley Railway Company.

[Assented to 9th June, 1862.]

Preamble.

WHEREAS the London and Port Stanley Railway Company have, by their petition, represented that owing to the uncertainty and irregularity of the communication which now exist between Port Stanley, the terminus of their Railway, and the various ports on Lakes Erie and Ontario, they are deprived of much of that business and traffic, which, if regular communication was maintained with the said ports, they would undoubtedly obtain to their great profit and advantage, and have prayed to be permitted to acquire or charter steamboats and other vessels to ply in connexion with their railway: Therefore, Her Majesty, by and with the advice and consent of

of the Legislative Council and Assembly of Canada, enacts as follows:

1. The London and Port Stanley Railway Company are hereby empowered to construct, purchase, own, charter, or employ, at the cost and charges of the said Company, or jointly with any other persons or Companies, one or more steamers or sailing vessels, to ply for the transport of passengers and freight between the terminus of their Railway and any other port or ports on the navigable waters of Lakes Erie and Ontario, and to fix, impose and collect tolls and charges for the transport of such passengers and freight in such vessels, in the same manner as they may impose and collect tolls on their Railway.

Company may own or employ vessels on Lakes Erie and Ontario.

2. This Act shall be deemed a Public Act.

Public Act.

C A P . L X .

An Act further to amend the Act relating to the Brockville and Ottawa Railway Company, and for the purposes therein mentioned.

[Assented to 9th June, 1862.]

WHEREAS the Brockville and Ottawa Railway Company have completed a great portion of their Railway and works, but, although considerable progress has been made towards completion of the remainder thereof, yet, the means at the present disposal of the Company are quite inadequate to complete the same in the manner and to the extent necessary to insure the full benefit to be derived from the undertaking; And whereas it would be of great public advantage that the said Railway and works should be completed as soon as possible; And whereas the Company having, by their petition, prayed that the powers and facilities hereinafter mentioned, might be granted to them, and to enable them, if so deemed advisable, to dispose of and transfer to a Company, formed or to be formed in England for the purpose of purchasing and completing the said Railway and works, all the property, privileges, rights and obligations of the Brockville and Ottawa Railway Company; and it being expedient to grant the same, and for that purpose to amend the Acts relating to the said Company: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. The Brockville and Ottawa Railway Company (hereinafter referred to as the Railway Company) may issue preferential stock and re-organize the said Railway Company as hereinafter mentioned.

Company may issue preferential stock, &c.

Nominal capital reduced.

2. The nominal Capital of the said Railway Company is hereby reduced and declared to be Five Hundred and Fifty Thousand Pounds sterling.

Division of stock into preferential and common.

3. The said Railway Company may divide the said Capital Stock into two classes of shares, namely, Preferential and Common, the Preferential or A shares not to exceed Two Hundred and Fifty Thousand Pounds sterling, and to be entitled to a preferential dividend of not exceeding seven per centum per annum, payable out of revenue; the Common or B shares to embrace the remainder of the said Capital Stock; B shares not to be entitled to any dividend until the revenue pays the preferred dividend, and leaves a surplus revenue over and above such preferred dividend, which surplus revenue shall be applicable to dividend upon B shares, until the dividends upon both classes of shares are equalized; any surplus revenue thereafter to be divided rateably to both classes of shares.

Rights of each class.

Liability of Stock.

4. Such Stock, Preferential and Common, shall be subject to and shall not disturb nor interfere with all or any of the existing liabilities of the said Railway Company, nor their rank or priority; outstanding Bonds or Debentures of the said Railway Company may, with the consent of the holders thereof but not otherwise, (and they are hereby thereto empowered, whether holding in their own right or as trustees, mortgagees, or in any representative capacity, or otherwise,) be converted into B or Common Stock on such terms as may be agreed, and the shares received upon such conversion shall be held by them upon the same trusts and for the same purposes as the Bonds were held by them at the time of such conversion; both classes of shares shall be entitled to share proportionately in any lands to which the said Railway Company may become entitled upon construction of their Railway or any part thereof; And all or any of such Bondholders may, instead of such conversion, consent to the issue of the said Preferential Stock, and in every such case the bonds held by the party so consenting shall rank next after such Preferential Stock and before the said B stock, upon the earnings of the road.

Bonds may be converted into stock.

And as to certain lands.

As to unconverted bonds.

Certain powers of re-organization vested in the Company.

5. The said Railway Company may reduce the number of Directors thereof, and declare the number to form a quorum; may fix the amount of shares; may appoint some place in London, England, or elsewhere in the United Kingdom of Great Britain and Ireland, for holding all or any of the meetings of the said Railway Company or of the Directors thereof, and for the transaction of the general business of the said Railway Company; may convert the present shares held in the said Company into B or Common Stock to an equivalent amount; any or all of the powers by this and the preceding clauses granted may, from time to time, be exercised at any general meeting of the Shareholders of the said Railway Company, for that purpose specially convened by notice published

How to be exercised.

published for two consecutive weeks in the *Canada Gazette*, such powers to be exercised by By-law or By-laws enacted and passed at such meeting or meetings, in the usual manner, signed by the person presiding at such meeting, and sealed with the seal of the said Railway Company; the said By-law or By-laws may fix the time for the changes thereby effected coming into operation, and if no time is thereby fixed they shall come into immediate operation.

6. If it shall be deemed more advisable, the said Railway Company may dispose of and transfer their Railway and works, lands, hereditaments, rolling and other stock, plant, rights, powers, claims, franchises, privileges, property and effects whatsoever, (hereinafter referred to as the property of the said Railway Company) to any Company formed or to be formed in England for the purposes aforesaid, either solely or for other purposes (hereinafter referred to as the New Company,) and to be incorporated with limited liability under the Act of the United Kingdom of Great Britain and Ireland, known as the Joint Stock Company Act, 1856, having a nominal capital of not less than Five Hundred Thousand Pounds sterling.

Company may transfer its property and rights to a new Company.

7. Such transfer may be effected by a deed to be made between the said Railway Company and the New Company, and such deed, when duly executed by or on behalf of the said Companies respectively, and approved by the Shareholders of the said Railway Company, by By-law enacted and passed in the usual manner (at a meeting convened for the purpose as hereinafter mentioned,) such approval to be evidenced by endorsement of such approval upon such deed or duplicate thereof, sealed with the seal of the said Railway Company, and signed by the chairman presiding at such meeting, or other person deputed for that purpose by the Shareholders at such meeting, (and the said meeting may be convened by notice in the *Canada Gazette*, published for two consecutive weeks, and specifying object, time and place,) shall be valid and binding upon all bodies, persons and parties concerned, and upon such execution and approval endorsed, signed and sealed as aforesaid, and a duplicate or attested copy thereof lodged with the Provincial Secretary, (as hereinafter mentioned) all the property of the said Railway Company shall vest in and absolutely belong to the New Company, subject to the dues, charges and liens then affecting the same, but as to all the said property and except so far as may be otherwise provided in the said deed of transfer, free from any claim by the Stock or Shareholders of the said Railway Company in respect of their respective shares in the said Railway Company, and the New Company shall and may have, enjoy, exercise and enforce, all the rights, powers, claims, benefits, franchises and privileges, granted to or conferred on, or held, possessed or enjoyed by the said Railway Company, by or under or by virtue of the Acts relating to the said Railway Company or any of them, (including

How such transfer may be effected.

Effect of such transfer.

Rights and obligations under certain Acts included in it.

(including amongst the other Acts relating to the said Railway Company, an Act passed in the nineteenth and twentieth years of Her Majesty's Reign, intituled : *An Act to provide for and encourage the construction of a Railway from Lake Huron to Quebec*, and also, another Act passed in the twenty-fourth year of Her Majesty's Reign, intituled : *An Act to incorporate the Canada Central Railway Company, and to amend an Act, intituled : An Act to provide for and encourage the construction of a Railway from Lake Huron to Quebec*, or otherwise, and the said New Company shall be subject to all the liabilities to debenture holders and other creditors, and to all other real charges and liens whatsoever, including the mortgage in favor of the several Municipalities mentioned in section five of the Act twentieth Victoria, chapter one hundred and forty-four, and extending as to such mortgage, to property to be acquired by the New Company, after such transfer to them, in the manner and to the extent defined by the said section, subject however to such modification thereof, as is enacted by the twenty-third Victoria, chapter one hundred and nine ; and subject also to all the debts, duties and obligations to which the said Railway Company was subject at the time of such transfer under or by virtue of the said Acts or any of them, or any thing done by virtue thereof or ratified thereby ; and the several Acts relating to the said Railway Company shall thenceforth, so far as may be necessary to give full effect to such transfer, and the provisions of this Act generally, be construed in the same manner as if the New Company, or the name thereof, had been originally referred to or inserted throughout the said Acts respectively, instead of the said Railway Company, or the name thereof, (but subject as herein-after provided) and all actions, suits or other proceedings, which might, or but for this Act might, at any time after such transfer, have been continued, commenced or prosecuted against, or by or on behalf of the said Railway Company, in respect of any debt, cause of action or suit incurred or accrued previously to such transfer as aforesaid, may be continued, commenced and prosecuted against, or by or on behalf and in the name of the New Company (as the case may require,) and for the purposes of any such actions, suits or proceedings, the New Company may, if they so think fit, use the name of the said Railway Company.

Actions, &c., to continue by or against New Company.

Public notice of transfer to be given.

8. As soon as conveniently may be after the execution of the said deed of transfer and approval thereof as aforesaid, notice thereof shall be inserted in the *Canada Gazette*, and a duplicate or an attested copy thereof and of the approval thereof endorsed thereon, shall be lodged with the Provincial Secretary of this Province, but no registration of such deed or of any memorial thereof in any registry book whatsoever shall be requisite.

9. The election and number of Directors and the number to form a quorum, and the time and place and mode of the calling and holding of general or special or ordinary or extraordinary meetings, (including meetings for the election of the Land Trustees) and the votes to which Shareholders are to be entitled and the mode of taking the same, and all provisions for the increase of and the mode of providing the capital, the issue and forfeiture of shares, the making of calls, and the amount of all such shares and calls, and generally the whole internal management and arrangement of the New Company, and the conduct of the affairs and business thereof, may be regulated and determined by the articles of association, or the deed or instrument of settlement of the New Company, or otherwise, in such mode or manner as the New Company or the Directors thereof shall, from time to time, think fit, and in default of any such regulation, to the contrary, the direction, management and control of the New Company shall be vested in the Board of Directors in England, or in such members thereof, as shall meet from time to time, in the City of London, or such other place in the United Kingdom of Great Britain and Ireland, as may be determined upon by the New Company; provided, always, that the New Company shall also have an office and established place of business at Brockville, in Canada.

Election and powers of Directors of New Company, &c. may be regulated by deed of transfer.

Proviso.

10. In any suits, actions or proceedings, judicial or otherwise, in Canada, a certified copy of the duplicate or attested copy of the said deed of transfer and approval, so to be lodged with the Provincial Secretary aforesaid, shall be *prima facie* evidence of the transfer aforesaid, and of the terms thereof, and of the contents of the said deed.

Proof of transfer deed.

11. Outstanding Bonds or Debentures of the said Railway Company may, with the consent of the holders thereof, (and they are hereby thereto empowered, whether holding in their own right or as Trustees, Mortgagees, or in any representative capacity, or otherwise,) be converted into such stock of the New Company and upon such terms as may be agreed, and the shares received upon such conversion shall be held by them upon the same trusts and for the same purposes as the Bonds were held by them at the time of such conversion.

Bonds may be converted into stock of New Company.

12. The powers conferred by the sixth, seventh, eighth, ninth and tenth sections of this Act, upon the said Brockville and Ottawa Railway Company, are hereby conferred upon and may be exercised by any of the Railway Companies mentioned in this Act.

Certain powers conferred on other Companies.

13. Provided, always, that the rights of Her Majesty, or of this Province, in respect to any claim or lien created by any existing statute altered or amended by this Act, shall in no wise be affected by any provision in this Act contained; and provided also, that unless the New Company is formed and

Rights of the Crown or Province saved.

Proviso.

the

the said transfer of the Railway is completed within three years from the passing of this Act, all the clauses of this Act, relating to such New Company, shall have no force or effect.

Public Act.

14. This Act shall be deemed a Public Act.

C A P . L X I .

An Act to incorporate the "Massawippi Valley Railway Company."

[Assented to 9th June, 1862.]

Preamble.

WHEREAS Benjamin Pomroy, Daniel W. Mack, Charles Brooks, Ozro Morrill, Charles C. Colby, Arba Stimson, Paul Hitchcock, Esquires, and others, have petitioned the Legislature for an Act of Incorporation to construct a Railroad from some point on the Grand Trunk Railway, between Lennoxville and Compton Centre, to the "Benson Place," and thence to the Province Line in Stanstead; and whereas it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Company Incorporated.

1. The said Benjamin Pomroy, Daniel W. Mack, Charles Brooks, Ozro Morrill, Charles C. Colby, Arba Stimson and Paul Hitchcock, together with such other persons or corporations as shall become subscribers and shareholders in the Company hereby incorporated, 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 "Massawippi Valley Railway Company."

Corporate name.

Certain clauses of the Railway Act incorporated with this Act.

2. The several clauses of the "Railway Act" with respect to the first, second, third and fourth clauses thereof, and also the several clauses of the said Act with respect to "Interpretation," "Incorporation," "Powers," "Plans and Surveys," "Lands and their Valuation," "Highways and Bridges," "Fences," "Tolls," "General Meetings," "Directors, their election and duties," "Shares and their Transfer," "Municipalities," "Shareholders," "Actions for Indemnity, and Fines and Penalties and their prosecution," "Working of the Railway," and "General Provisions," shall be incorporated with this Act, and the expression "this Act" when used herein, shall be understood to include the clauses incorporated with this Act, save and except in so far as they are varied by any of the provisions of this Act.

General Line of the Railway to be made by Company.

3. The said Company and their servants shall have full power and authority to lay out, construct, make and finish a double or single iron Railway, at their own cost and charges, of the same width or guage as the Connecticut and Passumpsic Rivers

Rivers Railroad, from such point on the line of the Grand Trunk Railway, between the Lennoxville and Compton Stations of the Grand Trunk Railway, as the Directors of the said Company, for the time being, may think most advantageous, and as will ensure the best grades and the best connection with the said Grand Trunk Railway, to a place known as the "Benson Place," in the Township of Stanstead, or so near thereto as may be approached by practicable grades, and from thence to the Province Line in Stanstead, at such point as to the Directors of the said Company may seem expedient in order to form a junction with the Connecticut and Passumpsic Rivers Railroad; and the said Company shall have power and authority to construct the different sections of the said Railway in such order as they see fit, keeping in view the general direction as hereinabove provided; But inasmuch as the Stanstead, Shefford and Chambly Railroad Company are already incorporated for the purpose of constructing a Railroad by the way of the outlet of Magog Lake, up to the Province Line in Stanstead, it is hereby expressly enacted, that all that part of the Railroad to be constructed under the authority of this Act, which shall be between the Province Line in Stanstead, and the point at which the Stanstead, Shefford and Chambly Railroad may hereafter form a junction therewith, shall, in such case, subject always to the unimpaired franchise and right of property therein of the Company hereby incorporated, form part of the said Stanstead, Shefford and Chambly Railroad, and shall be worked on a *pro rata* arrangement; the Presidents of the said Companies for the time being shall, in the event of disagreement in relation to any other matter connected with the said Railways, act as arbitrators, (*arbitres*), each on behalf of his respective Company, with power to appoint a third arbitrator (*tiers arbitre*) before proceeding to consider the matter, and with power to either Company to cause the third arbitrator to be appointed by any Judge of the Superior Court for Lower Canada, in the event of the said Presidents not agreeing in the choice of such third arbitrator, such arbitrament embracing no matter beyond terms of working the said portion of the said Railway.

May be made
in sections.

Reservation in
favour of Stan-
stead, Shefford
and Chambly R.
Company.

Arbitration in
case of non-
agreement.

4. The Capital Stock of the said Company shall not exceed in the whole the sum of seven hundred and fifty thousand dollars, (with power to increase the same as provided by the Railway Act,) to be divided into seven thousand and five hundred shares, of one hundred dollars each, which amount shall be raised by the persons hereinbefore named, and such other persons and corporations as may become shareholders in such Stock, and the money so raised shall be applied in the first place, towards the payment of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates connected with the Railway, and all the rest and remainder of such money shall be applied towards the making, completing and maintaining the

Capital stock.

Shares.

Application of
Capital.

the

Proviso: as to preliminary expenses.

the said Railway and other purposes of this Act; provided, always, that until the said preliminary expenses shall be paid out of the Capital Stock, it shall be lawful for the Municipality of any County, City, Town, or Township interested in the Railway, or otherwise, to pay out of the general funds of such Municipality, such preliminary expenses, which sums shall be refunded to such Municipality from the Stock of the said Company, or be allowed to them in payment of stock.

First Directors named.

5. The said Benjamin Pomroy, Daniel W. Mack, Charles Brooks, Ozro Morrill, Charles C. Colby, Arba Stimson and Paul Hitchcock, shall be, and are hereby constituted a Board of Directors of the said Company, and shall hold office as such until other Directors shall be elected under the provisions of this Act, by the Shareholders, and shall have power and authority immediately after the passing of this Act, to open stock books and procure subscriptions for the undertaking, to make calls upon the subscribers, to cause surveys and plans to be made and executed, and as hereinafter provided to call a general meeting of the Shareholders for the election of Directors.

Their powers and term of office.

Directors to open stock Books.

6. The said Directors are hereby empowered to take all necessary steps for opening the stock books for the subscriptions of parties desirous of becoming Shareholders in the said Company; and all persons subscribing to the Capital Stock of the said Company shall be considered proprietors and partners in the same, but shall be liable only to the extent of their stock therein.

First General Meeting and election of Directors.

7. When and so soon as one-sixth part of the said Capital Stock shall have been subscribed, as aforesaid, it shall and may be lawful for the said Directors, or a majority of them, to call a meeting of the Shareholders at such time and place as they may think proper, giving at least two weeks' notice in a newspaper published in the Town of Sherbrooke, and in one published in the County of Stanstead, at which general meeting, and at the annual general meetings, in the following sections mentioned, the Shareholders present, either in person or by proxy, shall elect nine Directors, in the manner and qualified as hereinafter provided, which said nine Directors shall constitute a Board of Directors, and shall hold office until the first Monday in March, in the year following their election; This Act and all the provisions thereof shall become null and void unless the construction of the said Railroad be commenced within two years, and completed within four years of the passing of the same.

Periods for commencing and completing the Road.

Annual General Meetings and election of Directors, &c.

8. On the said first Monday of March, and on the first Monday in March in each year thereafter, there shall be holden a general meeting of the Shareholders of the said Company, at the principal office of the said Company, at which meeting the

the Shareholders shall elect nine Directors for the then ensuing year, in the manner and qualified as hereinafter provided; and public notice of such annual general meeting and election shall be published one month before the day of election, in one or more newspapers published in the Town of Sherbrooke, and in one newspaper published in the County of Stanstead; and the election of Directors shall be by ballot; and the persons so elected, together with the *ex officio* Directors under "the Railway Act," shall form the Board of Directors.

9. Five Directors shall form a quorum for the transaction of business, and the said Board of Directors may employ one or more of their number as paid Director or Directors; Provided, however, that no person shall be elected Director unless he shall be the holder and owner of at least five shares of the stock of the said Company, and shall have paid up all calls upon the said Stock.

Quorum.
Proviso, qualification.

10. In the elections of Directors under this Act, and in the transaction of all business at General Shareholders' Meetings, each shareholder shall be entitled to as many votes as he holds shares upon which the calls have been paid up, and shall be entitled to vote either in person or by proxy.

One vote for each share.

11. The Directors may, at any time, call upon the Shareholders for such instalments upon each share which they or any of them may hold in the Capital Stock of the said Company, and in such proportion as they may see fit, except that no such instalment shall exceed ten per cent. on the subscribed capital, and that one month's notice of each call shall be given in such manner as the Directors shall think fit.

Calls for stock.
Limitation.

12. All deeds and conveyances of lands to the said Company for the purposes of this Act, in so far as circumstances will admit, may be in the form of the Schedule A, to this Act subjoined, or in any other form to the like effect; and for the purposes of due enregistration of the same, all Registrars in their respective Counties are required to register in their registry books such deeds and conveyances, upon the production and proof of the due execution thereof, without any memorial, and shall minute the enregistration or entry on such deed; and the Registrar shall receive from the said Company, for all fees on every such enregistration, and for a certificate of the same fifty cents and no more, and such enregistration shall be deemed to be valid in law; any statute or provision of law to the contrary notwithstanding.

Form of conveyances to Company.
Registration.
Fees.

13. The said Company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such promissory note made or endorsed, or any such bill of exchange drawn, accepted or endorsed by the President or Vice-President

Company may be parties to Bills and notes, and how.

of

of the Company, and countersigned by the Secretary and Treasurer of the said Company, and under the authority of a quorum of the Directors, shall be binding on the said Company; and every such promissory note or bill of exchange so made, shall be presumed to have been made with proper authority, until the contrary be shewn, and in no case shall it be necessary to have the seal of the said Company affixed to such promissory note or bill of exchange, nor shall the President or Vice-President or the Secretary and Treasurer, be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the Board of Directors, as herein provided and enacted; Provided, however, that nothing in this section shall be construed to authorize the said Company to issue any notes or bills of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

Proviso.

Company may issue Bonds for money borrowed.

14. The Directors of the said Company shall have the power, upon being duly authorized thereto by a vote of the majority of the shareholders in the said Company, present at any annual meeting in the month of March, for the purpose of electing Directors, or at any other general meeting of the said shareholders, whereof notice shall have been given in the manner hereinabove provided in the case of a General Annual Meeting and election, and in which notice shall be stated and published the object of such meeting, to issue their bonds made and signed by the President or Vice-President of the said Company, and countersigned by the Secretary and Treasurer, and under the seal of the said Company, for the purpose of raising money for prosecuting the undertaking, and such bonds shall be and be considered to be privileged claims upon the property of the said Company, and shall bear hypothec upon the said Railway without registration; Provided, however, that no such bonds bearing such hypothec shall be issued until after twenty-five per cent. of the whole Capital Stock of the said Company, as provided by this Act, shall have been expended in and upon the said Railway; And provided, also, that the whole amount raised by such bonds shall not exceed one half the Capital Stock of the Company, nor be in excess of the amount actually paid up on its share capital at the time of the issue of such bonds.

Privilege attached to such Bonds.

Proviso.

Proviso.

Company may agree with other Companies as to services to be performed by one Company for another.

15. It shall be lawful for the said Company to inter into any agreement with any other Railway Company, either in this Province or in any Foreign State, for leasing the said Railway or any part thereof or the use thereof, at any time or times, or for any period to such other Company, or for leasing or hiring from such other Company any Railway or part thereof, or the use thereof, or for the leasing or hiring any locomotives, tenders or moveable property, and generally to make any agreement or agreements with any such other Company, touching the use by one or the other or by both companies of the railway or moveable

moveable property of either or of both or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor; and any such agreement shall be valid and binding, and shall be enforced by courts of law according to the terms and tenor thereof; and any locomotive, car, carriage or tender of any foreign Railway Company brought into this Province in pursuance of any such agreement, but remaining the property of any such foreign company and intended to pass regularly along the said railway between this Province and a foreign state, shall for all purposes of the laws relative to customs, be considered as carriages of travellers coming into this Province with the intent of immediately leaving it again.

As to Foreign cars.

16. Any Shareholder in the said Company, whether a British subject or alien, or a resident in Canada or elsewhere, shall have equal rights to hold stock in the said Company, and to vote on the same, and to be eligible to office in the said Company.

Aliens may vote, &c.

17. The Interpretation Act shall apply to this Act, and this Act shall be deemed a Public Act.

SCHEDULE A.

(Form of Deed of Sale.)

Know all men by the presents, that I, A. B., of _____, do hereby in consideration of _____, paid to me by the Massawippi Valley Railway Company, the receipt whereof is hereby acknowledged, grant, bargain, sell and convey unto the said Massawippi Valley Railway Company, their successors and assigns, all that tract or parcel of land, (*describe the land*;) the same having been selected and laid out by the said Company for the purposes of their Railway; to have and to hold the said land and premises unto the said Company, their successors and assigns for ever.

Witness my Hand and Seal, this _____ day of _____ one thousand eight hundred and _____

Signed, sealed and delivered in presence of

A. B. [L. S.]

C A P . L X I I .

An Act to authorize the construction of a Tram or Railroad from the town of Simcoe to the village of Port Ryerse, in the county of Norfolk.

[Assented to 9th June, 1862.]

Preamble.

WHEREAS certain persons resident in the county of Norfolk have petitioned that an Act may be passed for the construction of a tram or railroad from the town of Simcoe to the village of Port Ryerse, in the said county of Norfolk, and for the purpose of acquiring and constructing a harbor at Port Ryerse; And whereas such tram or railroad and harbor would advance the agricultural and commercial interests of that section of country affected thereby: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Company incorporated.

1. Duncan Campbell, Edward P. Ryerse, George L. Darling, Edward W. Harris, James A. Lyons, together with such other person or persons, as shall, under the provisions of this Act, become shareholders in the company hereby incorporated, shall be, and are hereby ordained, constituted and declared to be a body corporate and politic, by and under the name of the "Simcoe and Port Ryerse Tram or Railroad and Harbor Company."

Corporate name.

Certain provisions of the Railway Act incorporated with this Act.

2. The several clauses of the Railway Act, with respect to the first, second, third and fourth clauses thereof; and also the several clauses of the said Act, with respect to "Interpretation," "Incorporation," "Powers," "Plans and Surveys," "Lands and their valuation," "Highways and Bridges," "Fences," "Tolls," "General Meetings," "Directors, their election and duties," "Shares and their transfer," "Municipalities," "Shareholders," "Actions for indemnity, and fines and penalties, and their prosecution," "Working of the railway," and "General Provisions,"—shall be incorporated with this Act, and shall accordingly apply to the said company, and to the said tram or railroad, and to the harbor they are hereby authorized to construct, except only in so far as the same may be inapplicable to or inconsistent with the express enactments thereof; and when lands are required to be taken for the said harbor and the works connected with it, they shall be taken in the manner provided by the said Act with respect to lands required for railways, and the map and book of reference to be made and deposited by the said company shall include the said harbor; And the expression "this Act," when used herein, shall be understood to include the provisions of the Railway Act and the several Acts amending the same which are incorporated with this Act as aforesaid.

And to apply to the Harbour.

3. The said company and their servants and agents shall have full power under this Act to lay out, construct and complete a tram or railroad connection between the said town of Simcoe and Lake Erie, at the village of Port Ryerse aforesaid, in the said county of Norfolk, and for that purpose shall have full power to take possession of and use for the purpose of, and as a site for such tram or railroad, such part of the present travelled road leading from the said town of Simcoe to the village of Port Ryerse, as may be necessary for that purpose ; Provided, nevertheless, that in so occupying the said main travelled road, the company hereby incorporated shall not lay their track within twelve feet of the centre of the said road, except where it may be necessary to cross the same ; and provided, also, that should it become necessary in making the proper grades for the said tram or railroad, to interfere with the grade, (twenty-four feet in width) in the centre of the said present travelled road, then in such case, upon the completion of the grading of the said tram or railroad, the grade of the present travelled road shall be restored in such manner as that there shall not be a rise of more than one foot in every twenty feet, for carriages travelling thereon.

Line of tram or Railroad.

Proviso : as to travelled road to Simcoe.

Further proviso.

4. The said company shall have the right to acquire and hold such and so much of the land covered with water and other real estate at Port Ryerse, in connection with the harbor at the said port, as they shall deem necessary for the works of the company ; and the said company are hereby authorized and empowered, at their own costs and charges, to construct a harbor at the mouth of Young's Creek, at Port Ryerse 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 Erie ; 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 harbor, 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.

Right to acquire property for and to construct the Harbor and requisite works.

5. Deeds and conveyances under this Act for the lands to be conveyed to the said company for the purposes of this Act, shall and may, so far as the titles to the said lands, or circumstances of the parties making such conveyance will admit, be made in the form given in the schedule to this Act marked A ; And the proper registrar is hereby required to register, in his register books, such deeds, on the production thereof, and proof of execution, without any memorial, and to minute every such entry on the deeds ; The said company are to pay the registrar for so doing the sum of one dollar, and no more, for each o such deeds.

Conveyances to the Company.

Registration.

Provisional
Directors.

6. From and after the passing of this Act, the said Duncan Campbell, Edward P. Ryerse, George L. Darling, Edward W. Harris, and James A. Lyons, shall be the provisional directors of the said company for carrying into effect the object and purposes of this Act.

Filling Va-
cancies among
such Directors.

7. It shall and may be lawful for the provisional directors for the time being of the said company, or a majority of them, to supply the place or places of any of their number from time to time dying or declining to act as such provisional director or directors, from among the several persons being subscribers for and holding shares in the said company, to the amount of at least four hundred dollars each, during the period of their continuance in office; And such provisional directors, except as hereinafter is excepted, shall be and they are hereby invested with all the powers, rights, privileges and indemnities, and they shall be and they are hereby made subject unto the like restrictions, as the elected directors of the said company, upon their being elected by the stockholders of the said company as hereinafter provided, would, under the provisions of the Railway Act, and of this Act, become invested with or subject to respectively.

Their powers.

First meeting of
Shareholders
for election of
Directors.

8. When and so soon as all the capital stock of the said company shall be taken, and ten per centum thereon shall have been paid into some one of the chartered banks of this province, it shall and may be lawful for the provisional directors of the said company for the time being, to call a meeting at the "Norfolk House," in the town of Simcoe, of the subscribers for stock in the said company, who have paid ten per centum thereon as aforesaid, for the purpose of electing directors of the said company; Provided, always, that if the said provisional directors shall neglect or omit to call such meeting, then the same may be called by any ten of the holders of shares in the said company, holding among them not less than eighty shares, equivalent to four thousand dollars; And provided that in either case, public notice of the time and place of holding such meeting shall be given, during one month, in some one newspaper published in the said county of Norfolk.

Proviso.

Proviso.

Election of
Directors.

9. At such last mentioned general meeting, the shareholders assembled with such proxies as shall be present shall choose five persons to be directors of the said company, being each a proprietor of shares in the said company, to an amount not less than four hundred dollars, and 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; Provided that the ten per centum so paid up as aforesaid on the capital of the company shall not be withdrawn from the bank in which it has been deposited as aforesaid, except only for the purposes of such tram or railroad and harbor, or upon the dissolution of the company from any cause whatever.

Proviso : as to
ten per cent.
paid down.

10. The directors so elected, or those appointed in their stead in case of vacancy, shall remain in office until the first Wednesday in May, one thousand eight hundred and sixty-three, and on the first Wednesday in May, in each year thereafter, or such other day as shall be appointed by any by-law of the company; an annual general meeting of shareholders shall be held at the office of the company for the time being, to choose directors in the room of those whose period of office shall have expired, and generally to transact the business of the company.

Term of office and annual election of Directors.

11. If at any time it should appear to any ten or more of such shareholders holding together four thousand dollars in shares at least, that a special general meeting of the shareholders is necessary to be held, it shall be lawful for such ten or more of them to cause fifteen days' notice at least to be given thereof, in one newspaper at least, published in the said county of Norfolk, or in such manner as the company shall by any by-law direct or appoint, specifying in such notice the time and place, and reason, and intention of such special meeting respectively; And the shareholders are hereby authorized to meet pursuant to such notice, and proceed to the execution of the powers by this Act given to them, with respect to the matters so specified only; And all such acts of the shareholders, or the majority of them, at such special meetings assembled, such majority not having, either as principals or proxies, less than six thousand dollars in shares, shall be as valid to all intents and purposes as if the same were done at annual meetings.

Special general meetings how called, &c.

Powers of such meetings.

12. For the purpose of making, constructing and maintaining the said tram or railroad and harbor, and other works and buildings necessary for the proper use and enjoyment of the said tram or railroad and harbor, by this Act authorized to be constructed, it shall and may be lawful for the directors of the said company for the time being, to raise the sum of twelve thousand dollars, divided into two hundred and forty shares of fifty dollars each; Provided, always, that not less than ten thousand dollars of such capital shall be raised by the issuing of shares; And provided, also, that the said capital sum may, from time to time, if necessary, be increased to an additional amount not exceeding twenty thousand dollars, or twenty thousand dollars may be borrowed by the said company, in the manner provided for in those clauses of the Railway Act, which, in and by the second section of this Act, are incorporated with this Act.

Capital, and how to be raised.

Proviso.

Proviso: increase of Capital.

13. It shall and may be lawful for the Directors of the said Company, for the time being, to make, execute and deliver all such scrip and share certificates, and all such bonds, debentures, mortgages, or other securities, as to the said directors, for the time being, shall, from time to time, seem most expedient

Directors to issue scrip, &c.

for raising the necessary capital or loans for the time being authorized to be raised by the said company, or for raising any part thereof.

One vote for each share.

14. Every proprietor of shares in the said company shall be entitled, on every occasion when the votes of the members of the said Simcoe and Port Ryerse Tram or Railroad and Harbor Company are to be given, to one vote for every share of fifty dollars held by him.

Form of bonds, debentures, &c.

15. All bonds, debentures and other securities to be executed by the said tram or railroad and harbor company, may be payable to bearer, and all such bonds, debentures or other securities of the said company, and all dividends and interest warrants thereon respectively, which shall purport to be payable to bearer, shall be assigned at law by delivery, and may be sued on and enforced by the respective bearers and owners thereof, for the time being, in their own names; Provided, always, that no such bond, debenture or other security, shall be for a less sum than one hundred dollars.

Proviso.

Quorum of Directors.

16. Any meeting of the directors of the said company, at which not less than three of such directors are present, shall be competent to exercise, and to use all and every the powers hereby vested in the said directors.

Calls.

Proviso: amount, &c., of each call limited.

17. Calls may be made by the directors of the said company for the time being; Provided that no call to be made upon the subscribers for shares in the said tram or railroad and harbor company shall exceed the sum of ten per centum upon the amount subscribed for by the respective shareholders in the said company, and that the amount of any such calls in any one month shall not exceed ten per centum upon the stock so subscribed; Provided, also, that upon the occasion of any person becoming a subscriber for stock in the said company, it shall and may be lawful for the provisional or other directors of the company for the time being, to demand and receive, to and for the use of the said company, the sum of ten per centum upon the amount so by such person subscribed; and the amount of such calls as shall have already been made payable, in respect of the stock then already subscribed, at the time of such person subscribing for stock.

Proviso: ten per cent. to be paid down.

Acquiring gravel pits, &c.

18. And whereas it may be necessary for the said company to possess gravel pits, and lands containing deposits of gravel, as well as lands for stations and other purposes, at convenient places along the line of tram or railroad, for constructing and keeping in repair, and for carrying on the business of the said tram or railroad and harbor; And as such gravel pits or deposits cannot at all times be procured without buying the whole lot of land whereon such deposits may be found: It is therefore enacted, that it shall be lawful for the said company, and they

they are hereby authorized from time to time to purchase, have, hold, take, receive, use and enjoy along the line of the said tram or railway, or separated therefrom, and if separated therefrom then with the necessary right of way thereto, any lands, tenements and hereditaments which it shall please Her Majesty or any person or persons, or bodies politic, to give, grant, sell, or convey unto, and to the use of, or in trust for the said company and their successors and assigns, and it shall and may be lawful for the said company to establish stations or workshops, on any such lots or blocks of land, and from time to time by deed of bargain and sale, or otherwise, to grant, bargain, sell, or convey any portions of such lands not necessary to be retained for gravel pits, sidings, branches, wood-yards, station grounds or workshops, or for effectually repairing, maintaining and using to the greatest advantage the said tram or railroad and harbor, and other works connected therewith.

19. It shall be lawful for the president and directors of the company to fix and regulate, from time to time, the tolls or wharfage to be received from all vessels entering their said harbor, and for loading and unloading all goods, wares or merchandize in such harbor, as to them shall seem meet ; Provided that they shall not, in any case, exceed the amounts hereinafter specified, and that such tolls and dues shall be subject to the approval of the Governor of this province in Council ; And so soon as the said harbor shall be capable of receiving and sheltering vessels, and adapted for the safe loading and unloading of the same, the company shall have power and authority (subject to the approval of the Governor in Council as aforesaid), to ask for, demand, receive, recover and take as toll to and for their own use and benefit, on all goods, wares and merchandize, shipped on board or landed out of any vessel, boat or other craft, from or upon any pier or wharf within the bounds of the said harbor, not exceeding the following rates, that is to say :

Company may impose and take toll for the use of the Harbor, &c.

Rates limited.

- Pot and Pearl ashes, per barrel, nine pence ;
- Pork, Whisky, Salt, Beef and Lard, per barrel, six pence ;
- Flour, per barrel, four pence ;
- Merchandise, per barrel bulk, six pence ;
- Lard and Butter, per keg, one penny half-penny ;
- Merchandise, per ton, seven shillings and six pence ;
- West India Staves, per thousand, two shillings and six pence ;
- Shingles, per thousand, six pence ;
- Shingle Bolts, per cord, five shillings ;
- Pipe Staves, per thousand, twelve shillings and six pence ;
- Deals, per hundred pieces, five shillings ;
- Wheat and other grains, per sixty pounds, one penny ;
- Lumber, per thousand feet, board measure, one shilling and three pence ;
- Boats under five tons, free ;

Boats and vessels under twelve tons, one shilling and three pence ;

Boats and vessels above twelve tons, and not over fifty, two shillings and six pence ;

Vessels over fifty tons, five shillings ;

And on such other articles as are not herein enumerated, such harbor dues as shall be imposed by the directors of the said company, and approved by the Governor of this province in Council.

Time for completion of Road.

20. The said tram or railroad shall be commenced within three years, and completed within seven years after the passing of this Act, and the said harbor within the same time.

Public Act.

21. This Act shall be deemed a Public Act.

SCHEDULE A.

Know all men by these presents that I (*insert the name of the wife also, if she is to release her dower, or for any other reason to join in the conveyance,*) do hereby, in consideration of

paid to me (*or as the case may be,*) by the Simcoe and Port Ryerse Tram or Railroad and Harbor Company, the receipt whereof is hereby acknowledged, grant, bargain, sell, convey and confirm unto the said Simcoe and Port Ryerse Tram or Railroad and Harbor Company, their successors and assigns for ever, all that certain parcel or tract of land and premises situate (*describe the land*), the same having been selected and laid out by the said company for the purpose of their tram or railroad and harbor ; to have and to hold the said land and premises, together with every thing appertaining thereto, to the said Simcoe and Port Ryerse Tram or Railroad and Harbor Company, their successors and assigns for ever, (*and if there be dower to be released, add*) and I (*name the wife,*) hereby release my dower in the premises.

Witness my (*or our*) hand (*or hands*) and seal (*or seals,*) this day of one thousand eight hundred and sixty

Signed, sealed and delivered	}	A. B.	[L.S.]
in presence of		C. D.	[L.S.]
		E. F.	
		G. H.	

CAP. LXIII.

An Act further to amend the Charter of the Bank of Upper Canada.

[Assented to 9th June, 1862.]

WHEREAS the President and Directors of the Bank of Upper Canada have, by their Petition, prayed that the value of each Share in the Capital Stock of the said Bank be reduced from twelve pounds ten shillings currency, or fifty dollars, to seven pounds ten shillings currency, or thirty dollars, in consequence of losses sustained by the said Bank, which losses have reduced the value of the Shares to that extent; and have also prayed that the terms within which the Shares of Stock authorized to be created in and by the Act passed in the Session held in the nineteenth and twentieth years of Her Majesty's Reign, and intituled: *An Act to amend and consolidate the Acts forming the Charter of the Bank of Upper Canada*, and which should be unsubscribed for when the said Act came into force, are thereby required to be subscribed for and paid, should be extended and enlarged; And whereas it is expedient to grant the prayer of the said Petition, subject to the limitations hereinafter made: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. For and notwithstanding any thing contained in the Act passed in the Session held in the nineteenth and twentieth years of Her Majesty's Reign, and intituled: *An Act to amend and consolidate the Acts forming the Charter of the Bank of Upper Canada*, each and every share in the Capital Stock of the said Bank shall, from and after the passing of this Act, be held to represent and be equal to the sum of seven pounds ten shillings currency, or thirty dollars, and not twelve pounds ten shillings currency, or fifty dollars, as heretofore; and the total amount of the Capital Stock of the said Bank now paid up, shall also be reduced in proportion; Provided always, that the Directors of the said Bank may, if they shall deem it advantageous for the interests of the said Bank, at any time hereafter, consolidate the said reduced shares of thirty dollars each, to shares not exceeding one hundred dollars each; And provided also, that the Directors of the said Bank may, at any time, and from time to time, with the consent of the Shareholders, if the said reduced shares be not so consolidated, add any portions of the profits of the said Bank, not exceeding in the whole twenty dollars per share, to the Capital Stock thereof; or if the said reduced shares be consolidated in any sum not exceeding sixty dollars each, then the Directors of the said Bank may, at any time, with the consent of the Shareholders, add such portions of the profits of the said Bank as shall raise the said shares to an amount not exceeding one hundred dollars each.

Preamble.

19, 20 V. c. 121.

Nominal amount of Capital reduced.

10, 20 V. c. 121.

Proviso, for consolidation of shares.

And for addition of profits to capital.

Time for subscribing and paying up stock under 19, 20 V. c. 121, extended.

2. The terms in and by the third section of the said Act hereinbefore recited, limited for subscribing for, and wholly paying up such shares of the said Capital Stock as should be unsubscribed for when the said Act came into force, and which by the said Act were thereby authorized to be raised, shall be and the same are hereby authorized to be extended as follows, that is to say : for subscribing for the said additional shares, until two years after the passing of this Act, and for wholly paying up the said shares, until five years after the same.

Qualification of Directors raised.

3. Notwithstanding any thing in the said Act hereinbefore recited contained, no Shareholder shall be capable of serving as a Director of the said Bank, unless he shall be the holder and proprietor, in his own name, of not less than two thousand dollars of the shares of the Capital Stock of the said Bank wholly paid up.

Stockholder's debts to Bank to be paid before transfer of stock.

4. Notwithstanding any thing in the said Act hereinbefore recited contained, no transfer of the Capital Stock of the said Bank shall be valid or effectual in law until the transferring party shall have previously discharged, not only all debts actually due by him to the said Bank, but all his liabilities to the said Bank which may exceed in amount the value of his remaining shares, if any, unless with the consent of the Directors.

Public Act.

5. This Act shall be deemed a Public Act.

C A P . L X I V .

An Act to amend An Act to amend and consolidate the Acts relating to the Commercial Bank of the Midland District, and to change its corporate name to the "Commercial Bank of Canada."

[Assented to 9th June, 1862.]

Preamble.

WHEREAS the Commercial Bank of Canada have prayed for certain amendments to their Charter, and it is expedient to grant the same : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Proceedings when the right to any shares, dividends or deposits, transmitted by decease, shall be disputed.

1. Whenever the interest in any share or shares of the said Bank, or in the dividend or dividends accrued thereon, or the right of property in any deposit therein, shall be transmitted by the death of any shareholder or shareholders, or otherwise, or whenever the ownership of, or legal right of possession in any such share or shares, dividend or deposit, shall change by any lawful means, other than by transfer, or shall be disputed, and the Directors of the said Bank shall entertain reasonable doubts

doubts as to the legality of any claim to and upon such share or shares of stock, dividend or dividends, or deposit, then and in such case, it shall be lawful for the said Bank to make and file a bill or petition, in the Court of Chancery for Upper Canada, addressed to the Chancellor of Upper Canada, setting forth the facts, and the number of the said shares previously belonging to the party in whose names such share or shares stand in the books of the Bank, or the amount of deposits standing in the name of the depositor thereof, and praying for an order, decree or judgment adjudicating and awarding the said shares, dividends or deposits to the party or parties legally entitled to the same; by which order, decree or judgment the Bank shall be guided and held harmless; and indemnified and released from all and every other claim for the said shares or deposits, or arising therefrom; Provided, always, that notice of such bill or petition shall be given to all parties claiming such shares, dividends or deposits, who shall, upon the filing of such bill or petition, declare and shew his, her or their claim or right referred to in such bill or petition; and all costs and expenses attending such proceedings shall be in the discretion of the Court, who shall adjudge by whom and to whom the same shall be paid.

Court of
Chancery to
decide.

Proviso: notice
to claimants.

As to costs.

2. The Directors of the said Bank shall immediately, on being duly served with a copy of such order, decree or judgment of the said Court of Chancery, transfer such shares and pay over such dividends or deposits to the party or parties to whom they shall have been declared to belong, by such order, decree or judgment.

Bank to obey
the decision.

3. So much of the eighth section of the Act intituled: *An Act to amend and consolidate the Acts relating to the Commercial Bank of the Midland District, and to change its corporate name to the "Commercial Bank of Canada,"* as requires the Shareholders of the Capital Stock of the said Bank to continue to elect Ten Directors annually, for the management of the affairs of the said Bank, shall be and is hereby repealed; and from and after the passing of this Act, the said Shareholders of the Capital Stock of the said Bank shall elect Seven Directors for the management of the affairs of the said Bank, on the day and in the manner prescribed and appointed by the said eighth section of the said Act.

Number of
Directors
altered.

19, 20 V. c. 120.

4. This Act shall be deemed a Public Act.

Public Act.

CAP. LXV.

An Act to amend the Charter of the Merchants' Bank.

[Assented to 9th June, 1862.]

WHEREAS the Provisional Directors of the Merchants' Bank have, by their petition, prayed for further time to organize the Bank; and for other amendments, and it is expedient

Preamble.

24 V. c. 59.

expedient to grant their prayer : Therefore Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Repeal of time for going into operations.

1. So much of the thirty-ninth Section of the Act to incorporate the Merchants' Bank, twenty-fourth Victoria, chapter eighty-nine, as requires that the said Bank shall be organized and put in operation within one year from the passing of the said Act, is hereby repealed.

The said time extended.

2. The said Bank shall be organized and put in operation on or before the first day of June, which will be in the year of our Lord one thousand eight hundred and sixty-three.

When the first meeting of Shareholders may be held.

3. Notwithstanding any thing contained in the third section of the said Act, it shall be lawful for the Provisional Directors, so soon as four hundred thousand dollars of the Capital Stock shall have been subscribed, and two hundred thousand dollars thereof actually paid in thereupon, to call a meeting of Subscribers as required by the said section, for the election of Directors and the organization of the said Bank.

Public Act.

4. This Act shall be deemed a Public Act.

C A P . L X V I .

An Act to extend and define the powers of the City and District Savings Bank of Montreal.

[Assented to 9th June, 1862.]

Preamble.

WHEREAS it is expedient that the City and District Savings Bank of Montreal, which has been conducted under the General Statutes of this Province relating to the establishment and regulation of Savings Banks, should be incorporated with more adequate provisions for its management than is afforded by the said Statutes: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Incorporation and Corporate name.

1. From and after the passing of this Act, the said Savings Bank shall be a Body Corporate and Politic under the corporate name of the Montreal City and District Savings Bank.

Patron.

2. His Lordship the Right Reverend the Roman Catholic Bishop of Montreal for the time being shall be *ex officio* the patron of the said Corporation, and, if present, shall preside at meetings of the Honorary Directors.

Certain persons not to exceed

3. The following persons, and such other persons as shall be hereafter appointed to the office of Honorary Directors, but not

not exceeding in all sixty in number, shall be the Honorary Directors of the said Montreal City and District Savings Bank, sixty in number to be Honorary Directors. namely:—

The Honorable Sir Louis Hypolite Lafontaine, Bart.,
 “ “ George Etienne Cartier,
 “ “ Auguste N. Morin,
 “ “ Joseph A. Berthelot,
 “ “ Louis Lacoste,
 “ “ Charles Wilson,
 “ “ Louis Joseph Papineau,
 “ “ James Leslie,
 “ “ Lewis T. Drummond,
 “ “ David M. Armstrong,
 “ “ Samuel Cornwallis Monk,
 “ “ Luther Hamilton Holton,

Benjamin Holmes, Wolfred Nelson, William Workman, Alfred LaRocque, Benjamin H. Lemoine, Joseph P. Lantier, Norbert Dumas, Henry Starnes, Ebenezer C. Tuttle, Canfield Dorwin, Olivier Frechette, Alexander M. Delisle, Joseph Boulanget, Charles Curran, Edward Murphy, William Bristow, Pierre Lamothe, Theodore Hart, Henry Judah, Louis Boyer, Francis Mullins, Jean Bruneau, Peter Devins, Olivier Berthelot, Francis Clarke, Hubert Paré, Henry Mulholland, Edwin Atwater, François Perrin, John B. Smith, Henry Jackson, Dwight P. Janes, Benjamin Workman, Etienne A. Dubois, Andrew Watson, Thomas Ryan, William P. Bartley, Henry Harkin, Edward Quin, Peter MacMahon, Michael O'Meara, Thomas O'Brien.

4. The Honorary Directors shall exercise a general supervision over the affairs of the said Corporation, and shall hold an annual meeting on the first Tuesday in April in each year, at which meeting shall be submitted to them the annual statement of the affairs of the said Corporation; And at such meeting the said Honorary Directors, or a majority of such of them as shall be present at such meeting, shall elect, from among themselves, such persons to be Managing Directors of the said Corporation, as shall be required to supply the places of those Managing Directors whose offices shall have become vacant as hereinafter provided.

Honorary Directors to exercise a general supervision. Annual meeting.

5. When any vacancy shall occur in the number of Honorary Directors hereby created, by reason of death or of permanent absence from this Province, such vacancy shall be filled by the Honorary Directors at their next annual meeting thereafter; they shall also elect annually from among themselves two auditors not being Managing Directors, whose duty it shall be to make a full and complete examination of the books, accounts, securities and vouchers of the Bank, and to report thereon at the annual meeting of the Honorary Directors on the first

Vacancy in number of Honorary Directors how filled.

first Tuesday of April in each year; and the said auditors shall have power to employ an Accountant, if necessary; and shall be afforded every facility by the Directors and Officers of the Bank for the purposes of their audit.

Failure to elect Directors.

6. No failure to elect Managing or Honorary Directors shall operate any dissolution of the Corporation hereby created, but in case of such failure to elect, the required election shall be made as soon thereafter as may be, at a special meeting of the Honorary Directors which the Managing Directors are hereby authorized to call for that purpose; and until such subsequent election shall be made, the official acts of the Directors holding office shall be valid.

Certain persons to be Managing Directors.

Retirement of.

May be re-elected.

7. The present Managing Directors of the said City and District Savings Bank of Montreal shall continue in office as Directors of the Corporation hereby created until the first Tuesday in April, one thousand eight hundred and sixty-three, when three of such Managing Directors to be determined by ballot shall vacate their office of Director; and the remainder of the said Directors shall remain in office as such Directors till the first Tuesday in April, one thousand eight hundred and sixty-four, when three other of such Directors to be selected in like manner shall retire; and the remaining four Directors shall vacate their offices on the first Tuesday in April, one thousand eight hundred and sixty-five, but the Directors so retiring shall be eligible for re-election.

Appointment of a certain number of Managing Directors, yearly.

Vacancies between yearly appointments.

Term of office in such case.

8. On the first Tuesday in April, in each year, three directors of the said Corporation shall be appointed as hereinbefore provided, except on the first Tuesday in April, one thousand eight hundred and sixty-five, and on the like day in every third year thereafter, when four of such Directors shall be appointed; each of which Directors shall be so appointed and shall hold office for three years; but if any vacancy should occur during the course of any year, in the Board of Directors of the said Corporation—such vacancy shall be filled by the election by the remainder of the Directors, from out of the Honorary Directors, of one of such Honorary Directors to serve as Director during the remainder of such year; and such election shall not be made except at a meeting of the Directors specially called for the purpose; And at the end of such year, such Director so elected shall cease to be such Director; and a Director shall thereupon be elected in his stead in the ordinary manner, who shall hold office during the period during which the Director whose place had become vacant would have been entitled to hold office as such Director; But the Director so ceasing to be such shall be eligible for re-election.

Election of President and Vice-President.

9. The said Directors shall, at their first meeting in each year, elect from among themselves by a majority of votes, a President and Vice-President of the said Corporation, who shall

shall respectively hold office till the election of a successor; and five of such Directors shall be sufficient to form a quorum for the transaction of business; and at every meeting of such Directors the President, or in his absence the Vice-President, shall preside, and if neither of them be present some other one of the Directors present shall be appointed *pro tempore* to do so; And the President, Vice-President or other presiding Director shall not vote as Director, but in the event of an equality of the votes of the other members of the Board, shall have a casting vote.

Quorum of Directors.

Voting.

10. Every Director of the said Corporation shall, immediately upon his election, take an oath before a Justice of the Peace, faithfully to perform his duties as such Director; which oath all Justices of the Peace are hereby authorized to administer, and which shall be in the following form or in words to the same effect :

Directors to take an oath before a J. P.

I, _____, of _____, being duly sworn, depose and say: that so long as I shall continue to be a Director of the Montreal City and District Savings Bank, I will faithfully perform the duties of that office to the best of my judgment and ability. And I have signed

Form of oath.

Sworn before me, at _____
this _____
day of _____, 18 _____

A Justice of the Peace for the District of _____

11. Any Director of the said Corporation who shall become openly and notoriously insolvent, or shall have assigned his estate and effects for the benefit of his creditors, or shall absent himself without the consent of the Board for twelve consecutive months from the meetings of the Directors, or shall have been convicted of any felony, shall thereupon, *ipso facto*, cease to be a Director of the said Corporation; and the vacancy so created shall forthwith be filled up as hereinbefore provided.

Any Director becoming insolvent or absenting himself for twelve consecutive months or convicted of felony shall cease to be such Director.

12. It shall be lawful for the said Corporation to acquire and hold Real Estate for the purposes thereof not exceeding the yearly value of four thousand dollars; and also such real estate as may be temporarily acquired by the said Corporation to facilitate and secure the recovery of any loan; and to sell and alienate the same and acquire other instead thereof; provided, always, that the limitation hereby established may be extended by an order of the Governor in Council.

The Corporation may acquire Real Estate.

Proviso.

13. The Directors of the said Corporation shall have power to make, ordain and establish, and, from time to time, to add to or change such by-laws, rules and regulations, binding on the said Corporation, and on the Directors and officers thereof, and on the depositors therein, as to them shall seem meet and necessary

Power of Directors to make or change by-laws.

Present By-laws.

Proviso.

Proviso.
Sanction of
By-laws.

necessary for the due and proper administration of the affairs of the said Corporation, and for the protection and advantage of the depositors therein, and for the regulation of its Directors and officers, and its good government generally; And until such by-laws shall be so made, the by-laws, rules and regulations of the said Bank, now in force, shall remain valid and binding; provided, always, that the by-laws, rules and regulations, to be made under this Act, shall not be contrary to any express provision of law; And provided, also, that they shall have no force or effect, unless concurred in by a majority of Honorary Directors present at any annual meeting or at any special meeting, called for the purpose of considering such by-law, and until they shall have been fairly entered in a book kept in the office of the said Corporation for that purpose, which book shall be open at all times, during the business hours of the said Corporation, to the inspection of the depositors therein.

Directors to appoint officers and servants of the Corporation.

Proviso.
Vote of office and security in certain cases.

14. The Directors of the said Corporation shall have power to appoint, and, from time to time, to remove and replace by others, such Officers, Clerks and servants as they may consider necessary for the management of the business thereof, and shall award to them such remuneration as they shall deem fit; Provided, always, that every such officer, clerk or servant, who shall be entrusted with or have the custody of any moneys or valuable securities of the said Corporation, shall, before entering upon his duties, take an oath to the faithful discharge thereof, before a Justice of the Peace for the District of Montreal, any one of whom is hereby authorized and required to administer the same, which oath shall be similar in form to that herein before prescribed for the Directors of the said Corporation; and shall also give such security for the faithful discharge of his duties, and for the due accounting for all such moneys and securities as shall be required of him by the Directors.

Managing Directors may be remunerated.

Proviso.

15. It shall be lawful for the said Directors by any by-law to be made as hereinbefore provided, to provide for the remuneration of the President, Vice-President and Managing Directors and Auditors of the said Corporation, for their attendance at Meetings of Directors and for their general superintendence of the affairs of the said Corporation; Provided, always, that such remuneration shall only be so awarded out of the net revenue of the year, of the said Bank, after payment of all expenses and of all interest due to depositors, and shall not in the total amount thereof exceed four thousand dollars in any one year.

Special meetings of Honorary Directors.

16. The President is hereby authorized to convene a special meeting of the Honorary Directors whenever the Directors shall deem it expedient; he is also required to convene a special meeting whenever called upon to do so by a requisition signed by not fewer than fifteen Honorary Directors, at least ten days previous

previous notice being given in two Montreal newspapers, one in the French and one in the English language.

17. It shall be lawful for the said Corporation, to receive deposits of money for the benefit of persons depositing the same, and to invest the same as hereinafter provided, and to accumulate the revenues and profits which shall be derived from the investment of so much thereof as shall not be required to meet ordinary demands by the depositors, and out of such accumulation to allow and pay, to the depositors thereof, such rate of interest on such deposits as shall, from time to time, be fixed by the said directors.

Corporation may receive deposits and allow interest therefor.

18. Every depositor, on making his or her first deposit in the said Corporation, shall disclose and declare his or her name, residence, quality and occupation.

Certain disclosures to be made by depositors.

19. It shall be lawful for the said Corporation to receive deposits from any person or persons whomsoever, whatever be his, her or their *status* or condition in life, and whether such person or persons be qualified by law to enter into ordinary contracts or not; and, from time to time, to pay any or all of the principal thereof, and the whole or any part of the interest thereon, to such person or persons respectively, without the authority, aid, assistance or intervention of any person or persons, official or officials, being required, any law, usage or custom to the contrary notwithstanding; Provided, always, that if the person making any deposit in the said Bank be not, by the existing laws, authorized to make such deposit, then and in that case, the total amount of deposits made by such person shall not exceed the sum of two thousand dollars.

Any person irrespective of quality may deposit.

Proviso.

20. It shall be lawful for the said Corporation to invest any moneys not exceeding three-fourths of the whole sum deposited therewith at any one time, in any debentures issued under the authority of any Act of the Provincial Parliament, or in any other public security of this Province, or in the stock of any Banks chartered by any Act of the Legislature of either of the late Provinces of Upper or Lower Canada, or of the Province of Canada.

Corporation may invest in public securities or Bank Stock.

21. It shall be lawful for the said Corporation to loan any moneys upon the personal security of individuals, provided collateral securities of the nature above mentioned be taken in addition to such personal security, with authority to sell such securities, if the loan be not paid; but the said Corporation shall not make any loan directly or indirectly upon the security of real estate, or with any reference to the security of real estate; Provided, always, that nothing herein contained shall prevent the said Corporation from taking security upon real estate in addition to such collateral securities, subsequent to the making of the loan and subsidiary to the security originally taken therefor.

Loans on personal and collateral security.

Proviso.

Corporation may sell securities for unpaid loans.

Notice of sale.

Corporation to account to debtors for net proceeds of sale only.

Proviso.

22. In the event of loans being made by the said Corporation upon personal security with collateral security or securities for the repayment of such loans, and of such repayment not being made upon the said loans becoming due, it shall be lawful for the said Corporation, upon such loans becoming due and remaining unpaid for sixty days after they shall so become due, to cause such collateral securities to be exposed for sale by public auction, after due advertisement of such sale, and after notice thereof shall have been given to the borrower or party depositing such collateral security, by addressing and mailing to his last known address, a letter containing such notice; and such sale may be so made, of whatever nature such collateral securities may be, whether consisting of stocks, bonds, debentures or negotiable paper,—and the said Corporation shall only be bound to account to the person or persons indebted to them in the amount of such loan, for the actual net proceeds of the sale of such collateral securities, after deduction of all charges thereon; Provided, always, that nothing herein contained shall prevent the said Corporation from collecting or realising such debt, or any balance which may be at any time due thereon, on such collateral securities, in any other way that the Directors may deem for the interest thereof.

Reserve Fund, how to be constituted, &c.

Proviso.

23. It shall be lawful for the Directors to create a reserve fund to serve as security for the depositors in the said Corporation against loss by the investments made on their behalf, which reserve fund shall consist of the profits of the said Corporation arising out of such investments, after payment to the depositors of such rate of interest as shall be fixed by the said Directors, and after due provision for the liquidation of all expenses of management, debts, and deposits; and after making suitable provision for the liquidation and payment of all such debts, deposits and interest, any other or further sum of money may be appropriated out of the net revenue of the year in which such appropriation shall be made, and paid over to any Charitable Institution or Institutions in this Province by law established or incorporated; Provided, always, that such appropriation be concurred in by at least five of the Managing Directors of the said Corporation, present at a meeting called for the purpose of discussing such appropriation.

Transmission of Interest in deposit to be signified to the Corporation in writing.

Such declaration to be ac-

24. If the interest in any deposit in the said Corporation becomes transmitted in consequence of the death or Bankruptcy of any depositor, or in consequence of the marriage of a female depositor, or by any other lawful means than by a transfer upon the books of the said Corporation, or by Deed signified upon the said Corporation, such transmission shall be authenticated by a Declaration in writing, which Declaration shall distinctly state the manner in which, and the party to whom, such deposit shall have been so transmitted, and shall be, by such party, made and signed; and every such Declaration shall be, by the party making and signing the same, sworn to before a Judge

or Justice of a Court of Record or Chief Magistrate of a City, Town, Borough, or other place, or before a Public Notary, where the same shall be made and signed; and every such declaration so signed and sworn to, shall be left with the Manager or other Officer or Agent of the said Corporation, who shall thereupon enter the name of the party entitled to such deposit under such transmission, in the books of the Corporation as proprietor of such deposit; and until such transmission shall have been so authenticated, no party or person claiming, by virtue of any such transmission, shall be entitled to receive any deposit or any part thereof or of the interest thereon; Provided, always, that every such declaration and instrument as by this and the following section of this act is required to perfect the transmission of a deposit in the said Corporation, which shall be made in any other country than in this or some other of the British Colonies in North America, or in the United Kingdom of Great Britain and Ireland, shall be further authenticated by the British Consul or Vice-Consul or other the accredited Representative of the British Government in the country where the declaration shall be made, or shall be made directly before such British Consul or Vice-Consul or other accredited Representative; and provided also that nothing in this Act contained, shall be held to debar the Directors, Manager, or other Officer or Agent of the said Corporation from requiring corroborative evidence of any fact or facts alleged in any such declaration; Provided, always, that if payment be made to any depositor of any deposit or of any interest thereon after transmission thereof by any of the means mentioned in this or the last preceding section, but before such declaration is made and authenticated as aforesaid, such payment shall be valid and discharge the said Corporation.

knowned
before a judge
or magistrate.

Proviso, as to
declarations
made out of
Canada.

Further proof
may be re-
quired.

Proviso.

25. If the transmission of any deposit be by virtue of the marriage of a female depositor, the declaration shall be accompanied by a copy of the register of such marriage, and shall declare the identity of the wife with the holder of such deposit; and if the transmission have taken place by virtue of any testamentary instrument or by intestacy, or by the vacancy of the estate of a deceased depositor, the probate of the will, or, if it be notarial, an authentic copy thereof, or the letters of administration or act of tutorship, curatorship, or authentic certificates of birth, as the case may be, shall, together with such declaration, be produced and left with the manager or other officer or agent of the Corporation who shall thereupon enter the name of the party entitled under such transmission in the books of the Corporation.

In case of
transmission by
marriage, will,
&c.

26. The said Corporation shall not be bound to see to the execution of any trust whether expressed, implied or constructive, to which any of the deposits therein may be subject; and the receipt of the party in whose name any such deposit shall stand in the books of the said Corporation, or, if it stand in the name

Corporation not
to be bound to
see to the
execution of
any trust to
which any of
the depositors

may be subject, and receipt of the party in whose name deposit stands to discharge the Corporation.

name of more parties than one, the receipt of one of the parties shall be a sufficient discharge to the said Corporation for the payment from time to time of such deposit or of any interest or other sum of money payable in respect of such deposit, unless such deposit be made upon express conditions as to the person or persons to whom such deposit shall be paid, in which case such deposit shall be governed by such conditions; the whole notwithstanding any trust to which such deposit may then be subject and whether or not the said Corporation have had notice of such trust, and the said Corporation shall not be bound to see to the application of the money paid upon such receipt, any law or usage to the contrary notwithstanding.

Payment *bonâ fide* to persons *primâ facie* entitled shall be valid.

27. Any payment of interest or of the whole or any part of any deposit in the said Corporation, made in good faith to any person or persons appearing *primâ facie* to be entitled to any such interest or deposit, by the production of a declaration in writing and of the documents in support thereof hereinbefore mentioned, shall be valid; and the discharge of such person or persons shall be sufficient and valid, and shall discharge the said Corporation from all or any further claim by any person whomsoever for such interest or deposit.

Penalty in case of malfeasance of Directors or officers, &c.

28. If any Director, Manager, Clerk or servant of the said Corporation shall change, deface, alter, or erase, or in any other manner or way, change the effect of the books of account of the said Corporation, or any entry in the said books of account for the purpose of defrauding the said Corporation or any of the depositors therein; or, if any such Director, Manager, Clerk or servant, shall secrete, appropriate, embezzle, convert or abscond with, any bond, obligation, bill obligatory or of credit, or other bill or note, or any security for money, or any moneys or effects belonging to the said Corporation, or to any depositor therein, or entrusted to him, or in his custody, as such Director, Manager, Clerk or servant, whether the same belong to the said Corporation or belong to any other person or persons, body or bodies politic or corporate, or institution or institutions, lodged and deposited with the said Corporation, the Director, Manager, Clerk or servant so offending and being thereof convicted in due form of law, shall be deemed guilty of felony, and shall be punished by imprisonment at hard labor in the Provincial Penitentiary for any term not less than two years, or by imprisonment in any other gaol or place of confinement for any term less than two years, in the discretion of the Court before which he shall be convicted.

Penalty on fraudulent demand on Corporation.

29. Any person who shall pretend to be owner of any deposit in the said Savings Bank, or of the interest upon such deposit, or of any part or portion of such deposit or interest, and not being such owner, shall fraudulently demand or claim, from the said corporation, the payment of such deposit or interest, or of such portion thereof as the case may be, shall be guilty of a misdemeanor.

30. All the investments, moneys, debts, and other assets of the said City and District Savings Bank of Montreal, which now belong or are due to them, of every nature and kind whatsoever, are hereby transferred to and vested in the Corporation hereby created; which Corporation is hereby declared to be subrogated by virtue of this Act, in and to all and every the actions, rights, privileges and *hypothèques* of the said City and District Savings Bank of Montreal; the whole subject to all rights, obligations, and claims due by, or lawfully chargeable against, the said City and District Savings Bank of Montreal, the Corporation being hereby made directly liable to any creditor of, or claimant upon the said City and District Savings Bank of Montreal, for such rights and claims in the place and stead of the said City and District Savings Bank of Montreal.

All assets, liabilities, &c., of the City and District Savings Bank of Montreal, transferred to the Corporation.

31. The Directors of the said Corporation shall make an annual statement to the Governor, wherein shall be given a detailed account of the number of depositors, and the total amount of deposits; the amount invested in Bank Stock, specifying the names of such Banks; the amount deposited with Banks at interest, specifying the names of such Banks; the amount vested in public securities, specifying the nature of such public securities; the amount loaned on the collateral security of Bank Stocks and public securities, and the amount if any, secured by mortgages on real estate; also the amount of debts over due and in process of collection, the total accrued interest for the year, and the annual amount of the expenses of the Institution; all of which shall be sworn to by the Actuary and by the Managing Directors or a majority of them, who shall make oath that the said return is correct, according to the best of their knowledge and belief; and it shall be lawful for the Governor in Council, at any time, to appoint an Inspector to investigate and report upon the affairs of the said Corporation, to whom the Directors thereof shall afford all needful facilities for such inspection and investigation; and in case any mis-statement of the financial position of such Bank is made in any such annual statement the Directors, thereof, for the time being, concurring in such report or statement, shall be personally liable to the depositors in such Bank for the amount of their deposits therein; and provided always that nothing in this Act shall exempt the said "City and District Savings Bank of Montreal" from the operation of any general law which may at any time hereafter be enacted for the better regulation and management of Savings Banks in the Province.

Annual statement of Directors.

To be attested on oath.

Inspector may be appointed.

Liability of Directors for any false statement.

Bank not to be exempt from any general law.

32. Wherever the word "Director" occurs in this Act without being immediately preceded by the word "Honorary," the same shall be construed as if the word "Managing," were prefixed thereto.

Meaning of term Director.

33. This Act shall be held and taken to be a Public Act.

This Act to be a Public Act.

CAP. LXVII.

An Act to incorporate the North-West Navigation and Railway Company.

[Assented to 9th June, 1862.]

Preamble.

WHEREAS John Crawford, William Pierce Howland, John Beverley Robinson, Frederick William Cumberland, Angus Morrison, John McWatt, John Carr, Esquires, the Hon. M. B. Portman, and others, of the City of Toronto, and County of Simcoe, have presented a Petition to the Legislature of this Province, praying that an Act might be passed to authorize them to establish communications within the Northern and the Western limits of Canada: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Incorporation.

1. John Crawford, William Pierce Howland, John Beverley Robinson, Frederick William Cumberland, Angus Morrison, John McWatt, John Carr, Esquires, the Hon. M. B. Portman, and others, together with such person or persons as shall under the provisions of this Act, become shareholders of the Company hereinafter mentioned, shall be, and are hereby ordained, constituted and declared to be a body corporate, in fact and in name by the name of the "North-West Navigation and Railway Company," and by that name they and their successors shall and may have continued succession, and by such name shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto in all Courts of Law and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and they and their successors shall and may have a common seal, and may change and alter the same at their will and pleasure; and also, they and their successors, by the same name of the "North-West Navigation and Railway Company," shall be in law capable of purchasing and holding to them and their successors, any personal estate or property whatever, and such real estate as may be necessary for their use and occupation, and for carrying into effect the powers hereby vested in them, and of letting, selling, conveying or otherwise departing therewith for the benefit and on the account of the said Company, from time to time, as they shall deem expedient or necessary.

Corporate name.

General powers.

Acquiring property, building, roads, canals, &c.

2. It shall be lawful for the Governor in Council, upon the report of the Commissioner of Crown Lands, to authorize the said Company to enter upon any ungranted lands of the Crown, and to make and establish facilities for the purposes of transportation, traffic and trade; and for such purposes, to build roads, tramways, railways or canals between navigable waters, and to improve or render navigable water courses or channels of water communication, from any place or places on the Shores

Shores of Lake Superior, to any point in the interior, or between any navigable waters within the limits of Canada, and to build wharves, erect warehouses, stores and other buildings, or any other works, wherever the same may be deemed expedient, and to sell or grant to the said Company the lands necessary for these purposes; Provided, always, that the Company shall first lay before the Commissioner of Crown Lands detailed plans of any works so contemplated, to be submitted by the said Commissioner, with his report, for the information and approval of the Governor in Council, and shall not deviate from the said plans without being thereunto authorized by the Governor in Council; and provided, further, that the Governor in Council shall only authorize such works in one single continuous line of communication extending westward from Lake Superior.

Proviso.

Proviso.

3. For the purposes aforesaid, the said Company, their deputies, servants, agents and workmen, are hereby authorized and empowered to enter into and upon any of the lands of the Queen's Most Excellent Majesty, or of any other person or persons, bodies politic or corporate, or communities whatsoever, lying to the northward or the westward, or within the shores of Lake Superior, and being within the limits of Canada, and to survey and take levels of the same or any part thereof, and to set out or ascertain such parts thereof as they shall think necessary and proper for the making of roads, railways, tramways, canals, and the improving and rendering navigable water courses and channels of water communication, and so forth, and all such other works, matters and conveniences as they shall think proper and necessary for making, effecting, preserving, improving and maintaining all and every the works contemplated by this Act; and it shall and may be lawful for the said Company to construct, acquire, charter, navigate and maintain boats, vessels and steam vessels, for carrying on trade and conveying goods and other traffic and passengers on Lakes Huron and Superior, and on the lakes and rivers lying to the northward and to the westward of Lake Superior, and being within the limits of Canada, and *vice versa*, and steam and other vessels for all business and purposes connected therewith, and the profitable prosecution thereof; and they shall have power to buy and sell and trade, as may be deemed expedient, and to make contracts and agreements with any person or persons whatsoever, for the purposes aforesaid or otherwise, for the benefit of the Company.

Power to occupy the necessary lands, &c.

To hold vessels and navigate.

To trade and make contracts.

4. The capital stock of the said Corporation shall be one hundred thousand pounds, and the same is hereby declared to be divided into twenty thousand shares of the value of five pounds each; and if the said sum of one hundred thousand pounds be found insufficient for the purposes of this Act, then in such case it shall and may be lawful for the said Company, by a vote representing two-thirds of the capital stock aforesaid,

Capital of the Company.

May be increased.

at any general meeting to be called for that purpose, to increase the capital stock of the Corporation, either by the addition of new subscribers to the said undertaking or otherwise, to a sum not exceeding in all the sum of two hundred thousand pounds, and the capital so to be raised by the creation of new shares shall be in all respects part of the capital stock of the said Corporation, and every holder of the new stock shall be a member of the said Corporation; Provided, always, that if the construction of any greater length than five miles of Railway, between navigable waters, in any one place, shall be authorized by the Governor in Council, then the Capital Stock of the said Company may be further increased at the rate of seven thousand five hundred pounds for every additional mile of railway so to be constructed.

Proviso: capital for Railways.

Liability of shareholders limited.

5. No shareholder in the said Corporation shall be in any manner liable to be charged with the payment of any debt or demand due by the said corporation, beyond the amount of his, her or their subscribed share or shares in the capital stock of the said Corporation.

When to commence operations.

6. It shall not be lawful for the said Company to proceed with their operations under this Act, until fifty thousand pounds of the Capital Stock shall have been subscribed, and ten per centum shall have been paid thereon.

Corporations, &c., may subscribe.

7. Any joint stock Company, community, or body corporate, may take shares in the said Company.

Annual election of Directors.

8. For the management of the affairs of the said Corporation there shall be elected by the shareholders of the said Corporation at a general meeting of them to be holden annually, seven directors, each one being a proprietor of not less than twenty shares of the Capital Stock of the Corporation, the majority of whom shall elect from among themselves a president and a vice-president, one of whom shall preside at the general board meetings and otherwise discharge the duties pertaining to such offices; and whenever a vacancy shall happen in the board of directors by death or resignation, or by reason of any director declining or neglecting to act for a period of three months after his election, such vacancy may be filled up by the majority of directors for the time being, appointing some shareholder to supply the vacancy so occurring; nevertheless, any acts done by the surviving directors or the majority of the acting directors without having the vacancy filled up, shall not be deemed invalid; and five directors shall form a quorum of the board, and may exercise all the powers of the directors; and the directors shall have power to dispose of such part of the Stock of the said Corporation as may remain to be disposed of, or may from time to time be added to or fall to the general Stock either by forfeiture or otherwise, on such terms and conditions and to such parties as they may think most likely to promote

President.

Vacancies.

Quorum.

Powers.

promote the interests of the said Corporation; and they shall have full power to make such calls for money from the several shareholders for the time being, as may be provided by any by-law, rule or regulation of the said Corporation, and to sue for, recover and get in all calls whether already made or to be made by them, and to cause and declare the said shares to be forfeited to the Company in case of non-payment, on such terms and in such way as shall be prescribed by any by-law of the Company; And to maintain an action for the recovery of calls, it shall be sufficient to prove by any one witness, that at the time of making such call the defendant was a shareholder in the number of shares alleged, and that the calls sued for were made and notice given in conformity with the by-laws of the said Corporation, and it shall not be necessary to prove the appointment of directors nor any other matter whatsoever; The said directors shall and may use and affix or cause to be used and affixed the common seal of the said corporation to any document which, in their judgment, may require the same, and any act or deed bearing such seal and signed by the president or the vice-president, and countersigned by the secretary, shall be held to be the act and deed of the corporation; the president and vice-president and directors shall have power to appoint or discharge all and every officer and servant of the company, and to make by-laws for the government and control of the officers and servants of the company, and appointing the salary or allowance to be made to them respectively, and shall have power to make and frame all other by-laws, rules and regulations for the management of the affairs of the company in all its details and particulars, also for establishing the rule of voting for directors of the company, and the same also to change at any time, modify or repeal; which by-laws, rules and regulations shall be submitted for approval, rejection or alteration by the shareholders at the next general meeting, or at a special meeting to be called by the said directors for such special purpose, and in conformity with any by-law providing for such special meeting; and any copy of the by-laws of the said corporation, or of any of them, purporting to be under the hand of the clerk, secretary or other officer of the said company, and having the seal of the said corporation affixed to it, shall be received as *prima facie* evidence of such by-law in all Courts in this Province.

Calls.

Recovery of calls.

Seal.

Officers.

By-laws.

Proof of By-laws.

9. The first general meeting of shareholders for the election of directors shall be holden at the office of the said corporation, in the city of Toronto, on the first Monday in September, in the year of Our Lord one thousand eight hundred and sixty-two; and unless otherwise provided by some by-law to be made and sanctioned by the corporation, the general meeting for the election of directors shall take place in each succeeding year thereafter, on the like day of the year and at the like place; the directors so elected at such general meetings shall be elected to serve for the year then ensuing, and at the expiration thereof,

General meetings for election of Directors.

Term of office.

Proxies. thereof, each and every director may be re-elected by the shareholders; and at all such general meetings the shareholders of the said company may vote by proxy, every such proxy being appointed by an instrument in writing under the hand of the shareholder appointing him.

First Directors. **10.** Until such first general meeting as aforesaid, and election of directors, the directors of the said corporation are hereby declared to be the said John Crawford, William Pierce Howland, John Beverley Robinson, Frederick William Cumberland, Angus Morrison, John McWatt, John Carr, M. B. Portman, with power to add to their numbers until the first general meeting; and they or the survivors of them shall be and are hereby constituted to be the Directors of the said Corporation, and shall have and exercise all and every the powers, and shall be subject to all and every the clauses and conditions imposed on Directors to be chosen under this Act; Provided that at the first meeting of the Directors to be holden after the passing of this Act, the said Directors shall choose and elect from among themselves a President and a Vice-President; Powers. President. Places of Business. The said President, Vice-President and Directors shall have power and authority to establish for certain purposes, and have a place of business or office or offices, and appoint agents and offices in England and in the United States of America; and to open books of subscription in all and every place of business so established, and to receive subscriptions for the stock of the said Corporation, transferable there respectively; and to make all such instalments called thereon and dividends declared thereon, payable there respectively.

Transfer of shares. **11.** The shares of the said Company shall and may be assigned by the delivery of the certificate to be issued to the holder of such share or shares respectively, and by assignment in some convenient form, and on conditions to be prescribed by any By-law of the said Corporation.

Getting materials off Crown Lands. **12.** The Company may, if it be found necessary for the construction of any works or purposes connected with such works as are contemplated by this Act, cut timber, procure stone, fuel and other materials from any unsold lands of the Crown, lying beyond the limits of lands acquired by the Company, as hereinbefore provided, under such regulations as may be made by the Governor in Council.

Roads, &c., to be free to all passengers, &c. **13.** The said roads, railways, tramways, canals and all improvements so made by the said Company, shall be of free access to all passengers, traffic and trade, upon payment of such tolls or charges thereon as shall be fixed in accordance with such regulations as may be made by the Company, with the approval of the Governor in Council; and such tolls and charges may be raised and altered at any time by the Governor in Council, and such tolls and charges shall be published at the

the expense of the Company ; And provided, further, that the Government, if deemed expedient for public purposes, may take possession of all the works so constructed by the Company, excepting wharves or storehouses, upon repaying to the Company the sums of money expended thereon with interest at the rate of six per cent.

Proviso : the Crown may take possession.

14. If at any time it shall happen that an election of Directors shall not be made or take effect on the day fixed by this Act, the corporation hereby constituted shall not be deemed or taken to be hereby dissolved, but it shall be lawful at any subsequent time to make such election at a general meeting of the shareholders to be duly called by the President or Secretary for that purpose.

Failure of any election.

15. The said Company may unite with any corporate body or with any Company formed or to be formed in England for the purposes aforesaid.

Uniting with other companies.

16. Such union shall be effected by an instrument in writing, under the seals of the respective Companies, and signed by the Presidents or chief officers of the respective Companies, of which a duplicate or attested copy shall be lodged with the Provincial Secretary of this Province, and notice of the fact given for four consecutive weeks in the *Canada Gazette*.

How such union may be effected.

17. The union of the Companies in the manner above mentioned, shall have the effect of conferring upon the associated Company, by such corporate name as may be given to it in the instrument of association, the powers theretofore enjoyed by the North-West Navigation and Railway Company.

Its effect.

18. The said powers may be exercised throughout the extent of the jurisdiction of this Province, notwithstanding that the chief direction and control of the Associated Company may be vested in such members of the Board of Directors as shall meet from time to time in the City of London, or such other place in the United Kingdom as may be agreed upon as aforesaid, at the union of the Companies.

Exercise of powers of the Company.

19. The election and number of Directors and the holding of General Meetings, may be regulated by the terms of the union, which terms shall have effect as soon as the duplicate or attested copy of the instrument in writing effecting the union of the Companies, has been lodged with the Secretary of this Province, and notified as aforesaid ; Provided, always, that the Company shall have an office and established place of business in Canada.

Directors, &c., of new Company.

Proviso

20. The Associated Company, or in the event of no such union being effected, the hereby incorporated Company, shall have

Constructing Telegraphs.

Proviso.

have power to construct a Telegraph Line from the westerly terminus of any existing Telegraph Line in Canada, to the westerly limit of the jurisdiction of this Province; Provided, always, that the Government may assume such telegraph line on the same terms as the other works of the Company.

When works must be commenced and completed.

Proviso.

21. The said Company shall commence operations and the survey and location of the line within two years, and shall execute and complete their works and improvements within eight years, after the passing of this Act; Provided, always, that nothing in this Act contained shall be held to prevent another Act or other Acts of incorporation being passed incorporating another Company or other Companies for similar purposes; And provided, also, that nothing in this Act shall be held or construed to give any exclusive right of trading, or to prevent any person to trade in the said territory, or to establish communications within the said northern and western limits of Canada.

Proviso.

Public Act.

22. This Act shall be deemed a Public Act.

C A P . L X V I I I .

An Act to amend the Acts incorporating the Canadian Inland Steam Navigation Company, and to provide for a reduction of its Capital Stock.

[Assented to 9th June, 1862.]

Preamble.

WHEREAS the President and Directors of the Canadian Inland Steam Navigation Company have, by their Petition, represented that the said Company has for its object the facilitating and promotion of the navigation of the Province, and is now carrying out this object, and navigating a line of steamers for the convenience of commerce and travellers generally in this Province, and have petitioned for an amendment to their Act of Incorporation, and it is expedient to grant their petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Act 20 V. c. 169 amended.

Capital of the Company.

1. The Act passed in the Session held in the twentieth year of Her Majesty's reign, and intituled: *An Act to incorporate the Canadian Inland Steam Navigation Company*, is hereby amended, so that, notwithstanding any thing therein contained, the Capital Stock of the said Company shall, from and after the passing of this Act, be held to be, and shall be, thirty thousand pounds currency, in twelve hundred shares of twenty-five pounds currency each; and each of the present shares of the said stock, of two hundred and fifty pounds currency, shall be reduced to, and shall represent and be equal to six of such new

new shares of twenty-five pounds currency each ; but the said Company shall have power, at any annual or special general meetings of the Company, to increase, from time to time, by sums of not less than twelve thousand five hundred pounds at each time, the said Capital Stock to five thousand shares, or one hundred and twenty-five thousand pounds, notice of such intention having been given at least thirty days prior to such meeting, in manner to be provided for by the By-laws of the Company.

May be increased.

Notice.

2. Notwithstanding any thing in the said recited Act contained, upon and after the first annual general meeting of the said Company, called and holden for the election of Directors of the said Company, or upon and after the holding of a special meeting of the Company for such purpose, at which the present Directors shall retire, should such be convened and holden, the number of Directors for the conduct and management of the affairs of the said Company shall thereafter be seven instead of nine ; Provided that the present Directors may be re-elected ; and provided, further, that no person shall be capable of being elected a Director unless he shall be holder and proprietor, in his own name, of not less than twenty shares of the Capital Stock of the Corporation, and that no Shareholder shall be entitled to vote at any meeting of the Company, or be capable of election as a Director, who shall then be in arrear for the payment of any calls then actually due on his shares.

Number of Directors.

Proviso : they may be re-elected.

3. The quorum of the Directors for the transaction of business shall, as heretofore, be three ; and all and every the powers by the said Act conferred on the number of Directors therein named, shall and may be lawfully exercised by the number of Directors by this Act named, or by a quorum thereof ; and in the event of the office of Director in the said Board becoming vacant from death, resignation or disqualification, such vacancy may be filled up for the remainder of the term of office of such Director, by the remaining Directors, from among the duly qualified Shareholders.

Quorum of Directors.

Vacancies how filled.

4. Notwithstanding any thing in the said Act contained, the present Shareholders of the said Canadian Inland Steam Navigation Company, which now is a body corporate and politic, as aforesaid, and all other persons who may hereafter become Shareholders in the said Company, and all or any other person or persons, bodies politic and corporate, who, as executors, administrators, successors or assigns, or by any other lawful title, may hold any part, share or interest in the Capital Stock of the said Company, and their executors, administrators, successors and assigns, shall have perpetual succession and a common seal, and by the said name shall be capable of suing and being sued, in all Courts of Justice in this Province.

Incorporation and corporate rights.

Owning vessels or shares in them.

5. The Directors shall have power, if they think fit, to receive and take into the stock of the Company any steam or other vessels owned or built by any other party or parties, or company, assigning shares of the said Company in payment or part payment thereof; Provided that the assent of a majority of the Stockholders of such Company, at a general meeting to be called for that purpose, shall be procured before any proceedings under this clause shall be valid.

Proviso.

Things done by acting Directors confirmed.

6. All acts done by any person or persons acting as Directors shall, notwithstanding there may have been some defect in the appointment of such person or persons, or that they or any of them were disqualified, be as valid as if every such person or persons had been duly appointed and was qualified to be a Director.

Section 7 amended.

7. The proviso to the third sub-section of the seventh clause of the said Act is hereby repealed.

Day for annual meetings.

8. For and notwithstanding any thing in the said first mentioned Act contained, the day for the holding of the annual general meeting of the said Company, for the purposes specified in the fourteenth section of the said Act, shall be the first Wednesday in February in each year, instead of the first Monday, as provided in the said fourteenth section of the said Act.

Notices of meetings.

9. All notices of the annual or other general meetings, or of calls upon the Shareholders of the Company, shall be published in the *Canada Gazette*, and by circulars transmitted through the Post Office, addressed to each of such Shareholders.

Public Act.

10. This Act shall be deemed a Public Act.

C A P . L X I X .

An Act to amend an Act, intituled: *An Act to incorporate certain persons under the name of the Richelieu Company.*

[Assented to 9th June, 1862.]

Preamble.

WHEREAS doubts have arisen as to the powers conferred upon the Richelieu Company, by the Act of Incorporation of the said Company, and the said Company has petitioned for an Act to remove the said doubts, and for certain other amendments to the said Act of Incorporation; and it is expedient to grant such petition to the extent of the provisions hereinafter contained: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The words contained in the preamble of the Act of Incorporation of the said Company, twentieth Victoria, chapter one hundred and seventy, in the eighteenth line, after the word 'Quebec,'—“and the intermediate ports and other places,”—shall mean all places on the River St. Lawrence and the lower ports of the same, and on all and every the rivers falling into the said River St. Lawrence, and also on the Lakes in the western part of this Province.

Interpretation of certain words in preamble of 20 V. 170.

2. The proviso to the third section of the said Act is repealed, and the said Company may hereafter hold real estate, not exceeding in value the sum of eighty thousand dollars.

Proviso to s. 3 repealed.

3. At the end of the ninth section of the said Act, the following words shall be added:—“And before paying and liquidating such annual dividends of the profits of the said Company, and out of such dividends, the said Company shall have a right to keep and retain a special and reserve fund to be employed for all acquisitions and building of steamboats, and the expenses and repairs of the steamboats of the said Company, a clear statement whereof shall be submitted and retained by the Directors of the said Company, to form part of the minutes of their deliberations.”

Section 9 amended.

Reserve Fund for purchasing steamers.

4. After the last word “transfer” of the tenth section of the said Act, the following words shall be added:—“And provided that the said transferor shall not be able to transfer, cede and alienate any part of all such shares by him subscribed for, until he shall have paid to the said Company all and every the sums of money which he may owe to such Company, either for the whole or any part of the shares by him subscribed for, and for which he shall be indebted at the time of such transfer, cession or alienation, or which he shall owe to the said Company upon old accounts, promissory notes and otherwise.”

Section 10 amended.

Debts to Company to be paid before transfer of shares.

5. This Act shall be deemed a Public Act.

Public Act.

C A P. L X X .

An Act to amend an Act to incorporate the Pilots for and below the Harbour of Quebec.

[Assented to 9th June, 1862.]

WHEREAS it is expedient, in compliance with the prayer Preamble. to that effect of the Corporation constituted thereunder, to amend the Act passed in the twenty-third year of Her Majesty's Reign, chapter one hundred and twenty-three, intituled: *An Act to incorporate the Pilots for and below the Harbour of Quebec*: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

23 V. c. 123.

Sects. 13 and 19 amended.

1. From and after the passing of this Act, the words "twenty-fifth day of November," in the thirteenth and nineteenth sections of the Act first above-mentioned, shall be repealed and replaced by the words "tenth day of December."

New Section substituted for Sect. 21.

2. The twenty-first section of the Act first above-mentioned is hereby repealed,—and replaced by the following, which shall bear the same number :

Income of Corporation, of what to consist.

"21. From and after the passing of this Act, the income of the said Corporation shall consist of all sums of money arising ; 1st, from the pilotage of all ships and vessels required by law to take a pilot in and below the Harbour of Quebec ; 2nd, from the other services rendered by the pilots and for which they could, as such pilots, previous to their incorporation, claim a salary or remuneration ; 3rd, from all fines, penalties or condemnations which, previous to the passing of the said incorporation Act, would have belonged to the pilot suing for the same or to which he would have been entitled."

Penalties for contravention of By-laws.

3. It shall be lawful for the Board of Directors, from and after the passing of this Act, by one or more By-laws, to be passed in due course and subject to publication and approval as in the case of other By-laws of the Corporation, to establish fines and penalties not exceeding in any case forty dollars, on any member of the Corporation violating any requirement or provision of their By-laws.

Sect. 28 to apply.

4. The twenty-eighth section of the said Act first above mentioned shall apply to the claim and recovery of the above mentioned fines and penalties, and of the sums to which the Corporation may be entitled by virtue of this Act or the Act hereby amended.

Trinity House may punish Pilots retarding sailing of vessels.

5. The Quebec Trinity House is hereby empowered, under By-laws to be passed by the Corporation of Pilots in the manner provided by this Act, to punish by fine or suspension or deprivation of their branch, Pilots who, by misconduct, negligence or drunkenness, retard the sailing of vessels which they have been engaged to pilot—such power to be regulated by By-laws of the Corporation of Pilots.

Pilots not piloting in turn not to share in income.

6. Every pilot who shall be prevented by sickness from piloting in his turn, shall not share in the income received by the Corporation during the continuance of such sickness ; and such sickness shall be considered as beginning on the day on which such pilot shall be prevented by such sickness from piloting in his turn, and such sickness shall be certified in writing by the Captain of the schooner in which such pilot shall be, if such pilotage is for a vessel coming up the river, or by a medical man, if such pilotage is for a vessel going down the river.

7. The Trinity House of Quebec shall have concurrent jurisdiction with the Quebec Harbour Commissioners, over such portions of the Harbour of Quebec as are or may be set apart for the discharge of ballast, and is hereby authorized to enforce all penalties respecting the same until such concurrent jurisdiction shall cease, by Order of the Governor in Council.

Jurisdiction to
Trinity House
as to ballast.

8. This Act shall be deemed a Public Act.

Public Act.

C A P . L X X I .

An Act to incorporate the Quebec Marine Insurance Company, of Quebec.

[Assented to 9th June, 1862.]

WHEREAS the formation and establishment of Marine and Inland Navigation Insurance Companies is of great public utility, and is necessary to the prosperity of the trade of this Province; and whereas the several persons hereinafter named are willing and desirous to establish and maintain such a Company, but the same cannot be effected without the aid of the Legislature: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. James Gibb Ross, John Henry Clint, David Douglas Young, William Withall, Jean Baptiste Renaud, Henry John Noad, Vital Têtu, Isaïe Gaudry and Alexander Fraser, and every other person who shall hereafter become a shareholder of the said Company, shall be and are hereby united into a Company for making and effecting Inland Navigation and Marine Insurances, according to the rules and directions hereinafter mentioned, and for that purpose shall be a body corporate, under the name of the "Quebec Marine Insurance Company."

Incorporation of
Company.

Corporate
name.

2. The said Company shall have power and authority to make, with any person or persons, all and every insurance connected with Marine risks and risks of Navigation and Transportation by water or railway, against any loss or damage of or to any vessel, steamer, boat or other craft, either sea-going or navigating upon lakes, rivers or navigable waters; and of or to any Cargo, Goods, Wares and Merchandises, Specie, Bullion, Jewels, Bank Notes, Bills of Exchange, and other evidences of debt, timber, or other property of any description, borne or carried by water or by railway, and of and to any freight, profit, commission, bottomry or respondentia interest, and to cause themselves to be re-insured when deemed expedient, against any loss or risk on which they may have made or may make insurance, and generally to do and perform all other necessary matters and things relating to such objects.

Power to make
Insurances.

Power to take or hold real estate to a limited extent and for certain purposes.

To take mortgages or hypothecs and enforce them.

3. The said Company may purchase, have and hold, to them and their successors, any real or immovable estate, lands and tenements, which shall be necessary for their immediate accommodation and the transaction of their business, not exceeding in value in the whole the sum of twenty thousand dollars; and may sell and dispose of the same, acquire others in lieu thereof, and may take and hold any other real estate, *bonâ fide* mortgaged and hypothecated to the said Company, by way of security, or conveyed to them in satisfaction or payment of any debt previously contracted in the course of their dealings, or purchased at any sale under any judgment, order, or decree of Court, which may have been obtained for such debts, by virtue of any proceeding at law, or acquired by purchase to avoid a loss to the said Company through prior claims, and may hold the same for a period not exceeding ten years, during which time the said Company shall be bound to sell or dispose of and convert the same into money or property authorized to be held by this Act, and the said last mentioned real or immovable estate, lands or tenements, or any part or portion thereof, or interest therein which may not within the said period have been alienated or disposed of by the said Company, shall revert to the party from whom the same was acquired, his heirs or other representatives.

Further powers to the Company: wrecked vessels.

Investments.

Not to trade in goods, &c.

4. The Company may purchase any vessel insured by them in part or in whole, and abandoned, and also any stranded or wrecked vessel insured by them, sold for the benefit of the underwriters, and may sell any such vessel so acquired as aforesaid; but they shall not navigate any such vessel; and the Company may invest their funds or any part thereof in loans on Public Securities, and call in and re-loan the same, as may be deemed expedient by their Directors, and in the purchase of Public Securities, Stocks of chartered Banks or other chartered Companies, the Bonds and Debentures and other evidences of debt of the Government, Municipal Debentures or Debentures issued by the Government of Canada in exchange for those of any Incorporated Town, Municipality or City of Canada aforesaid, or in Bottomry Bonds, and sell and transfer the same; But the said Company shall not deal in any goods, wares or merchandise, other than such as they shall become possessed of by virtue of any insurance made thereon, or which may be abandoned to them.

Capital and increase of Capital.

5. The capital stock of the Company shall be four hundred thousand dollars, divided into four thousand shares of one hundred dollars each, which may be increased by the votes of a majority of the shareholders at an annual or special general meeting, special notice of such proposed increase having been given, in manner to be provided for by the By-laws of the Company, to the sum of one million of dollars, to be divided into like shares, and the said capital stock, with the property of the said Company, shall be held liable for the payment of all

all engagements, losses or damages that may from time to time occur, and be justly claimed from or charged upon the said Company.

Liability for losses.

6. The parties named in the first section of this Act may open books for the subscription of stock, at such times and places, and in such manner as they shall think fit; and they or a majority of them shall, within one month from the passing of this Act, organize the said Company, and call a meeting of the Shareholders, by giving due notice in at least two of the newspapers published in the city of Quebec, for that purpose.

Books of subscription to be opened, &c.

7. It shall be the duty of the said shareholders, or so many of them as shall attend the meeting provided for in the last preceding section of this Act, at such meeting to proceed to the appointment and election of nine Directors as provided for by this Act, upon whom shall devolve thereafter the duty of organizing, conducting and managing the affairs of the said Company, until the first annual general meeting of shareholders upon the next ensuing last Monday in February, as provided for in this Act; And the said parties named in the first section of this Act, shall, after such election, be relieved from further duty touching the organization or management of the affairs of the said Company.

Election of first Board of Directors.

Relief of parties in Sect. 1.

8. The business and affairs of the Company shall be conducted and managed by a Board of nine Directors, to be annually elected by ballot by the shareholders, and who shall be severally shareholders to the amount of not less than one thousand dollars of the said stock, and who shall be elected at the annual meetings of the Company by the shareholders then present, or by proxy, as hereinafter provided.

Election of Directors and their qualification.

9. The Directors shall call in the capital subscribed, in such sums as they may deem proper, provided that no larger amount than ten per cent. thereon shall be called in at one time, whereof notice shall be given at least thirty days beforehand, in two or more newspapers published in the City of Quebec, and the intervals of such calls shall not be less than thirty days.

How the capital shall be called in.

10. The annual general meeting of the Company shall be held in the City of Quebec, on the last Monday of February in each year, for the purpose of electing Directors, and for transacting the general business of the Company, at which meeting, and at all general meetings of the Company, fifteen shareholders shall form a quorum, and the President, or in his absence the Vice-President, or in the absence of both, then one of the Directors shall preside; Shareholders of stock held by them for a period of not less than three months previous to the said meeting, shall alone be entitled to vote thereat in the following proportion, that is to say: for one share and not

Annual meetings and scale of voting.

more

more than two, one vote ; for every two shares above two and not exceeding ten, one vote, making five votes for ten shares ; for every four shares above ten and not exceeding thirty, one vote, making ten votes for thirty shares ; for every six shares above thirty and not exceeding sixty, one vote, making fifteen votes for sixty shares ; for every eight shares above sixty and not exceeding one hundred, one vote, making twenty votes for one hundred shares ; but no person or persons, co-partnership, body politic or corporate, being a member or members of the said Company, shall be entitled to a greater number than twenty votes ; and stockholders may vote by proxy, provided that such proxy be a stockholder, and do produce an authority from his constituents for so voting in such form as the By-laws of the Company shall prescribe, and in case of an equality of votes on any question, the Chairman shall have the casting vote in addition to his vote as shareholder.

Proxies.

Ties.

Corporation not dissolved by a failure to elect.

Special general meetings.

Directors may make By-laws, &c.

Weekly meetings of Directors.

President and Vice-President.

Officers.

11. The Corporation shall not be dissolved by a failure to elect Directors at the time when such election should have been made pursuant to this Act, but such election may be made on any other day, in such manner as may be directed and required by the By-laws of the Company ; provided that any ten or more of the shareholders, holding or representing at least one-fourth of the subscribed stock, may require the Directors to call a special general meeting of the shareholders, in the manner prescribed for the annual general meetings, and on their refusal or neglect to do so, may themselves call such meeting by an advertisement to be published in two or more newspapers published in Quebec as aforesaid.

12. Any number of the Directors aforesaid, being a majority of them, may make and enact By-laws, Rules and Regulations (the same not being repugnant to this Act, or the laws of this Province) for the proper management of the affairs of the said Company, and alter and repeal the same, and others make and enact in their stead ; but no By-law, Rule or Regulation made as aforesaid, shall be valid or have effect unless approved and confirmed by a majority of the shareholders and proxies present at an annual or special general meeting convened as aforesaid.

13. There shall be a weekly meeting of the Directors, and any five or more of the Directors shall form a quorum for transacting and managing the business and affairs of the Company, at the first of which weekly meetings the said Board of Directors shall appoint one of their members as President and one as Vice-President, who shall serve for one year, or until the next annual general meeting of Directors, and until their successors shall be appointed, and such other officers as shall be deemed necessary, at such salaries as they shall deem proper, and at each weekly meeting shall also nominate and appoint one or two of their number to co-operate and advise with the President, or in his absence with the Vice-President, until the

next

next meeting of the Board, in managing the ordinary affairs of the Company.

14. The President, or in his absence, the Vice-President, and the Director or Directors for the week so appointed, shall be a sub-board, and shall hold daily meetings for the transaction of business, and all policies of insurance issued by the Company shall be signed by the President or Vice-President and Manager, and at least one of the Directors so appointed for the current week, and sealed with the seal of the Company; and it shall be the duty of the said sub-board as far as practicable to carry out the policy of the general board as expressed at their weekly meetings; but no Director or officer shall be held liable except as a shareholder in the Company for giving out and signing policies of Insurance or any other lawful acts, deeds or transactions done or performed in pursuance of this Act; and no Director shall be answerable for or chargeable with the defaults, neglects, or misdeeds of others of them or of any officer or clerk of the Company.

Sub-board to hold daily meetings.

Proviso: as to liability of Directors, &c.

15. Any Manager or other officer of the Company who commits fraud in any matter or thing pertaining to his office or duty, and any person falsely personating a member entitled to vote, and offering to vote as such member at any election of Directors, shall be guilty of a misdemeanor.

Punishment of officers and others for fraud.

16. So soon as one hundred thousand dollars of the said capital stock shall have been subscribed as aforesaid, and ten per cent. thereon shall be paid in on account thereof and not before, the said Board of Directors shall proceed with the business and purposes of the said Company.

When Company may be organized.

17. Any person may subscribe for such and so many shares as he may think fit, and ten per centum on each share shall be paid at the time of subscribing therefor, and the remainder at such times as the Directors for the time being shall appoint; and if any shareholder neglects or refuses to pay the said instalments at the time when required so to do, he shall forfeit his share, together with the amount paid thereon; and the said share shall be sold, and the sum arising from the sale, together with the amount so previously paid, shall belong to the Company, unless the same be more than sufficient to pay all arrears and interest on such instalment, together with the expenses of such sale, in which case the surplus shall be paid on demand to the owner; and no more shares shall be sold than what shall be deemed necessary to pay such arrears, interests and expenses.

Ten per cent. to be paid on subscribing.

Remainder by instalments.

Forfeiture for non-payment of calls.

18. In case the said Directors shall deem it more expedient in any case to enforce the payment of unpaid instalments than to forfeit the share therefor, the Company may sue for and recover the same from such shareholder with interest thereon,

Payment may be enforced instead of forfeiture.

in any action for debt, in any Court having civil jurisdiction to the amount claimed; and in any such action it shall be sufficient to allege that the defendant is the holder of one or more shares, (stating the number of shares,) and is indebted to the Company in the sum to which the calls in arrear may amount; and to maintain such action, it shall be sufficient that the signature of the defendant to some book or paper, by which his subscription for such share shall appear, be proved by one witness, whether in the employment of, or interested in the Company or not, or in any way allied or related to any of the said Directors or shareholders or other persons interested in the said Company, or not, and that the number of calls in arrear have been duly made.

What only need be alleged and proved.

Transfer of shares.

Debts to the Company must be first paid.

Insurances on half per cent. on one bottom limited.

Annual statement to be made.

Declaration of dividends.

Limitation of liability of shareholders.

19. The shares of the said Company shall be assignable and transferable according to such rules as the Board of Directors shall appoint and establish, and such transfers shall be recognized and acknowledged by the Company, only after they shall have been entered in the books of the Company, and no shareholder or member indebted to the Company for calls shall be permitted to transfer his shares or receive a dividend, or to vote on any question at any meeting of the said Company or of the Directors thereof.

20. No risk or risks exceeding in amount seven and one half per centum on the subscribed capital of the Company shall be taken by the Company in or upon any one bottom, whether on hull, cargo, freight, money or other insurable interest.

21. An annual statement shall be made which shall exhibit a full and unreserved statement of the affairs of the Company, of their funds, property and securities, the amount in real estate, bonds and securities, public debt or other stock, and the amount of debt due to and by the Company, together with a fair estimate of the net profits of the Company not before divided, up to the first day of February in each year, and allowing for any previous or probable deficiencies, which said annual statement shall be submitted to the annual general meeting aforesaid.

22. At each annual general meeting, the Board of Directors may declare a dividend in favor of the stockholders, out of the net profits of the preceding period, if they shall think fit, which dividend shall be paid in cash.

23. The stockholders of the company shall not as such be held responsible for any act, default or liability whatever of the company, or for any engagement, claim, loss, injury, transaction, matter or thing whatsoever relating to or connected with the company, beyond the amount of their respective shares in the capital stock thereof.

24. All shares in the company shall be deemed personal property. Shares to be personalty.

25. No dividends shall be declared or paid out of the capital stock of the company, nor shall any dividend out of the said net profits be declared or paid unless the said capital shall be unimpaired. No dividend to be paid out of capital.

26. Suits at Law or in Equity may be prosecuted and maintained by any member against the said company; and no member of the company, not being in his individual capacity a party to such suit, shall be incompetent as a witness in suits and legal proceedings, by or against the company. Suits by members against the company and V. V.

27. The company shall furnish the Minister of Finance with an annual statement of its assets and liabilities, and shall at all times afford any further information as to the state of the affairs of the company which may be required by the Legislature or the Government. Company to furnish yearly statement to Minister of Finance.

28. This Act shall be deemed a Public Act. Public Act.

C A P . L X X I I .

An Act for facilitating the conveyance by the Trust and Loan Company of Upper Canada, of Lands in the Province of Canada, by and through their Commissioners or Attorneys.

[Assented to 9th June, 1862.]

WHEREAS the Trust and Loan Company of Upper Canada were empowered by an Act passed in the seventh year of the Reign of Her present Majesty, Queen Victoria, chapter sixty-three, to acquire lands, property and effects in this Province, and the Directors of the said Company were by the said Act authorized and empowered to sell, lease and deal with such lands, property and effects as the said Company might acquire, in the same manner as if the said lands, property and effects were held and owned, not by a Body Corporate, but by any of Her Majesty's subjects being *sui juris* or of full age; And whereas it was by the said Act enacted, that the said Company and the Directors and other officers thereof, shall (save and except so far as they are in the said Act specially provided for) be subject to and regulated by such rules and provisions, and shall have such powers, privileges, and authorities as may be set forth and directed by a Royal Charter of Incorporation, to be granted and issued under the Great Seal of Great Britain; and whereas by a Royal Charter of Incorporation under the Great Seal of Great Britain, dated at the Palace of Westminster, the thirteenth day of November, in the

Preamble.
Act 7 V. c. 63,
recited.

seventh year of Her Majesty's present reign, it was ordained, constituted and declared, among other things, that the affairs of the said Company in Canada shall be conducted by such Commissioners or other officers, whether shareholders or not, appointed by the Directors, and with such powers, authorities, and duties, and subject to such liability to removal or dismissal, as may from time to time be provided and declared by any Resolution of the Directors of the Company and assented to by the Lords Committee of Her Majesty's Privy Council for affairs of Trade and Foreign Plantations; And whereas the Directors of the said Company, pursuant to the powers vested in them by the above recited Act of the seventh year of Her present Majesty's reign, and the powers and authorities granted to them by the said Royal Charter of Incorporation, have, from time to time, in conformity with the Resolutions of the Directors assented to by the Lords Committee of Her Majesty's Privy Council for Affairs of Trade and Foreign Plantations, appointed certain Commissioners and other Officers to conduct the affairs of the said Company by Commission and Power of Attorney, in the manner required by the provisions for regulating the affairs of the said Company; And whereas the said Company by their petition have in effect set forth, and have shown that it is expedient to make provision for giving publicity to the appointments from time to time made of the persons authorized to conduct the affairs of the said Company in Canada, and to execute deeds and other documents and perform other acts on behalf of the said Company, and that it is also expedient to secure the perpetuation of the evidence of such appointments by the deposit in some public office or other places within this Province, of the Commission or Commissions or Powers of Attorney from time to time granted and executed by the Directors of the said Company to such persons, and that it is further expedient to make other provisions for facilitating the conveyance, transfer, release, and acquittance of real estate and other property by the said Company through the said persons: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows.

Commissions,
Powers of At-
torney, &c., to
be registered in
the office of the
Provincial
Secretary, and
proved by office
copy certified
by him.

1. The Commissions, Powers of Attorney, or other written instruments whereby the said Company shall, from time to time, constitute and appoint persons to conduct the affairs of the said Company in this Province, or to execute deeds or other documents relating to the mortgage or sale of lands; or to give receipts or acquittances for moneys due to the said Company, and the deeds or instruments whereby the Company shall revoke any such appointments,—shall be registered at full length and filed in the Office of the Provincial Secretary of the Province of Canada; and from and after the publication of notice of such registration of such Commissions or Powers of Attorney in the *Official Gazette* of Canada, the production of an Office Copy of such Commissions or Powers of Attorney certified

certified by the said Provincial Secretary, shall be sufficient evidence for all intents and purposes whatsoever, of the power and authority of the person or persons therein named to act on behalf of the Company in the manner and for the purposes set forth in such Commission or Power of Attorney until publication in the said *Gazette* of notice of the registration of any such deed or instrument revoking such Commission or Power of Attorney; and no further evidence of such power or authority shall be required or demanded under any pretence whatsoever, either by a Court of Law or Equity or by any person whomsoever.

2. Upon the production to the Registrar of the proper Registry Office, of any assignment, deed, release or acquittance of mortgage, assignment of mortgage, lease, or other conveyance, or any memorial or memorials thereof, for the purpose of the registration thereof, which shall be executed in the manner usual and customary by persons *sui juris* holding, transferring, or dealing with real estate or other property, in either section of this Province, and which shall purport to be executed by the persons whose names are stated in the notice required to be published in the *Gazette*, as having power and authority to act for the company, such Registrar shall forthwith duly register the same without requiring any further evidence or verification of the authority of the persons therein named to act for and in behalf of the said Company, or any other evidence of the execution of such instrument or instruments or any evidence of the due execution of the Power of Attorney or other instrument appointing the persons acting for and in behalf and in the name of the said Company.

Registers to registers deeds, &c., executed in conformity to Powers of Attorney registered with the Provincial Secretary, without further proof, &c.

3. All conveyances of land or other hereditaments situate in that part of the Province of Canada called Upper Canada, to be made under or by virtue of this Act, may be made according to the form in the Schedule A to this Act annexed, or as near thereto as the circumstances will admit; and all conveyances so made shall be effectual to vest the lands or hereditaments thereby conveyed according to the intent of such conveyances.

Conveyances in form of Schedule A to be valid.

4. This Act shall be deemed a Public Act.

Public Act.

SCHEDULE A.

This Indenture, made the _____ day of _____ in the year of Our Lord one thousand eight hundred and sixty _____, between The Trust and Loan Company of Upper Canada, who are herein represented by A. B. _____ of _____ and C. D. _____ two of the persons named in a certain Power of Attorney, dated the _____ day of _____, under the Corporate Seal of the said Company,

Company, duly attested by the signatures of two of the Directors of the said Company, in conformity with the Rules and Regulations of the said Company, assented to by the Lords Committee of Her Majesty's Privy Council for affairs of Trade and Plantations; which said Power of Attorney was duly registered in the Office of the Provincial Secretary of the Province of Canada, on the _____ day of _____ and a notice of such registration was duly published on the _____ day of _____ in the *Official Gazette* of Canada, pursuant to the provisions of an Act of the Provincial Parliament of Canada (—Vic., cap.—), intituled: *An Act for facilitating the conveyance by the Trust and Loan Company of Upper Canada, of Lands in the Province of Canada, by and through their Commissioners or Attorneys*, of the first part; and _____ of the second part.

Whereas, by a certain Indenture by way of mortgage, made and executed on the _____ day of _____ in the year of Our Lord one thousand eight hundred and _____ by and between

of _____ of the one part (hereinafter mentioned and referred to as the Mortgagor), and The Trust and Loan Company of Upper Canada of the second part, and _____

Wife of the said _____ of the Third part; He the said _____ for and in consideration of the sum of _____ of lawful money of Canada, by the said The Trust and Loan Company of Upper Canada lent and advanced to him for the term of five years, did give grant, bargain, sell, alien, assign, release, transfer, convey, assure and confirm unto The Trust and Loan Company or Upper Canada, their successors and assigns, all the certain parcel or tract of land and premises, situate

To have and to hold the said lands, tenements, and hereditaments, with their appurtenances, unto the said The Trust and Loan Company of Upper Canada, their successors and assigns, forever, subject, however, to a proviso in the said Indenture of Mortgage contained that the same shall be void on the payment by the said Mortgagor _____ heirs, executors, administrators, or assigns, of the full sum of _____ on the _____ day of _____ which would be in the year of Our Lord one thousand eight hundred and sixty _____ at the Commercial Bank of Canada, _____ at _____, and in the meanwhile, and until the said principal sum of _____ should be fully paid, that the said Mortgagor _____ heirs, executors, administrators, or assigns, should pay or cause to be paid unto the said The Trust and Loan Company of Upper Canada, their successors and assigns, interest in advance on the same at the rate of eight per centum per annum, by equal half yearly payments

payments on the first days of April and October in each and every year :

And whereas it was by the said Indenture further agreed and declared that it should and might be lawful to and for the said The Trust and Loan Company of Upper Canada, their successors and assigns, after default had been made in payment of the said sum of _____ and interest, or any portion or instalment thereof, contrary to the proviso therein contained, peaceably to enter into and upon the said lands, hereditaments and premises, and to hold and enjoy the same without any interruption or denial by the said Mortgagor or any other person whomsoever, and that free and clear of and from all estates, titles, troubles, liens, charges, and encumbrances whatsoever ; And moreover, that the said Mortgagor and _____ heirs, and all other persons whomsoever, claiming any estate or interest in the premises, should and would at all times thereafter, during the continuance of the said sum of _____ or any part thereof, on the said security, upon every reasonable request of the said The Trust and Loan Company of Upper Canada, their successors or assigns, but at the cost and charges of the said The Trust and Loan Company of Upper Canada, their successors or assigns, make, execute and perfect all such further conveyances and assurances in the law whatsoever, for the further better or more perfectly granting, conveying, or otherwise assuring the said lands, hereditaments and premises unto the said The Trust and Loan Company of Upper Canada, their successors and assigns, subject to the proviso therein contained, and the equity thereof, and for the ends, interests and purposes therein expressed of and concerning the same, according to the true intent and meaning of the said presents, as by the said The Trust and Loan Company of Upper Canada, their successors or assigns, or any of their counsel learned in the law, shall be reasonably devised and required and tendered to be made ; And it was further declared and agreed by and between the parties to the said presents, that if the said Mortgagor, _____ heirs, executors, or administrators, should not pay the said The Trust and Loan Company of Upper Canada, their successors or assigns, the said sum of _____ and interest, and every part and instalment of the principal or interest moneys, in manner at the several days and times, and according to the true intent and meaning of the proviso thereinbefore in that behalf contained, and the said The Trust and Loan Company of Upper Canada, their successors or assigns, should, after any of the times limited for such payment had expired, have given to the said Mortgagor _____ executors, administrators, or assigns, or have left for _____ or them at _____ or their last or most usual place of abode in this Province, notice in writing demanding payment of the said principal money and interest, or such portion or instalment of the principal or interest moneys as may then be due, and one calendar month should have elapsed from the delivering _____

delivering or leaving of such notice, without such payment having been made (of which latter default in payment, as also of the continuance of the said principal money and interest, or some part thereof on the said security, the production of the said presents should be conclusive evidence), it should and might be lawful to and for the said The Trust and Loan Company of Upper Canada, their successors or assigns, without any further consent, or concurrence of the said Mortgagor heirs and assigns, to enter into possession of the said lands, hereditaments and premises, and to receive and take the rents and profits thereof, and whether in or out of possession of the same, to make any lease or leases thereof as they should think fit, and also to sell and absolutely dispose of the said lands, hereditaments and premises, with the appurtenances, either by auction or private sale, or partly by auction and partly by private sale, as they might deem proper and either for money or upon such terms of credit as they might think proper, and to convey and assure the same when so sold, unto the purchaser or purchasers thereof, his, her, or their heirs and assigns, as he, she, or they should direct or may appoint :

And whereas the said party of the third part, wife of the said Mortgagor, for and in consideration of five shillings of lawful money of Canada, to her in hand paid by the said The Trust and Loan Company of Upper Canada, did by the said Indenture remise, release and for ever relinquish unto the said The Trust and Loan Company of Upper Canada, their successors and assigns, all dower and right or title to dower, of and in the said lands, which she then had, or in the event of surviving her said husband might or of right ought to have, claim or demand, subject, however, to the proviso for redemption in the said Indenture contained and the legal effect thereof in respect of the said dower.

And whereas the said Mortgagor hath, in making the said payments, so as aforesaid required to be made, wholly made default, and the said The Trust and Loan Company of Upper Canada have therefore acquired the right to grant, bargain, sell, alien and convey the said lands and premises to whomsoever they may see fit, under the power of sale to them given by the said Mortgagor, in and by the said herein in part recited Indenture or Mortgage ; And whereas due notice, as required in and by the said Indenture of Mortgage, hath been given to the said Mortgagor ^{executors, administrators} and assigns ; And whereas the said premises, after being duly advertised in the public newspapers, were exposed to public auction on _____ day of _____ in the year of our Lord one thousand eight hundred and sixty _____ at _____ ; And whereas the said _____ the party hereto of the second part, was the highest bidder for the said premises at the said auction, and thereby hath become the purchaser thereof ; (or were sold at private sale after being duly advertised, *as the case may be.*)

Now

Now this Indenture witnesseth that the said The Trust and Loan Company of Upper Canada, for and in consideration of the sum of _____ dollars to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained, sold and assigned, and by these presents do grant, bargain, sell and assign unto the said party of the second part, _____ heirs, and assigns, all and singular the lands and premises hereinbefore mentioned and described, and so as aforesaid mortgaged to them the said The Trust and Loan Company of Upper Canada by the said Mortgagor, with all the privileges and appurtenances thereto,

To have and to hold the said lands, tenements and hereditaments unto the said party of the second part, _____ heirs, and assigns, to the sole and only use of the said party of the second part, _____ heirs and assigns for ever.

In witness whereof the said A. B. _____ as representing the said and C. D. _____ The Trust and Loan Company of Upper Canada, pursuant to the provisions of the above-mentioned Act of the Provincial Parliament of Canada, (____—V. ch. Cap. ____—,) intituled: *An Act for facilitating the conveyance by the Trust and Loan Company of Upper Canada, of Lands in the Province of Canada, by and through their Commissioners or Attorneys*;— and the several other parties hereto, have subscribed their names and affixed their seals, the day and the year first above written.

Signed, Sealed, and Delivered in the presence of }

C A P . L X X I I I .

An Act to incorporate the Hamilton Powder Company.

[Assented to 9th June, 1862.]

WHEREAS James Watson, Peter Carroll, Nehemiah Merritt, Theophilus Mack, C. J. Dunlop, A. J. Maxham and Co., Matthew Leggat, Andrew T. Wood, D. E. Clowes, John Rae, D. Moore and Co., and W. E. Olds, have associated themselves together as a Joint Stock Company, for the purpose of carrying on a Powder Manufactory in the County of Halton, and whereas it is desirable and expedient that the persons aforesaid should be incorporated under the style and title of the "Hamilton Powder Company" for the purpose of carrying on in the County of Halton, or in such other place or places as may be deemed advisable, all the necessary business connected with or appertaining or belonging to, the manufacture and sale of

Preamble.

of gunpowder and acids : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Certain persons made a Corporation.

1. The persons aforesaid, or such of them, and all such other persons as now are or shall hereafter become shareholders of the said Company, shall be and are hereby ordained, constituted and appointed a body corporate and politic, in law, fact and name for the purposes aforesaid, by the style and title of the "Hamilton Powder Company," and they and their successors, by and under the said name, style and title, shall be capable in law of purchasing, holding or conveying in any way whatsoever, any estate, real or personal, for the use of the said Corporation; Provided, always, that the said Company shall hold no real estate except for the actual use and occupation of the Corporation, or such as shall have been mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted, in the course of its dealings, or purchased at sales upon judgments, which shall have been obtained for such debts.

And may hold real estate for actual use, or as security.

Capital and shares.

2. The capital stock of the said Company shall not exceed the amount of one hundred thousand dollars, to be composed of two hundred shares of the value of five hundred dollars each share.

First Directors and their duties.

3. James Watson, Peter Carroll and Matthew Leggat, shall be and are hereby constituted and appointed the first Directors of the said Company, and shall hold their office until others shall, under the provisions of this Act, be elected by the shareholders, and shall, until that time, constitute the Board of Directors of the said Company, with power to open stock books, and make calls on the shares subscribed in such books, and shall call a meeting of subscribers for the election of Directors, in the manner hereinafter provided.

Opening of stock books, allotting shares, &c.

4. The said Directors are hereby empowered to take all necessary measures for opening the stock books for the subscription of parties desirous to become shareholders in the said Company, and to determine and allot to parties subscribing for stock in the said Company, the number of shares (if any) that parties so subscribing may have and hold in the capital stock aforesaid, and the said Directors shall cause an entry to be made in the records of their proceedings, and in the stockholders' book of the stock so allotted and assigned to parties subscribing as aforesaid, and the Secretary of the Company shall notify the respective parties in writing of such allocation and assignment, and upon such entries being made, the rights and liabilities of such shareholder or shareholders shall accrue, in respect of his, her, or their particular interest in the said Company.

5. The stock, property and concerns of the said Company, shall be managed by a Board of three Directors, who shall respectively be stockholders in the said Company, and who shall be annually elected by the stockholders on the first Monday in February, in each year, and notice of the time and place of holding such election shall be published not less than ten days previous thereto, in one of the newspapers published in the City of Hamilton, and the election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy ; And if such election shall not be held on the day so appointed, it shall be the duty of the Directors to notify and cause such election to be held within thirty days after the day so appointed, when such election shall take place at the time and place so notified, and in manner hereinbefore appointed ; and all acts of directors of the said Company shall be valid and binding as against the said Company until their successors shall be elected ; and it shall be the duty of the Directors to submit to such annual meeting of the stockholders a report stating the amount of the capital of the said Company, and the proportion thereof actually paid in, together with the amount of the existing debts of the said Company, which report shall be signed by the Chairman or President, and one Director of the said Company, and a copy thereof, subscribed as aforesaid, shall, within fourteen days from the date of such annual meeting, be transmitted to the Secretary of the Province.

Board of Directors to be annually elected.

Failure of election.

Annual meeting of stockholders and Report.

6. All elections of Directors shall be by ballot, and each stockholder shall be entitled to as many votes as he owns shares of stock in the said Company, and the persons receiving the greatest number of votes shall be Directors, and when any vacancy shall happen amongst the Directors by death, resignation or otherwise, it shall be filled for the remainder of the year in such manner as may be provided for by the By-laws of the said Company.

Ballot for Directors, and votes of shareholders thereon.

7. The said Company shall have a President, who shall be elected by the Directors from among themselves, and also such subordinate officers as the Company by its by-laws may require, who may be elected or appointed, and required to give such security for the faithful performance of the duties of their respective offices as the Company by its by-laws may provide.

President and officers of Company.

8. The Directors of the said Company may, from time to time, call in and demand from the stockholders thereof, respectively, all sums of money by them subscribed at such times and in such payments or instalments as such Directors shall deem proper, and if any stockholder or stockholders shall, after notice of such call, or demand shall have been personally made, or after notice thereof shall have been published for six successive weeks in any of the newspapers published at the City of Hamilton, refuse or neglect to pay to the said Directors or the Secretary of the said company, such call due upon the share or shares held by him,

Calls on stock, and forfeiture of shares for non-payment.

such

such share or shares shall or may, in the option of the said Directors, become forfeited, together with the amount or amounts paid thereon, and such forfeited share or shares may be disposed of as the Directors for the time being may think fit in any manner whatsoever; or the same may become vested in and for the benefit of the said Company, as the Directors may determine.

What only need be proved in actions on calls.

9. In any action or suit to recover any money due upon any call, it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is the holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear shall amount in respect of one call or more, upon one share or more, stating the number and amount of each of such calls, whereby an action hath accrued to the said Company, and on the trial it shall only be necessary to prove that the defendant was owner of certain shares, and the call or calls thereon, and the notice or demand required by this Act, and no other fact or thing whatsoever.

Power of Directors to make By-laws for management, &c.

10. The Directors of such Company shall have power to make such by-laws as they shall deem proper for the management and disposition of the stock and business affairs of the said Company, for the appointment of officers and for prescribing their duties, and those of all artificers and servants that may be employed, and for carrying on all kinds of business within the objects and purposes of the said Company, and any copy of the said by-laws, or any of them, purporting to be under the hand of the Clerk, Secretary, or other officer of the said Company, and having the corporate seal of the said Company affixed to it, shall be received as *prima facie* evidence of such by-law or by-laws, in all the Courts of Law or Equity in this Province.

Proof of By-laws.

Stock to be personal estate, and how transferable.

11. The stock of the said Company shall be deemed personal estate, and shall be transferable in such manner as shall be prescribed by the by-laws of the Company, but no share shall be transferable until all previous calls thereon shall have been fully paid in, or it shall have been declared forfeited for the non-payment of calls thereon; and it shall not be lawful for the said Company to use any of its funds in the purchase of any stock in any other Company.

Company may not purchase stock of any other Company.

Company may borrow money, and issue Bonds for not less than \$400, each.

12. The said Company may, from time to time, borrow either in this Province or elsewhere, all such such sum or sums of money (not exceeding in all at any time an amount equal to one-half of the paid up capital of the Company) as they may find expedient, and may make the bonds, debentures or other securities they shall grant, for the sums so borrowed, payable either in currency or sterling, with interest not exceeding ten per cent. per annum, and at such place or places within or without this Province, as they may deem advisable, and such bonds

bonds or other securities may be made payable to bearer, or transferable by simple indorsement or otherwise, and may be in such form as the Directors for the time being may see fit; and the said Directors may hypothecate, mortgage or pledge the lands, revenues and other property of the said Corporation, for the due payment of the said sums, and the interest thereon; Provided that no such bonds or debentures shall be issued by the Corporation for any amount less than four hundred dollars.

How secured.

Proviso.

13. Each stockholder of the said Company shall be severally and individually liable to the creditors thereof, to the amount of the stock held by him, for all debts and contracts made by such Company, until the whole amount held by such stockholder shall have been paid up.

Liability of stockholders limited.

14. If the Directors of the said Company shall declare and pay any dividend when the Company is insolvent, or any dividend, the payment of which would render it insolvent, or which would diminish the amount of its capital stock, they shall be jointly and severally liable for all the debts of the Company then existing; and for all that shall be thereafter contracted, while they shall respectively continue in office.

Liability of Directors unlawfully declaring dividends.

15. It shall be the duty of the Directors of the said Company to cause a book to be kept by the Treasurer or Clerk thereof, containing, in alphabetical order, the names of all persons who are or have been stockholders of the said Company, and showing their places of residence, the number of shares of stock held by them respectively, and the time when they respectively became the owners of such shares, and also a statement of all the existing debts and liabilities of the said Company and of the amount of its stock actually paid in, which book shall, during the usual business hours of the day, on every day, except Sundays and obligatory holidays, be open for the inspection of stockholders of the Company, and their personal representatives, at the office of the said Company in the City of Hamilton.

Directors to keep certain books open for inspection.

16. The said Company shall have power to become parties to promissory notes, and bills of exchange, for sums not less than one hundred dollars, and any such promissory notes made or endorsed, and any such bills of exchange drawn, accepted or endorsed by the President, or in his absence, by one of the Directors of the Company and the Secretary, shall be binding upon the said Company, and every such promissory note or bill of exchange, shall be presumed to have been properly made, drawn, accepted, or endorsed, as the case may be for the Company, until the contrary be shewn; and shall, under any circumstances, be binding upon the Company in the hand of a *bonâ fide* holder thereof for value, and in no case shall it be necessary to have the seal of the Company affixed thereto; nor shall the President, Director, or Secretary, be thereby subjected individually to any liability whatever; Provided,

Company may become parties to notes or bills.

Not to issue
Bank notes.

Provided, always, that nothing in this section shall be construed to authorize the Company to issue any notes payable to bearer, or any promissory notes intended to be circulated as money, or to give the said Company any banking power.

Public Act.

17. This Act shall be deemed a Public Act.

C A P . L X X I V .

An Act to amend the Act incorporating the Toronto Cotton Mills Company.

[Assented to 9th June, 1862.]

Preamble.

24 V. c. 102.

WHEREAS David L. Macpherson and Casimir S. Gzowski and others, their associates, were incorporated by an Act passed in the twenty-fourth year of Her Majesty's reign, intituled: *An Act to incorporate the Toronto Cotton Mills Company*, for the purposes therein mentioned; and whereas the said David L. Macpherson and Casimir S. Gzowski, on the part of themselves, and their associates, and the City of Toronto, have, by their joint petition, prayed that, for the reasons therein set forth, the time limited by the said Act for the going into operation of the said Company be extended, and it is expedient to grant the prayers of the petitioners: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Sect. 15
amended.

1. The fifteenth section of the said Act is hereby repealed, and the following section shall be substituted for and be read in lieu thereof:

When the
Company must
commence
operations.

Proviso: cor-
poration of
Toronto may
grant further
delay.

"The said Company shall go into operation before the eighteenth day of October, eighteen hundred and sixty-three, on pain of forfeiting the privileges hereby conferred upon them; provided, always, that if the Company shall, from any cause, fail to go into operation before the said day, and shall require further time to enable them to do so, the City of Toronto, by a resolution of its Council, are hereby authorized, from time to time, to extend the time for a further period or periods, not exceeding in all two years from the eighteenth day of October aforesaid."

Sect. 12
amended.

2. The twelfth section of the said Act is hereby amended by adding at the end thereof the following proviso:

Proviso: as to
lease from City
of Toronto.

"Provided, always, that the conditions and provisos mentioned in the said lease to be performed and take effect as therein mentioned, after the expiration of the first eighteen months of the term thereby granted, shall take effect and the same shall be read and taken to be as if originally written thirty months; and that the City of Toronto, by a resolution of its

its Council, may and they are hereby authorized to further extend from time to time the period within which the Company's works, under the provisions of the said lease, shall go into operation."

C A P . L X X V .

An Act to amend an Act to incorporate the Ramsay Lead Mining and Smelting Company.

[Assented to 9th June, 1862.]

WHEREAS the Ramsay Lead Mining and Smelting Company are desirous of being empowered to increase the capital of the said Company and to effect changes in its Act of Incorporation, and have prayed therefor, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. The second Section of the said Company's Act of Incorporation shall be and is hereby repealed, and in lieu thereof the following shall be considered, taken and read as the second section of the said Act, that is to say:

Sect. 2 of 22 V. c. 112, repealed.

" 2. The Capital Stock of the said Corporation shall be one hundred thousand pounds sterling, divided into twenty thousand shares of five pounds sterling each (such as shall be issued in England) or of six pounds five shillings currency each (such as shall be issued in Canada or the United States)."

Capital of the Company.

2. The fourth section of the said Act of Incorporation shall be and is hereby repealed, and in lieu thereof the following shall be considered, taken and read as the said fourth section, that is to say:

Sect. 4, repealed.

" 4. The calls to be hereafter made on the holders of the said Stock shall be paid in instalments when and in such manner as shall be prescribed by the Directors hereinafter mentioned; Provided, also, that nothing herein contained shall exonerate, diminish or relieve any party from existing liability to the said Company, whether the said liability relates to contributions due or to fall due upon stock already issued, or otherwise, but on the contrary all such liability and contributions shall and may be enforced in the same way, and the said Corporation shall have the same remedy to enforce the payment of calls already made, and all other debts and sums now due and called for, as is hereinafter prescribed with respect to future calls and liabilities."

Calls and instalments on them.

Proviso.

3. The sixth section of the said Act of Incorporation shall be and is hereby extended so as to enable the said Company to

Sect. 6 amended.

to

Real property. to purchase real property as therein mentioned to the amount of fifty thousand pounds currency, instead of the lesser amount therein mentioned; and the remainder of the said section shall remain applicable to such larger amount.

Sec. 8 corrected.

4. In lieu of the words "Fifty thousand pounds" in the first and twenty-sixth lines, and of the words "Fifty thousand pounds currency," in the tenth and eleventh lines of the eighth section of the said Act of Incorporation, the words "One hundred thousand pounds sterling," and in lieu of the word "Twenty," in the fifth line of the said section of the said Act, the word "Twelve," shall be and are hereby substituted so as to make such section read consistently with the second section.

Company may have its head management in England.

Certain sections to apply in such case.

5. The said Company may hereafter, if deemed expedient, transfer its head management to a Board of Directors in England, with or without a local Board in Montreal, with full or partial powers of management to the former, or with concurrent or limited powers to the latter, in all which cases the thirteenth, fourteenth, fifteenth, sixteenth or any other section of the said Act of Incorporation, or of this Act of amendment thereto, applicable to the appointment, government, direction and duties of the Directors and Secretary of the said Company, shall be and are hereby declared to be binding and obligatory, and the same in all things as though the appointment of such Directory in England, or local Board of Directors in Montreal, with concurrent or limited powers, had been originally provided for in the said Act of Incorporation; and upon such transfer of the head management, the Board of Directors in England shall be chosen pursuant to the forms and provisions of the said Act of Incorporation, by the shareholders in England, and the Board of Directors in Montreal, by the shareholders in Canada.

Public Act.

6. This Act shall be deemed a Public Act.

C A P . L X X V I .

An Act to incorporate the Terrebonne Turnpike Road Company.

[Assented to 9th June, 1862.]

Preamble.

WHEREAS the construction of a Macadamized Road, beginning at the toll-bridge belonging to Madame Masson, widow of the late Honorable Joseph Masson, opposite to the town of Terrebonne, and extending to the bridge over the Rivière des Prairies, in the Parish of St. Vincent de Paul, called the Viau Bridge, would greatly improve the means of communication between the City of Montreal and the localities aforesaid, and would contribute materially to the prosperity of the inhabitants along the line of the said road and the welfare of

of the surrounding country; and whereas Madame Marie Genevieve Sophie Raymond, widow of the late Honorable Joseph Masson, the Reverend Jacques Janvier Vinet, Jean Paul Romuald Masson, Louis Benjamin Durocher, Alexander Maurice Delisle, Benjamin Henri Lemoine, John Atkinson, Fabien Vinet, Joseph Cyrille Auger, and others, have prayed to be incorporated with the powers requisite for making and maintaining such road: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The said Madame Marie Genevieve Sophie Raymond, widow of the late Honorable Joseph Masson, the Reverend Jacques Janvier Vinet, Jean Paul Romuald Masson, Louis Benjamin Durocher, Alexander Maurice Delisle, Benjamin Henri Lemoine, John Atkinson, Fabien Vinet, Joseph Cyrille Auger, together with such other person or persons, Corporations and Municipalities as shall, under the provisions of this Act, become shareholders in the said Company as hereinafter mentioned, shall be and are hereby ordained, constituted and declared to be a body corporate and politic in fact, by and under the name of the "Terrebonne Turnpike Road Company."

Company incorporated.

Corporate name.

2. The said Company and their servants or agents shall have full power to lay out and construct, make and finish, at their own cost and charge, a macadamized road from Madame Masson's Bridge, opposite to the said town of Terrebonne, and extending to the village of the parish of St. Vincent de Paul, passing either by the by-road commonly called the "Montée de Madame Masson" along the whole length thereof, and by the base road of the Grande Côte in the said parish of St. Vincent de Paul, or on the summit, or at the foot of the ridge along the bank of the Rivière des Prairies, in which case the macadamized road would pass in rear of all or the greater number of the dwellings and buildings on the line of the said Côte, to the village aforesaid, and the said road will then take the place of the said base road; or by following the said "Montée Masson" as far as the quarries of St. François de Sales, or the wood near the road, thence toward the base road of the "Côte St. François;" thence following the said base road to the "Montée Labelle" (passing in a direct line through the little square (*équerre*) on the said road); thence passing by the said "Montée Labelle" as far as the summit or base of the said ridge or the present base road of the said Grande Côte, in conformity with the provisions above contained, to the village of St. Vincent de Paul, or lastly, following the line of the said base road of the said Côte St. François until the said road would take the direction of Grande Côte or of the Montée St. François, passing through the farms along the lines or concession lines thereof; thence the said road will be continued to the aforesaid Viau Bridge following the line of the present base road of the Côte des Ecores; in cases where the said macadamized

Company empowered to construct a certain macadamized road.

Line defined.

macadamized road is substituted for the existing base road of the said Grande Côte, the Company shall not be bound to indemnify the proprietors whose land shall be taken for such new road; and any part of the existing road for which the new road is substituted shall become *pleno jure* the property of the owner of the land of which it forms part.

Municipality may make a certain part of the road instead of the Company.

In case within one month after the passing of this Act the local Municipality of the parish of St. Vincent de Paul declares, by by-law, that it is disposed to take charge of that part of the said road extending from the intersection of the base road with the Montée de St. François to the Viau Bridge, in the said Municipality, then and in such case the said Municipality shall be *pleno jure* substituted as regards the said part of the roads in the rights, powers and obligations of the Company hereby incorporated, with respect to the completion and maintenance of the said road, and it shall be authorized to assess upon all the rate-payers the cost of the works upon the said road; Provided, always, that the said Municipality shall not have the right of erecting any toll-bar on, nor to lay claim to any of the revenues arising from the toll-gates which the Company may place on such part of the said road so made by the said Municipality, or any other part of the said road; but the inhabitants of the parish of St. Vincent de Paul shall have free right of passage through any toll-gate on the road leading to Montreal, St. Martin and Ste. Rose, without payment of any toll thereon.

Proviso, as to tolls.

Limitation of breadth of land taken for road.

3. Provided, always, that the breadth of land to be taken by the said Company, without the consent of the proprietor, for the said road, shall not exceed fifty feet, french measure, except that an additional piece of land, not exceeding one hundred and twenty-five feet square, same measure, may be taken by the Company opposite to every toll-house or gate, and at any other intermediate point on the said road, for depositing the materials required for the completion and maintenance of the said road, and the said Company may also, under the conditions hereinafter established, take all the materials that may be required for the completion and maintenance of the said road and the toll-houses thereon.

Power to explore country between termini, &c.

4. The said Company shall have full power and authority to explore the ground or the country lying between the termini of the said road, and to designate and establish, take, appropriate, have and hold, to and for the use of them and their successors, the requisite land upon the lines, and within the limits of the said road, according to the provisions hereinafter contained for acquiring the same; and also to cut, make and keep in repair, upon such adjoining or neighboring land, such ditches, drains and water courses as may be necessary for effectually draining and carrying off the water from the said road or work, making compensation therefor as hereinafter provided; and for the purposes

Making drains, &c.

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 any person or persons, body or bodies corporate or politic, and to take, whenever they may deem proper, all stone, earth, sand and other materials required for the construction and maintenance of the said road, the cost thereof, and of the damages incurred in so doing, being established in the manner hereinafter provided, and the said Company are also authorized to make ditches, drains, plats, bridges and other works, on the said road, and on the sides thereof, and to include in the said road any portion of any existing highway which they may deem expedient to adopt as part thereof; and in case the said portions of existing highways shall not be thirty-six feet in width, french measure, the proprietors in charge thereof shall, when required so to do by the said Company, be bound to furnish the width aforesaid; and the said road hereby authorized to be made shall be a public highway, to all intents and purposes of law.

Taking materials.

Portions of old road.

5. All deeds and conveyances for lands to be conveyed to the said Company for the purposes of this Act may, in so far as the title to the said lands, or the circumstances of such parties making such conveyances shall admit, be made in the form given in the schedule of this Act marked A, in the presence of any two or more witnesses; and for the due enregistration thereof, the said Company shall, at their own expense, furnish the Registrar of the County of Laval with a book or books having a sufficient number of copies of the said form therein printed, one on each page, leaving the requisite blanks to suit the various cases of conveyance, such book or books being authenticated in the manner in which the ordinary registers of such Registrar are by law required to be authenticated; And such book or books shall by such Registrar be received and kept as, and shall be so many registers of his office; and he shall therein enregister such deeds upon production thereof and proof of their execution, by the oath of one credible witness, which oath he is hereby authorized to administer; And he shall certify such enregistration, and the date thereof, on each such deed, and the Company shall pay for such enregistration of and certificate, upon each such deed the sum of fifty cents, and no more; and such enregistration shall be to all intents valid in law; and in the absence of the original of any such deed, copies thereof, taken from such register, and duly certified by the Registrar having charge thereof, shall be held and treated as authentic copies of such deed; and such Registrar shall be entitled to a fee of one dollar and no more for every such certified copy.

Deeds and conveyances to be in form of schedule A.

Registration of deeds.

Fees.

6. The affairs, stock, property and concerns of the said Company shall be managed and conducted by five Directors, to be annually elected according to the provisions of this Act; and upon every such election of Directors, the number of votes that

Directors to act for the Company.

Votes at elections of Directors.

that each stockholder shall be entitled to, shall be in proportion to the number of shares he may hold or be possessed of in the said Company, that is to say : one vote for each share, and the first Directors of the said Company shall be the said Jean Paul Romuald Masson, John Atkinson, Alexander M. Delisle, Louis Benjamin Durocher and Fabien Vinet, who shall hold office as such, until others shall be named as hereinafter provided ; and they shall have power to open stock books, to make a call upon the shares subscribed therein, to call a meeting of the subscribers thereto for the election of other Directors as hereinafter provided, to lay out the said Roads, and generally to do all such things as may be necessary and expedient for carrying out the provisions of this Act.

Stock books.

Capital to be \$15,000, with power of increase, and to what purpose to be applied.

7. The Capital Stock of the said Company shall be the sum of Fifteen Thousand Dollars, divided into shares of Fifty Dollars each, with power at any general meeting of the stockholders of the said Company to increase the same to Forty Thousand Dollars, and shall be raised by the persons and corporations who may become Shareholders in such Stock ; and the money so raised shall be applied, in the first place, to the payment and discharge of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates, connected with the said Road ; and all the remainder of the said money shall be applied to the making, completing, maintaining and working of the said Road, and to no other purpose whatever ; and no money shall be paid out or expended, without the authority previously obtained of a majority of the members of the Board of Directors at some regular meeting thereof ; Provided, always, that if at any time after the passing of this Act, the Directors shall be of the opinion that the original capital subscribed will not be sufficient to complete the said Road, it shall and may be lawful for the said Directors, under a resolution to be passed by them for that purpose, to borrow upon the security of the said Company by mortgage or hypothèque of the said Road and the tolls to be collected thereon, a sufficient sum of money to complete the same.

Proviso : further sum may be raised by loan if required.

Debentures for moneys borrowed to be in form of schedule B.

8. In the borrowing of money by way of loan, the debentures of the said Company may be in the form given in the Schedule of this Act, marked B, or in any other like form, and need not be passed before Notaries ; and the enregistration in the manner hereinafter set forth of any such debenture, in the form of the said Schedule, in the Registry Office for the County of Laval, shall perfect the hypothèque thereby created, and such hypothèque shall rank from the perfection of the registration of such debenture, irrespectively of the issuing thereof ; and every such debenture being enregistered and issued, shall be transferable by delivery, and binding to all intents against the said Company and all parties whatsoever, in favor of the bearer thereof, and shall hypothecate in his favor all the lands, buildings and

Registration, of transfer, &c.

and real property whatsoever of the said Company, and other the appurtenances thereto belonging.

9. The said Company, in case of their requiring the enregistration of any debentures as aforesaid, shall, at their own expense, furnish the said Registrar of the County of Laval, with a book or books having a sufficient number of copies of the said form of debenture therein printed, one on each page, leaving the requisite blanks, and without any interest coupons thereto, such book or books authenticated in the manner in which the ordinary registers of such Registrar are by law required to be authenticated; and such book or books shall, by the said Registrar, be received and kept as, and shall be so many registers of the said office; and he shall therein enregister the said debentures upon production thereof; and he shall certify such enregistration and the date thereof, in each such debenture, and for such enregistration and certificate upon each such debenture, he shall be entitled to a fee of twenty-five cents, and no more.

Company to furnish books for enregistration of debentures.

Fee to Registrar.

10. If after such enregistration, any such debenture of the said Company shall be presented at the said Registry Office with the word "cancelled," and the signature to such word added of the President or Secretary of the said Company written across the face thereof, the said Registrar, on a receipt of a fee of twenty-five cents in that behalf, and on proof of such signature by the oath of one credible witness, which oath he is hereby authorized to administer, shall forthwith make an entry in the margin of the register against the registry of such debenture, to the effect that the same has been cancelled, adding to such entry the date thereof and his signature; and thereupon such debenture shall become and be held cancelled, and shall be filed and remain of record in such Registry Office.

Provision as to cancelled debentures.

11. So soon as one fourth of the said Capital Stock shall have been subscribed, it shall be lawful for the said Directors, or a majority of them, by public notice to be given at least fifteen days previously, in at least one English and one French newspaper published in the City of Montreal, to call a first general meeting of the Shareholders at such time and place as they shall think proper, for the election of five directors, who shall remain in office until their successors are elected as hereinafter provided.

First general meeting of shareholders.

12. The annual general meetings of the said Company shall be held thereafter on the first Monday in the month of May, yearly, or on such other day as shall be appointed by any By-law of the said Company, and at such place and hour as by such By-law shall be appointed; and public notice thereof shall be given at least fifteen days previously in at least one English and one French newspaper, published in the said City of Montreal; and at every such annual general meeting, the

Subsequent annual meetings.

said

said private Stockholders shall elect five Directors of the said Company to hold office until the next annual general meeting:

Elections of
Directors to
be by ballot.

13. All elections of Directors by the said private Shareholders or by special proxy or proxies representing any absent shareholder or shareholders, who shall be entitle to give as many votes as their principals, on being provided with a procuration in the form C annexed to this Act, shall be by ballot ; and the five persons having the greatest number of votes at any election shall be declared elected ; and if it shall happen that two or more have an equal number of votes, the said private Shareholders and proxies shall proceed to ballot anew until a choice shall be made ; and no person shall be qualified to be elected such Director by the said private Shareholders unless he be a Shareholder holding Stock in the said Company to the amount of four hundred dollars, and have paid up all calls due on his Stock.

Qualification.

Board of Direc-
tors.

Filling vacan-
cies, &c.

14. From and after the said first general meeting of the said Company, the five Directors, so chosen as aforesaid, shall form the Board of Directors of the said Company ; and if any vacancy shall occur among the said Directors by death, resignation or otherwise, the remaining members of the Board shall elect a qualified Shareholder to fill such vacancy until the next annual general meeting of the said Company.

Quorum.

15. Three members of the Board of Directors of the said Company shall be a quorum thereof for the transaction of business ; and the said Board may employ one or more of their number as paid Director or Directors, and no work shall be done or executed without the previous authorization of the Board.

Shares to be
\$50.

16. Each share in the said Company shall be fifty dollars, and shall be regarded as personal property, and shall be transferable upon the books of the said Company, in such manner as shall be provided by any By-law to be made by the said Directors in that behalf, and not otherwise, so far as regards the rights of the said Company, nor shall any transfer be made of any share on which any call remains due and unpaid ; Provided, always, that each Shareholder shall be individually liable to the Creditors of the Company, to an amount equal to the amount unpaid on the Stock held by him, for the debts and liabilities thereof, and until the whole amount of his Stock shall have been paid up ; but shall not be liable to an action therefor, before an execution against the Company shall have been returned unsatisfied in whole or in part, and the amount due on such execution shall be the amount recoverable with costs against such Shareholder.

Proviso, as to
liability of
shareholder for
debts of the
Company.

Directors may
make calls.

17. The Directors for the time being may make calls of the stock subscribed for, in such manner and at such intervals as may

may be provided by any By-law of the said Company ; and the said Company may, in any Court having jurisdiction in matters of simple contract to the amount demanded, sue for, recover and receive of or from any Stockholder in the said Company, the amount of any call or calls of stock which such Stockholders may neglect to pay, after such notice as shall have been provided by the By-laws of the Company ; and in any such action it shall be sufficient to allege that the defendant is a Stockholder of the Company, and that a call or calls were made upon such stock in the manner required by the By-laws and were not paid, and to prove by any one witness, whether in the service of the Company or not, such facts as will support the said allegations, without alleging or proving the election or appointment of the Directors or any other special matter, and without naming such Directors in the declaration or other proceeding in the case.

Suits for calls not paid.

18. If any call made by the Directors upon the Stockholders, in the manner provided by the By-laws of the Company; shall not be paid in when due, the Directors, instead of suing for the same, may, by resolution to that effect, sell the shares on which such calls are due and unpaid, and transfer the same to the purchaser as the owner thereof might have done, and after deducting all calls due, interest and costs of sale, they shall pay over the remainder of the proceeds of the sale to the owner of the shares sold.

Shares may be sold for non-payment of calls.

19. It shall and may be lawful for all bodies politic, corporate or collegiate, corporations aggregate or sole, communities *grévés de substitution*, guardians, curators, executors, administrators, and all other trustees or persons whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether infants, issue unborn, lunatics, idiots, *femes covert*, or other persons or parties who are or shall be seized, possessed of, or interested in any lands or grounds which the said Company may require for the purposes of the said road, to contract for, sell and convey unto the said Company, all or any part of such lands or grounds so required by the Company for such purposes ; and 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 ; 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.

Bodies politic &c., may sell lands to Company.

20. Any body politic, community, corporation, or other party or parties whomsoever, who cannot in common course of law sell or alienate any lands or grounds so required by the said Company for the purposes of this Act, shall agree upon a fixed annual

Corporations who could not sell without this Act shall agree upon a fixed rent.

annual rent as an equivalent, and not upon a principal sum, to be paid for the lands or grounds so required by the said Company for the said road, and in case the amount of such rent shall not be fixed by voluntary agreement or compromise, it shall be fixed in the manner hereinafter prescribed, and all proceedings shall in that case be regulated as hereinafter prescribed; and for the payment of the said annual rent, and every other annual rent agreed upon or ascertained and to be paid by the said Company for the purchase of any lands, or for any part of the purchase money of any land which the vendor shall agree to leave in the hands of the said Company; and the said road and other works appertaining thereto, and the tolls levied and collected on the said road, shall be and are hereby made liable and chargeable in preference to all other claims and demands thereon whatsoever, the deed creating such charge and liability being duly registered.

Agreements
with the pro-
prietors *par*
indivis.

21. Whenever there shall be more than one party proprietor of any land or property *par indivis*, any agreement made in good faith between the said Company and any party or parties proprietor, or being together proprietors of one third or more of such land or property, as to the amount of compensation for the same, or for any damages thereto, shall be binding as between the remaining proprietor or proprietors *par indivis* and the Company; and the proprietor or proprietors who have so agreed, may deliver possession of such land or property to the said Company, or empower them to enter upon the same, as the case may be.

Map or plan to
be drawn up
and deposited.

22. For the purpose of this Act the said Company shall cause a map or plan to be drawn up by a sworn surveyor, of the route of the said road and of the lands through which it is intended to pass; and also a book of reference for the said road, in which shall be set forth a general description of the said lands and the names of the owners, occupiers or proprietors thereof, so far as they can be ascertained; which said map or plan and book of reference shall be certified by the Commissioner of Crown Lands, or his Deputy, and copies thereof deposited by him in the Office of the Secretary of the Province, and of the Prothonotary of the Superior Court in the District of Montreal, and a copy thereof delivered to the said Company; and access may be had at all times to such copies, from which extracts may be obtained by any person whomsoever, at the rate of ten cents for every hundred words; and the said copies of the said book so certified, or true copies thereof certified by the said Secretary of the Province, or by the said Prothonotary, shall be legal evidence in all Courts of Law, and elsewhere.

Copies and
extracts.

The company
to apply to
owners of lands
touching com-
pensation.

23. So soon as the map or plan shall have been deposited as aforesaid, and notice of its being so deposited shall have been given during at least one calendar month, in both languages,

languages, in at least one newspaper published in the locality nearest to that through which the said road is intended to pass, it shall be lawful for the said Company to apply to the several owners or parties hereby empowered, to sell or convey the lands through which their road is intended to be carried, or which may suffer damage from the making or constructing of such road, or the exercise of any of the powers granted to the said Company by this Act, and to agree with such owners or parties respectively, touching the compensation to be paid to them by the said Company for the purchase thereof, and for the respective damages, and to make such agreements and contracts with the said parties touching the said lands or the compensation to be paid for the same, or for the damages, or as to the mode in which the said compensation shall be ascertained, as to such parties and the said Company shall seem expedient ; and in case of disagreement between the said Company and the said owners or parties, or any of them, then all questions which shall arise between them and the said Company shall be settled as follows, that is to say :

If they cannot agree.

The deposit of the map or plan and the notice of such deposit given as aforesaid, shall be deemed a general notice to all parties of the lands which will be required for the said Road ;

Legal effect of map and book of reference.

The Company shall serve a notice upon the opposite party, containing a description of the lands to be taken, or of the powers intended to be exercised with regard to any lands, (describing them,) a declaration that the Company are ready to pay some certain sum (or rent, as the case may be,) as compensation for such lands or for the damages arising from the exercise of such powers ; and the name of a person whom they appoint as their arbitrator, if their offer be not accepted ; and in making the estimate for such compensation to be awarded for such lands or the damages arising from the exercise of such powers, the arbitrator of the Company as also the arbitrators hereinafter mentioned, shall take into consideration and allow for the benefit to accrue to the party to whom compensation is to be made, from the said road, and in any case wherein the said Company shall have given and served the notice aforesaid, it shall be lawful for the said Company to desist from such notice, and afterwards to give new notice with regard to the same or other lands, to the same or any other party ; but the said Company shall in any such case be liable to the party first notified for all damages or cost by him incurred in consequence of such first notice and desistment ; and no change of ownership after the said Company shall have given and served the notice aforesaid shall affect the proceedings, but the party notified shall be still deemed the owner, except as to the payment of the sum awarded ;

Notice to opposite party.

How compensation shall be estimated.

Company may desist.

If the opposite party be absent from the district in which the land is situate, (if the notice relate to the taking of land) or from

Case of absence of opposite

party provided for.

from the district in which the power sought to be exercised is to be exercised, or be unknown to the said Company, then upon a petition addressed to any one of the Judges of the Superior Court in the said district, accompanied by an affidavit of some officer of the said Company, that such opposite party is so absent, and that after diligent inquiry the party on whom the notice ought to be served cannot be ascertained, such Judge shall order a notice as aforesaid (but without the certificate) to be inserted at least three times during one calendar month in the *Canada Gazette*, and in such newspaper as may be named by such Judge, and in either or both languages in the discretion of such Judge ;

As to non-acceptance by party of company's offer, &c.

If within ten days after the service of such notice, or within one month after the first publication thereof as aforesaid, the opposite party shall not notify to the said Company that he accepts the sum offered by the said Company, or notify to them the name of a person whom he appoints as arbitrator, then any such Judge may, on the application of the said Company, appoint some sworn surveyor or other competent person as sole arbitrator for determining, the compensation to be paid by the said Company.

Opposite party appointing an arbitrator.

If the opposite party shall, within the time aforesaid, notify to the said Company the name of the person such party shall appoint as arbitrator, then the two arbitrators shall jointly appoint a third, or if they cannot agree upon a third (of which fact the allegation of either of them shall be evidence), then any such Judge shall, on the application of the said party or of the said Company, (previous notice of at least one clear day having been given to the arbitrator of the other party) appoint a third arbitrator.

Duties of arbitrators, meetings, &c.

The said arbitrators or sole arbitrator being sworn before a Justice of the Peace, who is hereby empowered and required to administer such oath, faithfully and impartially to perform the duties of their office, shall proceed to ascertain the compensation to be paid by the Company, in such way as he or they, or a majority of them, shall deem best, and the award of such arbitrators, or any two of them, shall be final and conclusive ; provided that no such award shall be made, or any official act done by such majority, except at a meeting held at a time and place of which the other arbitrator shall have had at least one clear day's notice, or to which some meeting at which the third arbitrator was present, shall have been adjourned ; but no notice to the Company or opposite party shall be necessary, and they shall be held sufficiently notified through the arbitrator they shall have appointed or whose appointment they shall have required ;

Proviso.

Proviso.

Provided, always, that the award given by the said arbitrators shall never be for a less sum than that offered by the Company

as aforesaid ; and if, in any case, where the arbitrators shall have been appointed, the sum awarded be not greater than that offered by the Company, the cost of the arbitration shall be borne by the opposite party and deducted from the compensation, otherwise they shall be borne by the Company ; and in either case they may, if not agreed upon, be taxed by some Justice of the Peace ;

Costs, how paid.

The arbitrators or a majority of them may, in their discretion, examine on oath or solemn affirmation the parties or such witnesses as shall voluntarily appear before them, and may administer such oath or affirmation, but this shall not prevent the arbitrators from acting and deciding upon their personal knowledge of the merits of the case, or from using such knowledge as they shall think just and right ; and any wilfully false statement made by any witness, under such oath or affirmation, shall be deemed wilful and corrupt perjury, and punishable accordingly ;

Arbitrators may examine witnesses on oath.

The judge by whom any third arbitrator, or sole arbitrator, shall be appointed, shall, at the same time, fix a day on or before which the award shall be made, and if the same be not made on or before such day or some other day to which the time for making it shall have been prolonged, either by the consent of the parties or by the order of any such Judge, (as it may be, for reasonable cause, shown, on the application of one of the arbitrators, after one clear day's notice to the others,) then the sum offered by the Company as aforesaid shall be the compensation to be paid by them ;

Time within which award must be made.

If the arbitrator appointed by the said Company, or by the opposite party, or any third arbitrator, whether appointed by the two arbitrators or by any such Judge, shall die, or be or become disqualified or unable to act, then, on proof thereof to the satisfaction of any such Judge, such Judge shall authorize the Company, or the opposite party, or the two arbitrators, to appoint another person in the place of him who shall be so deceased, disqualified or unable to act, or shall himself appoint another person as third arbitrator as the case may require, but no recommencement or repetition of any prior proceeding shall be necessary ;

Arbitrator dying, &c.

The Company may desist from any such notice as aforesaid, and afterwards give notice with regard to the same or other lands, to the same or to any other party ; but they shall in any such case be liable to the party first notified for all damages or costs by him incurred in consequence of such first notice and desistment.

Company may desist from notice.

It shall be no disqualification to the person offered as valuator or as arbitrator that he be employed by the Company or by the opposite party, or that he have previously expressed an opinion

Arbitrators not disqualified by certain circumstances.

as to the amount of compensation, or that he be related or of kin to any member of the Company, provided he be not himself personally interested in the amount of such compensation; and no cause of disqualification shall be urged against any arbitrator appointed by any such Judge after his appointment, but shall be made before the same, and its validity or invalidity summarily determined by such Judge, and no cause of disqualification shall be urged against any arbitrator appointed by the Company, or by the opposite party after the appointment of a third arbitrator, and the validity or invalidity of any cause of disqualification urged against any such arbitrator, before the appointment of a third arbitrator, shall be summarily determined by any such Judge on the application of either party, after one clear day's notice to the other, and if such cause be determined to be valid, the appointment shall be null, and the party offering the person so adjudged to be disqualified, shall be held to have appointed no arbitrator;

Disqualification how determined.

Award not avoided by want of form.

No award as aforesaid shall be invalidated by any want of form or other technical objection, if the requirements of this Act shall have been complied with, and if the award shall state clearly the sum awarded, and the lands or other property, right or thing for which such sum is to be the compensation; nor shall it be necessary that the party or parties to whom the sum is to be paid be named in the award.

Possession may be taken on payment, tender or deposit of sum awarded.

24. Upon payment or legal tender of the compensation or annual rent so awarded or determined or agreed upon by the parties themselves as aforesaid, to the party entitled to receive the same, or upon the deposit of the amount of such compensation in the manner hereinafter mentioned, the award shall vest in the said Company the power forthwith to take possession of the lands, or to receive the right or to do the thing for which such compensation or annual rent shall have been awarded; and if any resistance or forcible opposition shall be made by any person or party to their so doing, any Justice of the Peace may, on proof to his satisfaction that the requirements of this Act have been complied with, issue his warrant to any Sheriff or to any Bailiff or other proper person, to put the said Company in possession and to put down such resistance or opposition, which such Sheriff or Bailiff or other proper person, taking with him sufficient assistance, shall accordingly do, the whole at the costs of the proprietor refusing to yield such possession.

As to incumbrances, &c., upon lands purchased or taken.

25. The compensation awarded as aforesaid, or agreed upon by the said Company, and any party who might, under this Act, validly convey the lands, or then in lawful possession thereof as proprietor, for any lands which might be lawfully taken under this Act, without the consent of the proprietor, shall stand in the stead of such land, and any claim to or mortgage, hypothec or incumbrance upon the said land or any portion thereof, shall, as against the Company, be converted into a claim
to

to the said compensation, or to a like proportion thereof, and if the amount of such compensation exceed eighty dollars, they shall be responsible accordingly whenever they shall have paid such compensation, or any part thereof, to a party not entitled to receive the same, saving always their recourse against such party; Provided, always, that if the Company shall have reason to fear any such claims, mortgages, hypothecs or incumbrances, or if any party to whom the compensation or annual rent, or any part thereof, is payable, shall refuse to execute the proper conveyance and guarantee, or if the party entitled to claim the same cannot be found, or be unknown to the Company, or if for any other reason the Company shall deem it advisable, it shall be lawful for them to pay such compensation into the hands of the Prothonotary of the Superior Court in the District of Montreal with the interest thereon for six months, and to deliver to the said Prothonotary an authentic copy of the conveyance, or of the award if there be no conveyance, (and such award shall thereafter be deemed to be the title of the said Company to the land therein mentioned), and proceedings shall thereupon be had for the confirmation of the title of the said Company, in like manner as in other cases of confirmation of title, except that in addition to the usual contents of the notice, the Prothonotary shall state that the title of the Company (that is the conveyance or award) is under this Act, and shall call upon all persons entitled to, or to any part of the lands, or representing, or being the husbands of any parties so entitled, to file their oppositions for their claims to the compensation, or any part thereof, and all such oppositions shall be received and adjudged upon by the Court, and the judgment of confirmation shall forever bar all claims to the lands or any part thereof, (including dower not yet open) as well as all mortgages, hypothecs or incumbrances upon the same; and the Court shall make such order for the distribution, payment or investment of the compensation, and for securing the rights of all parties interested as to right and justice, according to the provisions of this Act and to law, shall appertain; and the costs of the said proceedings or any part thereof shall be paid by the said Company or by any other party, as the Court shall deem it equitable to order; and if judgment of confirmation be obtained in less than six months from the payment of the compensation to the Prothonotary, the Court shall direct a proportionate part of the interests to be returned to the Company, and if, from any error, fault or neglect of the Company, it shall not be obtained until the six months are expired, the Court shall order the Company to pay to the proper party the interest for such further period as may be right; Provided, always, that if the amount of the said compensation do not exceed eighty dollars, the same may be paid by the Company to the party in whose possession as proprietor the land was at the time the Company took possession thereof, or to any person who may lawfully receive money due to such party, and proof of such payment and the award shall be a sufficient title to the said Company, and shall for ever discharge them

Proviso : how
the Company
may free the
land from in-
cumbrances.

Proviso : if the
compensation
do not exceed
\$50.

them from all claims of any other party to such compensation or any part thereof, saving always the recourse of such other party against the party who shall have received such compensation.

Effect of expiration of time for completing road.

26. In case the time limited for the completion of the said road as hereinafter provided expires before the completion thereof, the Company shall forfeit their rights as regards the portion of the road not so completed, but shall retain intact its rights as regards all the portion made.

Fences along the road.

27. Whenever the road constructed by the Company shall be carried through any private property, the Company shall make and keep in repair the fences on such property in the manner agreed upon between the Company and the owner of the property, or in the manner determined by the Arbitrators to whom the matter may be referred.

Election of President, &c.

28. It shall be lawful for the Directors of the said Company to elect one of their number to be the President, and to appoint such and so many officers and servants as they shall deem necessary for performing the duties required of them by the said Company, and in their discretion to take security from them or any of them for the due performance of his or their duty, and he or they shall duly account for all moneys coming into his or their hands to the use of the said Company; and it shall be lawful for the said Directors to make such By-laws as they shall deem expedient for the good government of the Company; such By-laws not to be inconsistent with the provisions of the present Act, and the same to alter, amend or repeal as they may deem necessary.

By-laws.

Tolls.

29. It shall 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 with horses, carts, carriages and other vehicles, and for cattle driven upon, over and along the said roads; Provided, always, that so soon as one or more miles of the said road shall have been completed, tolls may be taken therefor.

Proviso.

Tolls not to exceed certain rates.

30. The tolls hereby authorized to be levied by the said Company upon the said roads, shall not for each time of passing, whether loaded or otherwise, exceed the rate of one penny per mile (reckoning from the gate at which the toll is to be paid to the next gate in the direction in which the vehicle or animal on which it is to be paid may have come), for any vehicle drawn by two horses or other cattle, and for any vehicle drawn by more than two horses or other cattle, one half penny per mile for every additional one; for every vehicle drawn by one horse or other beast of burthen, one half penny per mile, and for every vehicle belonging to any resident in the parish of St. Vincent de Paul when employed going to the north of the said

said County for wood or returning loaded therewith, one half of the above rates respectively; for each sheep or head of swine, one farthing per mile; and for every horse without its rider, and for every ox or cow, or other head of horned cattle, one half penny per mile; for every horse and rider one half penny per mile; and it shall be lawful for the said Company to compound with any persons at such reasonable rates as shall be mutually determined; Provided, always, that the tolls which the Company impose under this section shall be at the same rate per mile throughout the whole road, and each and every section thereof.

31. It shall be the duty of the Directors of the said Company to report annually to the Legislature within the first fifteen days of each Session, under the oath of the Treasurer of the said Company, after the opening of the said road or any part thereof to the public, the cost of the said road, the amount of all money expended, the amount of their Capital Stock, and how much is paid in; the whole amount of stock expended on the said road, the amount received during the year for tolls, and from all other sources, stating each separately; the amount of dividends paid, and the amount expended for repairs, and the amount of debts due by the said Company, specifying the object for which such debts respectively were incurred; and the said Company shall also keep regular books of account, in which shall be entered a correct statement of the assets, receipts and disbursements of the said Company, which shall at all times be open to the inspection and examination of any person or persons who may for that purpose be appointed by the Government.

Annual returns to the Legislature.

32. The said road and all the materials which shall from time to time be got or provided for constructing, building, maintaining or repairing the same, and all toll-houses, gates and other buildings constructed or acquired by and at the expense of the said Company acting under the provisions of this Act, and used for their benefit and convenience, shall be vested in the said Company and their successors; the said Company shall have full power and authority to erect such number of toll-gates or side-bars, in, along or across the said road, and fix such tolls not exceeding the rates aforesaid, to be collected at each gate or bar, as they may deem fit and expedient, (which tolls may be altered from time to time as circumstances may require,) and to erect and maintain such toll-houses, toll-gates and other buildings and erections as may seem necessary and convenient for the due management of the said road; Provided, always, that no toll shall be exacted for merely crossing the said road.

Road, &c. vested in the Company.

Proviso.

33. The said Company shall be bound to complete the said road, beginning at Madame Masson's Bridge and extending to the Viau Bridge, in the said Parish of St. Vincent de Paul, within

Road to be completed within a given time.

within five years from the day of the passing of this Act, in default whereof this Act, and every matter and thing therein contained, shall cease and be utterly null and void as regards the part not completed only.

Penalties for
injuring or
obstructing the
Road, and
works of the
Company.

34. If any person or persons shall in any way injure, cut, break down or destroy any part of the said road as aforesaid, or any toll-gate or toll-house, building or other erection, in, upon or near the said road, and belonging to or used for the convenience of the said Company, under the provisions of this Act, every such person so offending, and being lawfully convicted thereof, shall be deemed guilty of a misdemeanor, and shall be punished by fine and imprisonment; and if any person or persons shall remove any earth, stone, plank, timber or other materials used or intended to be used in or upon the said road, for the construction, maintenance or repair thereof, shall drive any loaded wheel carriage or loaded vehicle upon that part of the said road lying between the stones, plank and hard road and the ditch, further than may be necessary in passing any other vehicle or in turning off upon the said road, or shall cause any injury or damage to be done to the posts, rails or fences, or shall haul or draw, or cause to be hauled or drawn, upon any part of the said road, any timber, stone or other thing which shall be carried principally or in part upon wheeled carriages or sleighs, so as to drag or trail upon the said road to the prejudice thereof, or if any person shall leave any waggon, cart or other carriage whatever upon the said road without some proper person in the sole custody or care thereof longer than may be necessary to load and unload the same, except in case of accident, and in cases of accident for any longer time than may be necessary to remove the same, or shall lay any timber, stone, rubbish or other thing whatever upon the said road to the prejudice, interruption and danger of any person travelling thereon, or if any person shall, after having blockaded or stopped any cart, waggon, or other carriage in going up a hill or rising ground, cause or suffer to lie and remain on the said road, any stone or other thing with which such cart or carriage shall have been blockaded or stopped, or if any person shall pull down, damage injure or destroy any lamp or lamp posts, put up, erected or placed in or near the said road or toll-houses erected thereon, or shall wilfully extinguish the light of any such lamp, or if any person shall wilfully pull down, break, injure or damage any table of tolls, put up or fixed at any toll-gate or bar on any part of the said road, or shall wilfully or designedly deface and obliterate any of the letters, figures or marks thereon, or any finger post or any mile post or stone; or if any person shall throw any earth, rubbish or other matter or thing into any drain, culvert or other water course made for draining the said road, or if any person shall, without permission, carry away any stones, gravel, sand or other materials, dirt or soil from any part of the said road, or dig any holes or ditches on the allowance for the same, or shall forcibly pass or attempt

attempt to pass by force any of the toll-gates set up by the said Company, without having first paid the toll fixed by the Directors of the said Company to be received at any such gate, such person shall, upon conviction thereof, in a summary way before any Justice of the Peace in or near the place where the injury shall have been done, be sentenced to pay all damages sustained by the said Company, to be ascertained by the said Justice upon the hearing of the said complaint, and also to pay a fine of not more than ten dollars nor less than one dollar; and in default of payment thereof the offender shall be committed to the Common Gaol of the District where such offence shall have been committed, for any time not exceeding one month.

Recovery of
penalty and
damages.

35. The fines and forfeitures, authorized to be summarily 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 of distress for that purpose, to be issued by the Justice before whom the conviction shall have been had; and in case there shall be no goods or chattels to satisfy such warrants, such offender or offenders shall and may be committed to the Common Gaol of the District for any period not exceeding one month.

Fines may be
levied by dis-
tress.

Imprisonment
in default of
goods.

36. If any person or persons shall, after proceeding on the said road with any waggon, carriage or other vehicle, or animal liable to pay toll, turn off the said road into any other road, and shall enter the said road beyond any of the said gate or gates without paying toll, whereby such payment shall be evaded, or if any person having the right to pass and repass within the limits of a Parish, as provided in clause forty-nine, shall go out of the limits therein presented, without paying toll, such person or persons shall, for every such offence, forfeit and pay a fine not exceeding five nor less than two dollars, which said sum shall be expended on the said road or towards the discharge of any debt due by the Company; and any Justice of the Peace for the District in which such part of the said road is situate, shall, on conviction of such offender, fine such offender in the said penalty.

Penalty for
evading tolls.

37. If any person or persons occupying or possessing any enclosed land near any toll-house or toll-gates which shall be erected in pursuance of this Act, and any person who opens or permits to be opened and maintained at any time any road affording egress to the public by a by-road so constructed as to permit the evasion of the payment of toll on the said turnpike road at any distance less than two miles from either side of the said turnpike road, 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 or animal liable to the payment of toll, whereby such payment shall be evaded, every person or persons leading or driving any animal or carriage whereon such payment is evaded, being thereof

Penalty for
allowing per-
sons to pass
through lands
to evade tolls.

convicted before any one Justice as aforesaid, shall, for every such offence, severally incur a penalty not exceeding twenty dollars, which shall be laid out in improving the said road, and it shall not be lawful for any person whomsoever to open or suffer to be opened any road whatsoever opposed to the interests of the said Company, under a penalty not exceeding one hundred dollars, and not less than twenty dollars for each contravention and for each and every day such road shall remain open, against the person or persons contravening this section and against those who shall make use of such road; Provided that the preceding enactments shall not be construed in such manner as to prevent travellers from passing on the ice, nor the proprietors of lands permitting travellers to pass thereon in order to reach the ice.

Municipalities
may hold stock
in the Com-
pany.

38. It shall be lawful for any Municipal Body corporate having jurisdiction within the locality through which the said road shall pass, to acquire, accept and hold, and to depart with and transfer stock in the said Company, and from time to time to direct the Mayor or other chief officer thereof, on behalf of such municipality, to subscribe for such stock in the name of such municipality, and to act for and on behalf of such municipality in all matters relative to such stock, and the exercise of the rights of such municipality as a stockholder, and to vote and act as such, subject always to such rules and orders in relation to his authority as shall be made in that behalf by such municipality by their by-laws or otherwise, but acting according to his discretion in cases not provided for by such municipality; and it shall be lawful for such municipality to pay for or to pay all instalments upon the stock they shall subscribe for and acquire, out of any moneys belonging to such municipality, and not specially appropriated to any other purpose, and to apply the moneys arising from the dividends or profits on the said stock or from the sale thereof, to any purpose to which unappropriated moneys belonging to such municipality may lawfully be applied; Provided, always, that no stock shall be subscribed for, acquired, accepted, and held, or departed with and transferred under this section by any municipality unless, nor until a by-law to that effect shall have been approved by a majority of the qualified electors of such municipality in the manner and after the formalities required for the approval of by-laws by the Municipal Loan Fund Acts now in force in Lower Canada; And provided, also, that when, and so long as any municipality shall hold stock in the said Company to the extent of fifty shares or more, the mayor or chief officer for the time being of such municipality shall be *ex officio* a director of such Company, in addition to the five directors hereinbefore mentioned; but in that case such mayor or chief officer shall not vote on behalf of such municipality at any election of directors of such Company.

Proviso.

Proviso.

39. It shall be lawful for the municipality of any county through which the said road passes at any time, within one year from the passing of this Act, to acquire from the said Company all the rights and privileges vested in them by virtue of this Act, and to become the proprietor of the said turnpike road which shall then be constructed, upon payment by the said municipality to the said Company of the value of the said road and the materials intended for the construction of the same, together with the costs incurred in obtaining this Act, and the further sum of twenty per cent as indemnification, but in such case the municipality shall give to the said Company good and sufficient sureties or guarantees that they will construct the said road as provided by this Act within the time prescribed, and that they will maintain it in good repair.

Municipality through which the road passes may acquire the same paying indemnity.

40. It shall be lawful for the Company, with the consent of the local municipalities, to place certain parts of the said road, with the view of their being kept in order and repair, under the control of the local municipalities of the counties in which they are situated, either altogether or partly during the winter season; and the said road shall then be either altogether or only for the period of the year during which they shall have been so placed under the control of the said Municipalities, maintained by the persons who, under any *procès-verbal* made or to be made by the said municipalities, and which they are hereby obliged to make, are or shall be bound to keep them in repair, and no tolls shall be paid to the said Company in respect of the road or any part of it which may be so placed for maintenance and repair under the control of the said municipalities, but the said road and works so placed, or any part of them may be reassumed by the Company, and tolls collected thereon, and they may be otherwise disposed of as though they had never been relinquished; Provided, always, that in no case shall such road or works or any part thereof cease to be the property of the said Company.

Certain parts of the road may be placed under control of Municipality.

41. The said Company may, on or before the first day of December in each year, take down, or cause to be taken down by the proprietors, to a height of twenty-four inches from the ground, leaving the pickets only above that height, all the fences along the line of the said toll road, excepting along the by-roads where this work shall be done at the expense of the Company, and excepting also, within the limits of the villages and in places where the fences are distant at least twenty-five feet from the boundaries of the said road, or in places where hedges have been grown, or fences so constructed, that they cannot be taken down without great expense, and fences so taken down shall not be again set up before the first day of April in the year following.

Fences to be lowered in winter.

42. The said Company may lay out winter roads on or through any fields or enclosures adjoining the said road, on condition

Laying out winter roads

by the Com-
pany.

condition that the Company take down and put up, at their own cost, the fences which it may be necessary to take down for that object; excepting, however, all orchards, gardens or yards or other lots of land enclosed by hedges or fences, which cannot be taken down or replaced without great difficulty and expense, across which the said road shall not be laid out without the consent of the occupant.

Municipalities
may loan
money to
Company.

43. It shall also be lawful for the municipality of any locality, through which the said road shall pass, to loan money to the said Company out of any moneys belonging to the municipality, and not appropriated to any other purpose, and to effect such loan upon such terms and conditions as may be agreed upon between the said Company and the municipality making such loan, and to recover the money so loaned and to appropriate the money so recovered to the purposes of such municipality.

Communities
may hold
stock and loan
money.

44. It shall be lawful for any community or corporation to hold stock in the said Company, or to lend money to the said Company, any Act or law to the contrary notwithstanding, and to appoint a person or persons to vote for such community or corporation upon the shares so held, or to exercise any of its other rights as a member of the corporation in such manner as such community or Corporation and the Company may agree upon.

Her Majesty
may purchase
the road after
50 years.

45. After fifty years from the time of completing the said road, it shall and may be lawful for Her Majesty to purchase the stock of the said Company at the current value thereof at the time of purchase, (to be ascertained by arbitrators to be appointed and to act in the manner hereinbefore provided in other cases, if the Company and the Governor cannot agree upon such value,) and to hold the same for the use and benefit of the Province; and the Governor in Council shall thenceforth stand in the place and stead of the said Company, and shall possess all such powers and authority as the said Company shall have theretofore possessed and exercised.

Stockholders,
servants, &c.,
competent
witnesses.

46. In any action or suit brought by or against the said Company upon any contract or for any matter or thing whatever, any stockholder or any officer or servant of the Company shall be competent as a witness, and his testimony shall not be deemed inadmissible on the ground of the interest or of his being such servant or officer.

Limitation of
actions.

47. 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 (if the party offending shall be known,) and the defendant or defendants in such action or suit may plead the general issue

issue only, and give this Act and the special matter in evidence on the trial.

48. In case of the service upon the said Company of any writ of *saisie-arrêt*, or the said Company being required to answer to *interrogatoires sur faits et articles*, or to take the *serment décisoire* or *supplétoire*, it shall be competent to any officer of the said Company, being thereto duly authorized by vote or resolution of the Directors thereof, to appear and make declaration to such writ or answers to such interrogatories, or take such oath, as the case may be, for the said Company; and such declaration, answers or oath, as the case may be, shall be taken as the declaration, answers or oath of the said Company, to all intents whatever; and the production and filing in Court by such officer of a copy of such vote or resolution, certified by the Secretary of the said Company under its Common Seal, shall be conclusive evidence of his authorization, as in and by such copy set forth; and in case of any execution issuing against the said Company, whereupon the said road may be seized, the same may be sold at the Sheriff's Office of the District within which any portion of the said road may be situated.

How answers to interrogatories, &c., served on the Company may be given.

49. All persons, horses or carriages, going to or attending any funeral, or any person with horse or carriage going to or returning from Divine Service on the Lord's Day, or any *fête d'obligation*, all inhabitants of St. Vincent de Paul, or of St. François de Sales, who shall use the road without going out of the limits of their parish, with the exception of those who carry stone, shall pass the gates on the said road free of toll, provided it be within the limits of the Parish in which they reside; and all persons in the naval or military service of Her Majesty, or in the militia of this Province, wearing uniform and being on actual duty, travelling on the said road in discharge of such duty, with their horses and carriages, and all horses, carts, carriages or waggons in charge of any such persons, conveying any naval, military or militia stores belonging to Her Majesty, in the course of transport from one place to another in Her Majesty's service, and all carriages carrying Her Majesty's Mails, and also all vehicles carrying manure and returning therefrom, shall pass the gates set up across the said road free of toll.

Exemptions from toll.

50. Nothing in this Act contained shall be construed to entitle the said Company to demand toll for the horses, cattle or vehicles of any proprietor of land along the line of their road passing any of their gates in going to and fro between parts of the said farm or between two or more farms belonging to such proprietor, nor to oblige such proprietor to pay tolls for the same or make him liable to any penalty for evading payment of tolls under such circumstances.

Exemption in favor of persons going from one part of a farm to another, &c.

As to roads intersected by this road.

51. Whenever the said road shall intersect a road constructed by any other chartered Company, no higher rate of toll shall be demanded from the persons travelling along the said last mentioned road, for the distance travelled between such intersection and either of its termini, than the rate per mile charged by the said Company for travelling along the entire length of their road so intersected.

Road to be kept in repair.

52. After the said road shall have been completed and tolls been taken thereon, it shall be the duty of the said Company to keep the same in good and sufficient repair, and in case the said road by the said Company be allowed to fall into decay and get out of repair, the said Company may be indicted before any Court of General Quarter Sessions in any Court of Superior Jurisdiction, within the District where the said road shall be so put out of repair as aforesaid; and upon conviction, the Court, before whom the prosecution shall be had, shall direct the said Company to make the necessary repairs, for the want whereof such prosecution shall have been commenced, within such time as to such Court shall seem reasonable; and in default of such repairs being made in the manner and within the time prescribed by such judgment, the said Company shall be dissolved, and the said road and works shall belong thenceforth to Her Majesty, Her Heirs and Successors to and for the use of the public, in the same manner as all other public roads, and the powers of the Company shall be from thenceforth transferred to the Governor in Council.

Penalty in case of default.

Company may become parties to promissory notes.

53. The said Company shall have power to become a party to promissory notes and bills of exchange for sums not less than one hundred dollars; and any such promissory note made and endorsed, and any such bill of exchange drawn, accepted or endorsed by the President of the said Company, and countersigned by the Secretary and Treasurer thereof, under authority of a quorum of the Directors, shall be binding upon the said Company; and every such promissory note or bill of exchange so made, drawn, accepted or endorsed by the President of the said Company, and countersigned by the Secretary and Treasurer thereof, shall be presumed to have been properly so made, drawn, accepted or endorsed, as the case may be, unless the contrary be shown; and it shall not be necessary to have the seal of the said Company affixed to such promissory note or bill of exchange; nor shall the officers of the said Company, signing or countersigning the same or such acceptance or endorsement thereof, be thereby subjected individually to any liability whatever; Provided, always, that nothing herein contained shall be held to authorize the said Company to issue any note or bill payable to bearer, or intended to be circulated as money or as the notes of a Bank.

Proviso.

Liability of Company for accidents.

54. The said Company shall only be responsible for the maintenance of bridges, on the said road, and not for any damages

damages resulting from water courses which shall not have been made by the said Company, nor for any accidents that may occur beyond the part of the road macadamized.

55. This Act shall be deemed a Public Act.

Public Act.

SCHEDULE A.

Know all men by these presents, that I, (or we as the case may be,) A. B., of _____, in consideration of _____ paid to me by the _____ the receipt whereof is hereby acknowledged, do hereby grant, bargain, sell, convey and confirm unto the said Company, their successors and assigns for ever, all that tract or parcel (or those tracts or parcels, as the case may be,) of land situate, (here describe the lands,) the same having been selected and laid out by the said Company for the purposes of their Road; to have and to hold the said lands and premises, with all appurtenances thereto, to the said _____ their successors and assigns for ever, (here add clause for release of dower, if any.)

Witness my hand and seal, (or our hands and seals, as the case may be,) this _____ day of _____ in the year of our Lord, one thousand eight hundred and _____

Signed, sealed and delivered in } A. B. [L. S.]
presence of }
L. M.
N. O.

SCHEDULE B.

No. £ Sterling (or Currency, as the case may be.)

This Debenture witnesseth that the _____ under authority of the Statute of the Province of Canada, passed in the _____ year of Her Majesty's Reign, intituled : _____ (here insert title of this Act) are indebted to the bearer hereof, in the sum of _____ Sterling (or Currency, as the case may be,) as a loan to bear interest from the date of the issue hereof, at the rate of _____ per centum per annum, payable half yearly on the _____ day of _____ and on the _____ day of _____; which said sum of _____ Sterling (or Currency, as the case may be,) the said Company hereby bind and oblige themselves to pay on the _____ day of _____ in the year of our Lord, one thousand eight hundred and _____ to the bearer hereof at _____, and also to pay the interest thereon, half yearly as aforesaid, to the bearer hereof, at the place aforesaid, on delivery of the coupons therefor, now forming part hereof.

And

And for the due payment of the said sum of money and interest, the said Company, under authority of the said Statute, do hereby hypothecate the real estate and appurtenances herein-after described, that is to say: The whole of the Roads known as the including all the lands, buildings and real property whatsoever of the said Company, and all other appurtenances thereto belonging.

In testimony whereof, A. B., of _____, President of the said Company, hath hereto set his signature and affixed the common seal of the said Company, at _____ this _____ day of _____ in the year of our Lord, one thousand eight hundred and _____

A. B. [L. S.]

Countersigned and entered.

C. D., Secretary.

I certify that this Debenture was duly presented for enregistration in the Registry Office for the _____ on the _____ day of _____ in the year of our Lord, one thousand eight hundred and _____ at _____ of the clock in the _____ noon, and is accordingly enregistered in the Register for such Debentures, marked _____ at page number _____.

E. F., Registrar.

Issued to L. M., of _____ this _____ day of _____ in the year of our Lord, one thousand eight hundred and _____

C. D., Secretary.

SCHEDULE C.

Terrebonne Turnpike Road Company.

J. K. L., of _____, one of the Shareholders in the Terrebonne Turnpike Road Company, do hereby appoint M. N., of _____, my Attorney for me and in my absence to vote in my name whenever I myself am entitled so to do, on all matters whatsoever proposed at the meetings of the Shareholders of the said Company to be held on the _____ day of _____ one thousand eight hundred and _____ in such manner as the said M. N. may think proper.

In testimony whereof I have signed the present proclamation at _____ this _____ day of _____ one thousand eight hundred and _____ in presence of the undersigned witnesses (or in presence of the undersigned Notaries Public for L. C.) _____

O. P.

K. L.

Q. R.

C A P.

C A P . L X X V I I .

An Act to incorporate a Company for the construction of certain Turnpike Roads in Isle Jésus.

[Assented to 9th June, 1862.]

WHEREAS the construction of Macadamized Roads, the first beginning at the toll bridge erected over the Rivière des Prairies, in the virtue of the Act tenth and eleventh Victoria, chapter ninety-seven, called Viau's Bridge, and extending to the river Jésus, at the village of Ste. Rose, the said road to cross the Isle Jésus in as direct a line as possible, and to have a branch extending from the said Viau's Bridge as far as the road called "La Montée du Moulin du Crochet," and the second commencing at the bridge erected over the said Rivière des Prairies, in virtue of the Act fourth William Fourth, chapter thirty, and extending to the Grande Côte Ste. Rose, near the bridge which unites the parishes of Ste. Rose and St. Eustache, passing by L'Abord à Plouffe and the village of St. Martin, would greatly improve the means of communication between the City of Montreal and the localities aforesaid, and would contribute materially to the prosperity of the inhabitants of the Northern Counties and the welfare of the surrounding country; and whereas the Reverend Jacques Janvier Vinet, Fabien Vinet, Benjamin H. Lemoine, Alexander Maurice Delisle, J. B. Filiatrault, L. A. Lahaise, Joseph Parisot, and others, have prayed to be incorporated with the powers requisite for making and maintaining such roads: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The said Reverend Jacques Janvier Vinet, Fabien Vinet, Benjamin H. Lemoine, Alexander Maurice Delisle, J. B. Filiatrault, L. A. Lahaise, Joseph Parisot, together with such other person or persons, Corporations and Municipalities as shall, under the provisions of this Act, become shareholders in the said Company as hereinafter mentioned, shall be and are hereby ordained, constituted and declared to be a body corporate and politic in fact, by and under the name of the "Turnpike Road Company of Isle Jésus," in the County of Laval.

Company incorporated.

Corporate name.
2. The said Company and their servants or agents shall have full power to lay out and construct, make and finish, at their own cost and charge, the Roads above referred to and described.

Empowered to construct the said roads.
3. Provided, always, that the breadth of land to be taken by the said Company, without the consent of the proprietor, for the said roads, shall not exceed fifty feet, french measure, except that an additional piece of land, not exceeding one hundred and twenty feet square, same measure, may be taken as a site for any toll-house to be erected by the Company; and provided, further,

Limitation of breadth of land to be taken.

Preamble.

10, 11 V. c. 97.

4 W. 4 c. 30.

Company incorporated.

Corporate name.

Empowered to construct the said roads.

Limitation of breadth of land to be taken.

Proviso : as to deviation from mail route.

further, that in case the macadamised road in question should deviate from the route now adopted for the conveyance of the mails between St. Eustache and St. Martin, it shall not deviate therefrom to such an extent as to increase by more than one mile, the distance between the said two places, and that tolls shall only be enforced to an amount proportioned to the length of the present route.

Power to explore country between termini, &c.

4. The said Company shall have full power and authority to explore the ground or the country lying between the termini of the said roads, and to designate and establish, take, appropriate, have and hold, to and for the use of them and their successors, the requisite land upon the lines, and within the limits of the said roads according to the provisions hereinafter contained for acquiring the same ; and also to cut, make and keep in repair, upon such adjoining or neighboring land, such ditches, drains and water courses as may be necessary for effectually draining and carrying off the water from the said roads or works, making compensation therefor as hereinafter provided ; 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 any person or persons, body or bodies corporate or politic, and to take, whenever they may deem proper, all stone, earth, sand and other materials required for the construction and maintenance of the said roads, the cost thereof and of the damages incurred in so doing being established in the manner hereinafter provided, and the said Company are also authorized to make ditches, drains, plans, bridges and other works, on the said roads, and on the sides thereof, and to include in the said roads any portion of any existing highway which they may deem expedient to adopt as part thereof ; and in case the said portions of existing highways shall not be thirty-six feet in width, french measure, the proprietors in charge thereof shall be bound, when required so to do by the said Company, to furnish the width aforesaid ; and the said roads hereby authorized to be made shall be public highways to all intents and purposes of law.

Taking materials, using highways.

Deeds and conveyances to the Company to be in form of schedule A.

5. All deeds and conveyances for lands to be conveyed to the said Company for the purposes of this Act may, in so far as the title to the said lands, or the circumstances of such parties making such conveyances shall admit, be made in the form given in the schedule of this Act marked A, in the presence of any two or more witnesses ; and for the due enregistration thereof, the said Company shall, at their own expense, furnish the Registrar of each county traversed by the said roads, with a book or books, having a sufficient number of copies of the said form therein printed, one on each page, leaving the requisite blanks to suit the various cases of conveyance, such book or books being authenticated in the manner in which the ordinary registers

Registration.

registers of such Registrar are by law required to be authenticated; and such book or books shall by such Registrars be received and kept as, and shall be so many registers of their respective offices; and they shall therein enregister such deeds upon production thereof and proof of their execution, by the oath of one credible witness, which oath they are hereby authorized to administer; and they shall certify such enregistration, and the date thereof, on each such deed, and the Company shall pay for such enregistration of and certificate, upon each such deed the sum of fifty cents, and no more; and such enregistration shall be to all intents valid in law; and in the absence of the original of any such deed, copies thereof taken from such register, and duly certified by the Registrar having charge thereof, shall be held and treated as authentic copies of such deed; and such Registrar shall be entitled to a fee of one dollar and no more for every such certified copy.

Fees.

6. The affairs, stock, property and concerns of the said Company shall be managed and conducted by five Directors, to be annually elected according to the provisions of this Act; and upon every such election of Directors, the number of votes that each stockholder shall be entitled to, shall be in proportion to the number of shares he may hold or be possessed of in the said Company, that is to say: one vote for each share; and the first Directors of the said Company shall be the said Jacques Janvier Vinet, Fabien Vinet, Benjamin H. Lemoine, Alexander Maurice Delisle, J. B. Filiatrault, L. A. Lahaise, Joseph Parisot, who shall hold office as such, until others shall be named as hereinafter provided; and they shall have power to open stock books, to make a call upon the shares subscribed therein, to call a meeting of the subscribers thereto for the election of other Directors as hereinafter provided, to lay out the said roads, and generally to do all such things as may be necessary and expedient for carrying out the provisions of this Act.

Directors to manage affairs of Company.

Votes at elections of Directors.

First Directors named.

Their powers.

7. The capital stock of the said Company shall be the sum of thirty thousand dollars, and shall be raised by the persons and corporations who may become shareholders in such stock; and the money so raised shall be applied, in the first place, to the payment and discharge of all fees, expenses and disbursements for procuring the passing of this Act, and for making the surveys, plans and estimates, connected with the said roads, and all the remainder of the said money shall be applied to the making, completing, maintaining and working of the said roads, and to no other purpose whatever; Provided, always, that if at any time after the passing of this Act, the directors shall be of the opinion that the original capital subscribed will not be sufficient to complete the said roads, it shall and may be lawful for the said directors, under a resolution to be passed by them for that purpose, to borrow, upon the security of the said Company by mortgage or hypothèque of the

Capital to be \$30,000, and to what purpose to be applied.

Proviso: further sum may be raised by loan if required.

the

the said roads and the tolls to be collected thereon, a sufficient sum of money to complete the same.

Debentures for moneys borrowed to be in form of schedule B.

8. In the borrowing of money by way of loan, the debentures of the said Company may be in the form given in the schedule of this Act, marked B, or in any other like form, and need not be passed before notaries, and the enregistration in the manner hereinafter set forth of any such debenture, in the form of the said schedule, in the registry offices for the several counties through which the roads shall run, shall perfect the hypothèque thereby created, and such hypothèque shall rank from the perfection of the registration of such debenture, irrespectively of the issuing thereof; and every such debenture being enregistered and issued, shall be transferable by delivery, and binding to all intents against the said Company and all parties whatsoever, in favor of the bearer thereof, and shall hypothecate in his favor all the lands, buildings and real property whatsoever of the said Company, and all other the appurtenances thereto belonging.

Registration thereof, &c.

Company to furnish books for enregistration of debentures.

9. The said Company, in case of their requiring the enregistration of any debentures as aforesaid, shall, at their own expense, furnish the said Registrars with a book or books having a sufficient number of copies of the said form of debenture therein printed, one on each page, leaving the requisite blanks, and without any interest coupons thereto; such book or books authenticated in the manner in which the ordinary registers of such registrars are by law required to be authenticated; and such book or books shall, by the said registrars, be received and kept as, and shall be so many registers of the said office, and they shall therein enregister the said debentures upon production thereof; and they shall certify such enregistration and the date thereof, in each such debenture, and for such enregistration, and certificate upon each such debenture, they shall be entitled to a fee of twenty-five cents, and no more.

Fee to Registrar.

Provision as to cancelled debentures.

10. If after such enregistration, any such debenture of the said Company shall be presented at any such registry office with the word "cancelled," and the signature to such word added of the president or secretary of the said Company written across the face thereof, the said registrar, on a receipt of a fee of twenty-five cents in that behalf, and on proof of such signature by the oath of one credible witness, which oath he is hereby authorized to administer, shall forthwith make an entry in the margin of the register against the registry of such debenture, to the effect that the same has been cancelled, adding to such entry the date thereof, and his signature; and thereupon such debenture shall become and be held cancelled, and shall be filed and remain of record in such registry office.

11. So soon as one-fourth of the said capital stock shall have been subscribed, and forty per cent. paid thereon, it shall be lawful for the said directors, or a majority of them, by public notice to be given at least fifteen days previously, in at least one English and one French newspaper, published in the city of Montreal, to call a first general meeting of the shareholders at such time and place as they shall think proper, for the election of five directors, who shall remain in office until their successors are elected as hereinafter provided.

First general meeting of shareholders.

12. The annual general meetings of the said Company shall be held thereafter on the first Monday in the month of May, yearly, or on such other day as shall be appointed by any by-law of the said Company, and at such place and hour as by such by-law shall be appointed; and public notice thereof shall be given at least fifteen days previously in at least one English and one French newspaper, published in the said city of Montreal; and at every such annual general meeting, the said private stockholders shall elect five directors of the said Company to hold office until the next annual general meeting.

Holding of subsequent annual meetings.

13. All elections of directors by the said private shareholders shall be by ballot; and the five persons having the greatest number of votes at any election shall be declared elected; and if it shall happen that two or more have an equal number of votes, the said private shareholders shall proceed to ballot anew until a choice shall be made; and no person shall be qualified to be elected such director by the said private shareholders unless he be a shareholder holding stock in the said Company to the amount of four hundred dollars, and have paid up all calls due on his stock.

Elections of Directors to be by ballot.

Qualification.

14. From and after the said first general meeting of the said Company, the five directors, so chosen as aforesaid, shall form the board of directors of the said Company; and if any vacancy shall occur among the said directors by death, resignation or otherwise, the remaining members of the board shall elect a qualified shareholder to fill such vacancy until the next annual general meeting of the said Company.

Board of Directors.

Filling vacancies, &c.

15. Three members of the board of directors of the said Company shall be quorum thereof, for the transaction of business; and the said board may employ one or more of their number as paid director or directors.

Quorum.

Paid Directors.

16. Each share in the said Company shall be fifty dollars, and shall be regarded as personal property, and shall be transferable upon the books of the said Company, in such manner as shall be provided by any by-law to be made by the said directors in that behalf, and not otherwise, so far as regards the rights of the said Company; nor shall any transfer be made of any share on which any call remains due and unpaid;

Shares to be \$50.

Provided

Provided, as to liability of shareholders for debts of the Company.

Provided, always, that each shareholder shall be individually liable to the creditors of the Company to an amount equal to the amount unpaid on the stock held by him, for the debts and liabilities thereof, and until the whole amount of his stock shall have been paid up; but shall not be liable to an action therefor, before an execution against the Company shall have been returned unsatisfied in whole or in part, and the amount due on such execution shall be the amount recoverable with costs against such shareholders.

Directors may make calls.

Suits for calls not paid.

What only need be alleged and proved.

17. The Directors for the time being may make calls of the stock subscribed for, in such manner and at such intervals as may be provided by any By law of the said Company; and the said Company may, in any Court having jurisdiction in matters of simple contract to the amount demanded, sue for, recover and receive of or from any Stockholder in the said Company, the amount of any call or calls of stock which such Stockholders may neglect to pay, after such notice as shall have been provided by the By-laws of the Company; and in any such action it shall be sufficient to allege that the defendant is a Stockholder of the Company, and that a call or calls were made upon such stock in the manner required by the By-laws and were not paid, and to prove by any one witness, whether in the service of the Company or not, such facts as will support the said allegations, without alleging or proving the election or appointment of the Directors or any other special matter, and without naming such Directors in the declaration or other proceeding in the case.

Shares may be sold for non-payment of calls.

18. If any call made by the Directors upon the Stockholders, in the manner provided by the By-laws of the Company, shall not be paid in when due, the Directors, instead of suing for the same, may, by resolution to that effect, sell the shares on which such calls are due and unpaid, and transfer the same to the purchaser as the owner thereof might have done, and after deducting all calls due, interest and costs of sale, they shall pay over the remainder of the proceeds of the sale to the owner of the shares sold.

Bodies politic, &c., may sell lands to Company.

19. It shall and may be lawful for all bodies politic, corporate or collegiate, corporations aggregate or sole, communities *grevés de substitution*, guardians, curators, executors, administrators, and all other trustees or persons whatsoever, not only for and on behalf of themselves, their heirs and successors, but also for and on behalf of those whom they represent, whether infants, issue unborn, lunatics, idiots, *femes covert*, or other persons or parties who are or shall be seized, possessed of, or interested in any lands or grounds which the said Company may require for the purposes of the said roads, to contract for, sell and convey unto the said Company, all or any part of such lands or grounds so required by the Company for such purposes; and all contracts, agreements, sales, conveyances and

assurances

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; 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.

20. Any body politic, community, corporation, or other party or parties whomsoever, who cannot in common course of law sell or alienate any lands or grounds so required by the said Company for the purposes of this Act, 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 required by the said Company for the said roads; and in case the amount of such rent shall not be fixed by voluntary agreement or compromise, it shall be fixed in the manner hereinafter prescribed, and all proceedings shall in that case be regulated as hereinafter prescribed; and for the payment of the said annual rent, and every other annual rent agreed upon or ascertained and to be paid by the said Company for the purchase of any lands, or for any part of the purchase money of any land which the vendor shall agree to leave in the hands of the said Company, the said roads and other works appertaining thereto, and the tolls levied and collected on the said roads, shall be and are hereby made liable and chargeable in preference to all other claims and demands thereon whatsoever, the deed creating such charge and liability being duly registered.

Corporation, &c., that could not sell without this Act shall agree upon a fixed rent.

How secured.

21. Whenever there shall be more than one party proprietor of any land or property *par indivis*, any agreement made in good faith between the said Company and any party or parties proprietor, or being together proprietors of one-third or more of such land or property, as to the amount of compensation for the same, or for any damages thereto, shall be binding as between the remaining proprietor or proprietors *par indivis* and the Company; and the proprietor or proprietors who have so agreed, may deliver possession of such land or property to the said Company, or empower them to enter upon the same as the case may be.

Agreements with the proprietors *par indivis*.

22. For the purpose of this Act the said Company shall cause a map or plan to be drawn up of the routes of the said roads and of the lands through which they are intended to pass; and also a book of reference for the said roads, in which shall be set forth a general description of the said lands, and the names of the owners, occupiers or proprietors thereof, so far as they can be ascertained; which said map or plan and book of reference shall be certified by the Commissioner of Crown Lands, or his Deputy, and copies thereof deposited by him in the Office of the Secretary of the Province, and of the Prothonotary of the Superior Court in the District

Map or plan to be drawn up and deposited.

How certified.

Copies.

District of Montreal, and a copy thereof delivered to the said Company; and access may be had at all times to such copies, from which extracts may be obtained by any person whomsoever, at the rate of ten cents for every hundred words; and the said copies of the said book so certified, or true copies thereof certified by the said Secretary of the Province, or by the said Prothonotary, shall be legal evidence in all Courts of Law, and elsewhere.

The Company to apply to owners of lands touching compensation.

23. So soon as the map or plan shall have been deposited as aforesaid, and notice of its being so deposited shall have been given during at least one calendar month, in both languages, in at least one newspaper published in the locality nearest to the localities through which the said roads are intended to pass, it shall be lawful for the said Company to apply to the several owners or parties hereby empowered to sell or convey the lands through which their roads are intended to be carried, or which may suffer damage from the making or constructing of such roads, or the exercise of any of the powers granted to the said Company by this Act, and to agree with such owners or parties respectively, touching the compensation to be paid to them by the said Company for the purchase thereof, and for the respective damages, and to make such agreements and contracts with the said parties touching the said lands or the compensation to be paid for the same, or for the damages, or as to the mode in which the said compensation shall be ascertained, as to such parties and the said Company shall seem expedient; and in case of disagreement between the said Company and the said owners or parties, or any of them, then all questions which shall arise between them and the said Company shall be settled as follows, that is to say :

Legal effect of map and book of reference.

The deposit of the map or plan and the notice of such deposit given as aforesaid, shall be deemed a general notice to all parties of the lands which will be required for the said roads ;

Notice to opposite party.

The Company shall serve a notice upon the opposite party, containing a description of the lands to be taken, or of the powers intended to be exercised with regard to any lands, (describing them,) a declaration that the Company are ready to pay some certain sum (or rent, as the case may be,) as compensation for such lands or for the damages arising from the exercise of such powers; and the name of a person whom they appoint as their arbitrator, if their offer be not accepted; and in making the estimate for such compensation to be awarded for such lands or the damages arising from the exercise of such powers, the arbitrator of the Company, as also the arbitrators hereinafter mentioned, shall take into consideration and allow for the benefit to accrue to the party to whom compensation is to be made, from the said roads, and in any case wherein the said Company shall have given and served the notice aforesaid, it shall be lawful for the said Company to desist from such

Company may desist, and give new notice.

notice,

notice, and afterwards to give new notice with regard to the same or other lands, to the same or any other party; but the said Company shall in any such case be liable to the party first notified for all damages or costs by him incurred in consequence of such first notice and desistment; and no change of ownership after the said Company shall have given and served the notice aforesaid shall affect the proceedings, but the party notified shall be still deemed the owner, except as to the payment of the sum awarded;

If the opposite party be absent from the district in which the land is situate, (if the notice relate to the taking of land) or from the district in which the power sought to be exercised is to be exercised, or be unknown to the said Company, then upon a petition addressed to any one of the Judges in the said district, accompanied by an affidavit of some officer of the said Company that such opposite party is so absent, and that after diligent inquiry the party on whom the notice ought to be served cannot be ascertained, such judge shall order a notice as aforesaid, (but without the certificate) to be inserted at least three times during one calendar month in such newspaper as may be named by such Judge, and in either or both languages in the discretion of such Judge;

As to absence of opposite party.

If, within ten days after the service of such notice, or within one month after the first publication thereof as aforesaid, the opposite party shall not notify to the said Company that he accepts the sum offered by the said Company, or notify to them the name of a person whom he appoints as arbitrator, then any such Judge may, on the application of the said Company, appoint an arbitrator for determining, with the arbitrator named in the notice aforesaid, the compensation to be paid by the said Company;

As to non-acceptance by party of company's offer, &c.

If the opposite party shall, within the time aforesaid, notify to the said Company the name of the person such party shall appoint a third, or if they cannot agree upon a third (of which fact the allegation of either of them shall be evidence), then any such Judge or any Justice of the Peace shall, on the application of the said party or of the said Company, (previous notice of at least one clear day having been given to the arbitrator of the other party) appoint a third arbitrator;

Opposite party appointing an arbitrator.

The said arbitrators being sworn before a Justice of the Peace, who is hereby empowered and required to administer such oath, faithfully and impartially to perform the duties of their office, shall proceed to ascertain the compensation to be paid by the Company, in such way as they or a majority of them shall deem best, and the award of such arbitrators or any two of them shall be final and conclusive; provided that no such award shall be made, or any official act done by such majority, except

Duties of arbitrators.

Meetings of arbitrators.

except at a meeting held at a time and place of which the other arbitrator shall have had at least one clear day's notice, or to which some meeting at which the third arbitrator was present, shall have been adjourned ; but no notice to the Company or opposite party shall be necessary, and they shall be held sufficiently notified through the arbitrator they shall have appointed or whose appointment they shall have required ;

Costs how paid. Provided, always, that the award given by the said arbitrators shall never be for a less sum than that offered by the Company as aforesaid ; and if in any case, where the three arbitrators shall have been appointed, the sum awarded be not greater than that offered by the Company, the cost of the arbitration shall be borne by the opposite party and deducted from the compensation, otherwise they shall be borne by the Company ; and in either case they may, if not agreed upon, be taxed by any such Justice of the Peace ;

Arbitrators to have power to examine witnesses on oath. The arbitrators or a majority of them may, in their discretion, examine on oath or solemn affirmation the parties or such witnesses as shall voluntarily appear before them, and may administer such oath or affirmation, but this shall not prevent the arbitrators from acting and deciding upon their personal knowledge of the merits of the case, or from using such knowledge as they shall think just and right ; and any wilfully false statement made by any witness, under such oath or affirmation, shall be deemed wilful and corrupt perjury, and punishable accordingly ;

Time within which award must be made. The Judge or Justice of the Peace by whom any third arbitrator shall be appointed, shall, at the same time, fix a day on or before which the award shall be made, and if the same be not made on or before such day or some other day to which the time for making it shall have been prolonged, either by the consent of the parties or by the order of any such Justice of the Peace or Judge, (as it may be, for reasonable cause shown, on the application of one of the arbitrators, after one clear day's notice to the others), then the sum offered by the Company as aforesaid shall be the compensation to be paid by them ;

Arbitrator dying, &c. If the arbitrator appointed by the said Company, or by the opposite party, or any third arbitrator, whether appointed by the two arbitrators or by any such judge or justice of the peace, shall die, or be or become disqualified or unable to act, then, on proof thereof to the satisfaction of any such judge or justice, such judge or justice shall authorize the Company, or the opposite party, or the two arbitrators, to appoint another person in the place of him who shall be so deceased, disqualified or unable to act, or shall himself appoint another person as third arbitrator as the case may require, but no recommencement or repetition of any prior proceeding shall be necessary :

The Company may desist from any such notice as aforesaid, and afterwards give notice with regard to the same or other lands, to the same or to any other party; but they shall in any such case be liable to the party first notified for all damages or costs by him incurred in consequence of such first notice and desistment;

Company may desist payment.

It shall be no disqualification to the person offered as valuator or as arbitrator that he be employed by the Company or by the opposite party, or that he have previously expressed an opinion as to the amount of compensation, or that he be related or of kin to any member of the Company, provided he be not himself personally interested in the amount of such compensation; and no cause of disqualification shall be urged against any arbitrator appointed by any such judge after his appointment, but shall be made before the same, and its validity or invalidity summarily determined by such judge, and no cause of disqualification shall be urged against any arbitrator appointed by the Company, or by the opposite party after the appointment of a third arbitrator, and the validity or invalidity of any cause of disqualification urged against any such arbitrator, before the appointment of a third arbitrator, shall be summarily determined by any such judge on the application of either party, after one clear day's notice to the other, and if such cause be determined to be valid, the appointment shall be null, and the party offering the person so adjudged to be disqualified shall be held to have appointed no arbitrator;

Arbitrators not disqualified by certain circumstances.

No award as aforesaid shall be invalidated by any want of form or other technical objection, if the requirements of this Act shall have been complied with, and if the award shall state clearly the sum awarded, and the lands or other property, right or thing for which such sum is to be the compensation; nor shall it be necessary that the party or parties to whom the sum is to be paid be named in the award.

Award not avoided by want of form.

24. Upon payment or legal tender of the compensation or annual rent so awarded or determined or agreed upon by the parties themselves as aforesaid, to the party entitled to receive the same, or upon the deposit of the amount of such compensation in the manner hereinafter mentioned, the award shall vest in the said Company the power forthwith to take possession of the lands, or to receive the right or to do the thing for which such compensation or annual rent shall have been awarded; and if any resistance or forcible opposition shall be made by any person or party to their so doing, such justice of the peace may, on proof to his satisfaction that the requirements of this Act have been complied with, issue his warrant to any sheriff or to any bailiff or other proper person, to put the said Company in possession and to put down such resistance or opposition, which such sheriff or bailiff or other proper person, taking with him

Possession may be taken on payment, tender or deposit of sum awarded.

him sufficient assistance, shall accordingly do, the whole at the costs of the proprietor refusing to yield such possession.

As to incumbrances, &c., upon lands purchased or taken.

Proviso: how the Company may free the land from incumbrances.

25. The compensation awarded as aforesaid, or agreed upon by the said Company, and any party who might, under this Act, validly convey the lands, or then in lawful possession thereof as proprietor, for any lands which might be lawfully taken under this Act, without the consent of the proprietor, shall stand in the stead of such land, and any claim to or mortgage, hypothec or incumbrance upon the said land or any portion thereof, shall, as against the Company, be converted into a claim to the said compensation, or to a like proportion thereof, and if the amount of such compensation exceed eighty dollars, they shall be responsible accordingly whenever they shall have paid such compensation, or any part thereof, to a party not entitled to receive the same, saving always their recourse against such party; Provided, always, that if the Company shall have reason to fear any such claims, mortgages, hypothecs or incumbrances, or if any party to whom the compensation or annual rent, or any part thereof, is payable, shall refuse to execute the proper conveyance and guarantee, or if the party entitled to claim the same cannot be found, or be unknown to the Company, or if for any other reason the Company shall deem it advisable, it shall be lawful for them to pay such compensation into the hands of the prothonotary of the Superior Court in the district in which such land is situate, with the interest thereon for six months, and to deliver to the said prothonotary an authentic copy of the conveyance, or of the award if there be no conveyance, (and such award shall thereafter be deemed to be the title of the said Company to the land therein mentioned), and proceedings shall thereupon be had for the confirmation of the title of the said Company, in like manner as in other cases of confirmation of title, except that in addition to the usual contents of the notice, the prothonotary shall state that the title of the Company (that is the conveyance or award) is under this Act, and shall call upon all persons entitled to, or to any part of the lands, or representing, or being the husbands of any parties so entitled, to file their oppositions for their claims to the compensation, or any part thereof, and all such oppositions shall be received and adjudged upon by the court, and the judgment of confirmation shall forever bar all claims to the lands or any part thereof, (including dower not yet open) as well as all mortgages, hypothecs or incumbrances upon the same; and the court shall make such order for the distribution, payment or investment of the compensation, and for securing the rights of all parties interested as to right and justice, according to the provisions of this Act and to law, shall appertain; and the costs of the said proceedings, or any part thereof, shall be paid by the said Company or by any other party, as the court shall deem it equitable to order; and if judgment of confirmation be obtained in less than six months from the payment of the compensation to the prothonotary, the court

court shall direct a proportionate part of the interests to be returned to the Company, and if, from any error, fault or neglect of the Company, it shall not be obtained until the six months are expired, the court shall order the Company to pay to the proper party the interest for such further period as may be right; Provided, always, that if the amount of the said Compensation do not exceed eighty dollars, the same may be paid by the Company to the party in whose possession as proprietor the land was at the time the Company took possession thereof, or to any person who may lawfully receive money due to such party, and proof of such payment and the award shall be a sufficient title to the said Company, and shall forever discharge them from all claims of any other party to such compensation or any part thereof, saving always the recourse of such other party against the party who shall have received such compensation.

Proviso: if the compensation do not exceed \$80.

26. It shall be lawful for the Directors of the said Company to elect one of their number to be the President, and to appoint such and so many officers and servants as they shall deem necessary for performing the duties required of them by the said Company, and in their discretion to take security from them or any of them for the due performance of his or their duty, and he or they shall duly account for all moneys coming into his or their hands to the use of the said Company; and it shall be lawful for the said Directors to make such By-laws as they shall deem expedient for the good government of the Company; such By-laws not to be inconsistent with the provisions of the present Act, and the same to alter, amend or repeal as they may deem necessary.

Election of President, &c.
Appointment of officers, &c.

27. It shall 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 with horses, carts, carriages and other vehicles, and for cattle driven upon, over and along the said roads; Provided, always, that so soon as one or more miles of the said roads shall have been completed, tolls may be taken therefor.

Tolls.

Proviso.

28. The tolls hereby authorized to be levied by the said Company upon the said roads, shall not for each time of passing, whether loaded or otherwise, exceed the rate of one penny per mile (reckoning from the gate at which the toll is to be paid to the next gate in the direction in which the vehicle or animal on which it is to be paid may have come), for any vehicle drawn by two horses or other cattle, and for any vehicle drawn by more than two horses or other cattle, one half penny per mile for every additional one; for every vehicle drawn by one horse or other beast of burthen, one half penny per mile, and for every vehicle belonging to any resident in the said parish of Ste. Rose, when employed going to the north of the said county for wood, or returning loaded therewith, one half of the above

Tolls not to exceed certain rates.

above rates respectively ; for each sheep or head of swine, one farthing per mile ; and for every horse without its rider, and for every ox or cow, or other head of horned cattle, one half penny per mile ; for every horse and rider, one half penny per mile ; and it shall be lawful for the said Company to compound with any persons at such reasonable rates as shall be mutually determined.

Annual returns
to the Legisla-
ture.

29. It shall be the duty of the Directors of the said Company to report annually to the Legislature, within the first fifteen days of each Session, under the oath of the Treasurer of the said Company, after the opening of the said roads or any part thereof to the public, the cost of the said road, the amount of all money expended, the amount of their Capital Stock, and how much is paid in ; the whole amount of stock expended on the said roads, the amount received during the year for tolls, and from all other sources, stating each separately ; the amount of dividends paid, and the amount expended for repairs, and the amount of debts due by the said Company, specifying the object for which such debts respectively were incurred ; and the said Company shall also keep regular books of account, in which shall be entered a correct statement of the assets, receipts and disbursements of the said Company, which shall at all times be open to the inspection and examination of any person or persons who may for that purpose be appointed by the Government.

Roads, &c.,
vested in the
Company.

30. The said roads and all the materials which shall, from time to time, be got or provided for constructing, building, maintaining or repairing the same, and all toll-houses, gates and other buildings constructed or acquired by and at the expense of the said Company acting under the provisions of this Act, and used for their benefit and convenience, shall be vested in the said Company and their successors ; the said Company shall have full power and authority to erect such number of toll-gates or side-bars, in, along or across the said road, and fix such tolls not exceeding the rates aforesaid, to be collected at each gate or bar, as they may deem fit and expedient, (which tolls may be altered from time to time as circumstances may require,) and to erect and maintain such toll-houses, toll-gates and other buildings and erections as may seem necessary and convenient for the due management of the said roads ; Provided, always, that no toll shall be exacted for merely crossing the said roads, and provided also that no toll shall be exacted from any person passing on the said roads within the limits of the parish where he resides.

Proviso.

Roads to be
completed
within a given
time.

31. The said Company shall complete the said roads within five years from the day of the passing of this Act, in default whereof the powers of the Company, excepting as regards such portions of the roads as may then be completed and in operation, shall cease.

32. If any person or persons shall in any way injure, cut, break down or destroy any part of the said roads as aforesaid, or any toll-gate or toll-house, building or other erection, in, upon or near the said roads, and belonging to or used for the convenience of the said Company, under the provisions of this Act, every such person so offending, and being lawfully convicted thereof, shall be deemed guilty of a misdemeanor, and shall be punished by fine and imprisonment; and if any person or persons shall remove any earth, stone, plank, timber or other materials used or intended to be used in or upon the said roads, for the construction, maintenance or repair thereof, shall drive any loaded wheel carriage or other loaded vehicle upon that part of the said roads lying between the stones, plank and hard road and the ditch, further than may be necessary in passing any other vehicle or in turning off upon the said roads, or shall cause any injury or damage to be done to the posts, rails or fences, or shall haul or draw, or cause to be hauled or drawn, upon any part of the said roads, any timber, stone or other thing which shall be carried principally or in part upon wheeled carriages or sleighs, so as to drag or trail upon the said roads to the prejudice thereof, or if any person shall leave any waggon, cart or other carriage whatever upon the said roads without some proper person in the sole custody or care thereof, longer than may be necessary to load and unload the same, except in case of accident, and in cases of accident for any longer time than may be necessary to remove the same, or shall lay any timber, stone, rubbish or other thing whatever upon the said roads to the prejudice, interruption and danger of any person travelling thereon, or if any person shall, after having blockaded or stopped any cart, waggon, or other carriage in going up a hill or rising ground, cause or suffer to lie and remain on the said roads, any stone or other thing with which such cart or carriage shall have been blockaded or stopped, or if any person shall pull down, damage, injure or destroy any lamp or lamp posts, put up, erected or placed in or near the said roads or toll-houses erected thereon, or shall wilfully extinguish the light of any such lamp, or if any person shall wilfully pull down, break, injure or damage any table of tolls, put up or fixed at any toll-gate or bar on any part of the said roads, or shall wilfully or designedly deface and obliterate any of the letters, figures or marks thereon, or any finger post or any mile post or stone; or if any person shall throw any earth, rubbish or other matter or thing into any drain, culvert or other water course made for draining the said roads, or if any person shall, without permission, carry away any stones, gravel, sand or other materials, dirt or soil from any part of the said road, or dig any holes or ditches on the allowance for the same, or shall forcibly pass or attempt to pass by force any of the toll gates set up by the said Company, without having first paid the toll fixed by the Directors of the Company to be received at any such gate, such person shall, upon conviction thereof, in a summary way before any Justice

Penalties for
injuring or ob-
structing the
Roads and
works of the
Company.

Recovery of penalty and damages.

of the Peace in or near the place where the injury shall have been done, be sentenced to pay all damages sustained by the said Company, to be ascertained by the said Justice upon the hearing of the said complaint, and also to pay a fine of not more than ten dollars nor less than one dollar; and in default of payment thereof the offender shall be committed to the Common Gaol of the District where such offence shall have been committed, for any time not exceeding one month.

Fines may be levied by distress.

33. The fines and forfeitures authorized to be summarily 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 of distress for that purpose, to be issued by the Justice before whom the conviction shall have been had; and in case there shall be no goods or chattels to satisfy such warrants, such offender or offenders shall and may be committed to the Common Gaol of the District for any period not exceeding one month.

Penalty for evading tolls.

34. If any person or persons shall, after proceeding on any of the said roads with any waggon, carriage or other vehicle, or animal liable to pay toll, turn off the said road into any other road, and shall enter the said road beyond any of the said gate or gates without paying toll, whereby such payment shall be evaded, such person or persons shall, for every such offence, forfeit and pay a fine not exceeding five nor less than two dollars, which said sum shall be expended on the said roads or towards the discharge of any debt due by the Company; and any Justice of the Peace for the District in which such part of the said roads is situate, shall, on conviction of such offender, fine such offender in the said penalty.

Penalty for allowing persons to pass through lands to evade tolls.

35. If any person or persons occupying or possessing any enclosed land near any toll-house or toll-gates which shall be erected in pursuance of this Act, and any person who opens or permits to be opened and maintained at any time any road affording egress to the public by a by-road so constructed as to permit the evasion of the payment of toll on the said turnpike roads, at any distance less than two miles from either side of the said turnpike roads, and from each side of the two bridges known as the Lachapelle Bridge, and Viau Bridge, 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 or animal liable to the payment of toll, whereby such payment shall be evaded, every person or persons leading or driving any animal or carriage whereon such payment is evaded, being thereof convicted before any one Justice as aforesaid, shall, for every such offence, severally incur a penalty not exceeding twenty dollars, which shall be laid out in improving the said roads, and it shall not be lawful for any person whomsoever to open or suffer to be opened any road whatsoever opposed to the interests of the said Company, under

under a penalty not exceeding one hundred dollars, and not less than twenty dollars, for each contravention and for each and every day such road shall remain open, against the person or persons contravening this section and against those who shall make use of such roads; Provided that this section shall not be construed in such manner as to prevent travellers from passing on the ice, nor the proprietors of lands permitting travellers to pass thereon in order to reach the ice.

Proviso: as to ice roads.

36. It shall be lawful for the Municipality of any County through which the said roads pass at any time from the passing of this Act, to acquire from the said Company all the rights and privileges vested in them by virtue of this Act, and to become the proprietor of the said turnpike roads which shall then be constructed, upon payment by the said County Municipality to the said Company of the value of the said roads and the materials intended for the construction of the same, together with the costs incurred in obtaining this Act, and the further sum of twenty per cent as indemnification, but in such case the Municipality shall give to the said Company good and sufficient sureties or guarantee that they will construct the said roads as provided by this Act within the time prescribed, and that they will maintain them in good repair; Provided that in case any Municipality sees fit to acquire the said roads within one year from the passing of this Act, they shall be exempt from paying the said twenty per cent.

Municipalities may acquire roads.

37. It shall be lawful for the Company to place certain parts of the said roads, with the view of their being kept in order and repair, under the control of the local Municipalities of the Counties in which they are situated either altogether or partly during the winter season; Provided, always, that the consent of the Municipality shall have been obtained, and the said roads shall then be either altogether or only for the period of the year during which they shall have been so placed under the control of the said Municipalities, maintained by the persons who, under any *procès-verbal* made or to be made by the said Municipalities, and which they are hereby obliged to make, are or shall be bound to keep them in repair, and no tolls shall be paid to the said Company in respect of those roads or any parts of them which may be so placed for maintenance and repair under the control of the said Municipalities, but the said roads and works so placed, or any part of them may be reassumed by the Company, and tolls collected thereon, and they may be otherwise disposed of as though they had never been relinquished; Provided, always, that in no case shall such roads or works or any part thereof cease to be the property of the said Company.

Roads may be placed under control of Municipality.

38. The said Company may, on or before the first day of December in each year, take down, or cause to be taken down by the proprietors, to a height of twenty-four inches from the ground,

Fences may be taken down in winter.

ground, leaving the pickets only above that height, all the fences along the line of the said toll roads, excepting only within the limits of the villages and in places where the fences are distant at least twenty-five feet from the boundaries of the said roads, or in places where hedges have been grown, or fences so constructed, that they cannot be taken down without great expense, and fences so taken down shall not be again set up before the first day of April in the year following.

Winter roads.

39. The said Company may set out winter roads on or through any fields or enclosure adjoining the said roads, excepting however all orchards, gardens or yards or other lots of land enclosed by hedges or fences, which cannot be taken down or replaced without great difficulty and expense, across which the said roads shall not be laid out without the consent of the occupant.

Municipalities may take stock.

40. It shall be lawful for any Municipal Body corporate having jurisdiction within the locality through which the said roads shall pass, to acquire, accept and hold, and to depart with and transfer stock in the said Company, and from time to time to direct the Mayor or other chief officer thereof, on behalf of such Municipality, to subscribe for such stock in the name of such Municipality, and to act for and on behalf of such Municipality in all matters relative to such stock, and the exercise of the rights of such Municipality as a Stockholder, and to vote and act as such, subject always to such rules and orders in relation to his authority as shall be made in that behalf by such Municipality by their By-laws or otherwise, but acting according to his discretion in cases not provided for by such Municipality; and it shall be lawful for such Municipality to pay for or to pay all instalments upon the stock they shall subscribe for and acquire, out of any moneys belonging to such Municipality, and not specially appropriated to any other purpose, and to apply the moneys arising from the dividends or profits on the said stock or from the sale thereof, to any purpose to which unappropriated moneys belonging to such Municipality may lawfully be applied; Provided, always, that no such stock shall be subscribed for, acquired, accepted, and held, or departed with and transferred under this section by any Municipality unless, nor until a By-law to that effect, shall have been approved by a majority of the qualified Electors of such Municipality in the manner and after the formalities required for the approval of By-laws by the Municipal Loan Fund Acts now in force in Lower Canada; And provided, also, that when, and so long as any Municipality shall hold Stock in the said Company to the extent of fifty shares or more, the Mayor or chief officer for the time being of such Municipality shall be *ex officio* a Director of such Company, in addition to the five Directors hereinbefore mentioned; but in that case such Mayor or chief officer shall not vote on behalf of such Municipality at any Election of Directors of such Company.

Proviso.

Proviso.

41. It shall also be lawful for the Municipality of any locality through which the said roads shall pass, to loan money to the said Company out of any moneys belonging to the Municipality, and not appropriated to any other purpose, and to effect such loan upon such terms and conditions as may be agreed upon between the said Company and the Municipality making such loan, and to recover the money so loaned and to appropriate the money so recovered to the purposes of such Municipality.

Municipalities may loan money to the Company.

42. It shall be lawful for any community or corporation to hold stock in the said Company, or to lend money to the said Company, any Act or law to the contrary notwithstanding, and to appoint a person or persons to vote for such community or Corporation upon the shares so held, or to exercise any of its other rights as a member of the Corporation in such manner as such community or corporation and the Company may agree upon.

Communities may hold stock and loan money.

43. After fifty years from the time of completing the said roads, it shall and may be lawful for Her Majesty to purchase the stock of the said Company at the current value thereof at the time of purchase, (to be ascertained by arbitrators to be appointed and to act in the manner hereinbefore provided in other cases, (if the Company and the Governor cannot agree upon such value,) and to hold the same for the use and benefit of the Province; and the Governor in Council shall thenceforth stand in the place and stead of the said Company, and shall possess all such powers and authority as the said Company shall have theretofore possessed and exercised.

Her Majesty may purchase the Road after 50 years.

44. In any action or suit brought by or against the said Company upon any contract or for any matter or thing whatever, any stockholder or any officer or servant of the Company shall be competent as a witness, and his testimony shall not be deemed inadmissible on the ground of the interest or of his being such servant or officer.

Stockholders, servants, &c., competent witnesses.

45. 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 (if the party offending shall be known) 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.

46. In case of the service upon the said Company of any writ of *saisie-arrest*, or the said Company being required to answer to *interrogatoires sur faits et articles*, or to take the *serment décisoire* or *supplétoire*, it shall be competent to any officer of the said Company, being thereto duly authorized by vote or resolution of the Directors thereof, to appear and make declaration

How answers to interrogatories, &c., served on the Company may be given.

declaration to such writ or answers to such interrogatories, or take such oath, as the case may be, for the said Company; and such declaration, answers or oath, as the case may be, shall be taken as the declaration, answers or oath of the said Company, to all intents whatever; and the production and filing in Court by such officer of a copy of such vote or resolution, certified by the Secretary of the said Company under its Common Seal, shall be conclusive evidence of his authorization, as in and by such copy set forth; and in case of any execution issuing against the said Company, whereupon the said roads may be seized, the same may be sold at the Sheriff's Office of the District within which any portion of the said roads may be situated.

Exemptions
from toll.

47. All persons, horses or carriages, going to or attending any funeral, or any person with horse or carriage going to or returning from Divine Service on the Lord's Day, or any *fête d'obligation*, shall pass the gates on the said roads free of toll, provided it be within the limits of the parish in which they reside; and all persons in the naval or military service of Her Majesty, or in the militia of this Province, wearing uniform and being on actual duty, travelling on the said road in discharge of such duty, with their horses and carriages, and all horses, carts, carriages or waggons in charge of any such persons, conveying any naval, military or militia stores belonging to Her Majesty, in the course of transport from one place to another, in Her Majesty's Service, and all carriages carrying Her Majesty's Mails, and also all vehicles carrying manure and returning therefrom, shall pass the gates set up across the said roads free of toll; provided, always, that any person residing within the limits of the parish of St. Laurent, going for firewood on his own property, in the Isle Jésus, shall not be liable to pay the said tolls.

Exemption in
favor of persons
going from one
part of a farm
to another, &c.

48. Nothing in this Act contained shall be construed to entitle the said Company to demand toll for the horses, cattle or vehicles of any proprietor of land along the line of their roads, passing any of their gates in going to and fro between parts of the said farm or between two or more farms belonging to such proprietor, nor to oblige such proprietor to pay tolls for the same or make him liable to any penalty for evading payment of tolls under such circumstances.

As to roads
intersected by
this road.

49. Whenever the said roads shall intersect a road constructed by any other chartered Company, no higher rate of toll shall be demanded from the persons travelling along the said last mentioned road, for the distance travelled between such intersection and either of its termini, than the rate per mile charged by the said Company for travelling along the entire length of their roads so intersected.

Road to be kept
in repair.

50. After the said roads shall have been completed and tolls been taken thereon, it shall be the duty of the said Company,
to

to keep the same in good and sufficient repair, and in case the said roads by the said Company be allowed to fall into decay and get out of repair, the said Company may be indicted at the Court of General Sessions of the Peace, or Court of Superior Jurisdiction, within the District where the said roads shall be so put out of repair as aforesaid; and upon conviction, the Court before whom the prosecution shall be had, shall direct the said Company to make the necessary repairs, for the want whereof such prosecution shall have been commenced, within such time as to such Court shall seem reasonable; and in default of such repairs being made in the manner and within the time prescribed by such judgment, the said Company shall be declared to be dissolved, and the said roads shall thenceforth be vested in Her Majesty, Her Heirs and Successors to and for the use of the public, in like manner as any public and common highways or public works, and shall thenceforth be subject to all the laws affecting public highways and public works, and the powers of the said Corporation shall thenceforth vest in the Governor in Council.

Penalty in case of default.

51. The said Company shall have power to become a party to promissory notes and bills of exchange for sum not less than one hundred dollars; and any such promissory note made and endorsed, and any such bill of exchange drawn, accepted or endorsed by the President of the said Company, and countersigned by the Secretary and Treasurer thereof, under authority of a quorum of the Directors, shall be binding upon the said Company; and every such promissory note or bill of exchange, so made, drawn, accepted or endorsed by the President of the said Company, and countersigned by the Secretary and Treasurer thereof, shall be presumed to have been properly so made, drawn, accepted or endorsed, as the case may be, unless the contrary be shown; and it shall not be necessary to have the seal of the said Company affixed to such promissory note or bill of exchange; nor shall the officers of the said Company, signing or countersigning the same, or such acceptance or endorsement thereof, be thereby subjected individually to any liability whatever; Provided, always, that nothing herein contained shall be held to authorize the said Company to issue any note or bill payable to bearer, or intended to be circulated as money or as the notes of a Bank:

Company may become parties to promissory notes.

Proviso.

52. The said Company shall only be responsible for the maintenance of bridges, on the said roads, and not for any damages resulting from water courses which shall not have been made by the said Company, nor for any accidents that may occur beyond the part of the road macadamized.

Liability of Company for accidents.

53. Provided, always, that the two roads hereinbefore mentioned shall be constructed simultaneously, within a period of five years from the first day of July next.

Period for completion of Roads.

54. This Act shall be deemed a Public Act.

Public Act.

SCHEDULE

SCHEDULE A.

Know all men by these presents, that I, (or we, as the case may be,) A. B., of _____, in consideration of _____ paid to me by the _____, the receipt whereof is hereby acknowledged, do hereby grant, bargain, sell, convey and confirm unto the said Company, their successors and assigns for ever, all that tract or parcel (or those tracts or parcels, as the case may be,) of land situate, (here describe the lands,) the same having been selected and laid out by the said Company for the purposes of their Roads; to have and to hold the said lands and premises, with all appurtenances thereto, to the said _____ their successors and assigns for ever, (here add clause for release of dower, if any.)

Witness my hand and seal, (or our hands and seals, as the case may be,) this _____ day of _____ in the year of our Lord, one thousand eight hundred and _____

Signed, sealed and delivered in }
 presence of } A. B. [L. S.
 L. M.
 N. O.

SCHEDULE B.

No. £ _____ sterling (or currency, as the case may be.)

This Debenture witnesseth that the _____ under authority of the Statute of the Province of Canada, passed in the _____ year of Her Majesty's Reign, intituled: (here insert title of this Act) are indebted to the bearer hereof in the sum of _____ sterling (or currency, as the case may be,) as a loan to bear interest from the date of the issue hereof, at the rate of _____ per centum per annum, payable half yearly on the _____ day of _____ and on the _____ day of _____; which said sum of _____ sterling, (or currency, as the case may be,) the said Company hereby bind and oblige themselves to pay on the _____ day of _____ in the year of our Lord, one thousand eight hundred and _____ to the bearer hereof at _____, and also to pay the interest thereon, half yearly as aforesaid, to the bearer hereof, at the place aforesaid, on delivery of the coupons therefor, now forming part hereof.

And for the due payment of the said sum of money and interest, the said Company, under authority of the said Statute, do hereby hypothecate the real estate and appurtenances hereinafter described, that is to say: The whole of the Roads known as the _____ including all the lands, buildings and real property whatsoever of the said Company, and all other appurtenances thereto belonging.

In testimony whereof, A. B., of _____ President of the said Company, hath hereto set his signature and affixed the common seal of the said Company, at this _____ day of _____ in the year of our Lord, one thousand eight hundred and _____

A. B. [L. S.]

Countersigned and entered.

C. D., Secretary.

I certify that this Debenture was duly presented for enregistration in the Registry Office for the _____ on the _____ day of _____ in the year of our Lord, one thousand eight hundred and _____ at _____ of the clock in the _____ noon, and is accordingly enregistered in the Register, for such Debentures, marked _____ at page number _____

E. F., Registrar.

Issued to L. M., of _____ this _____ day of _____ in the year of our Lord, one thousand eight hundred and _____

C. D., Secretary.

C A P. L X X V I I I .

An Act to amend the Act incorporating the College of Ste. Anne de la Pocatière.

[Assented to 9th June, 1862.]

WHEREAS the Right Reverend Monseigneur Charles François Baillargeon, administrator of the Diocese of Quebec, in the name of Monseigneur the Archbishop of Quebec, and the Reverend François Pilot, Superior Director of the College of Ste. Anne de la Pocatière, the Reverend Charles Begin, Curé of Rivière Ouelle, the Reverend Nicolas T. Hébert, Curé of Kamouraska, the Reverend David H. Têtu, Curé of St. Roch-des-Aulniets, the Reverend L. Alexis Bourret, Curé of Ste. Anne aforesaid, the Reverend Louis Parant, Curé of St. Jean Port Joly, all members of, and together constituting the Corporation of the College of Ste. Anne de la Pocatière, incorporated by Act of the Parliament of Lower Canada, passed in the fourth year of the reign of His late Majesty William the Fourth, and chaptered thirty-five, by their petition have represented that, considering that they all with one exception reside at a distance from the said College of St. Anne, and that they are consequently unable to superintend efficiently

Preamble.

efficiently the administration of the said College, notwithstanding the great interest they take therein, it would be beneficial to the College to modify the personal composition of the Corporation; and whereas it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Who shall hereafter be members of the Corporation.

1. So much of the Act above cited, and being the charter of the said College, as determines the persons who are to constitute the said Corporation of the College of Ste. Anne, shall be and is hereby repealed for that purpose only: Hereafter the said Corporation shall be composed, firstly, of the Roman Catholic Archbishop of Quebec, or of the Clergyman administering the Diocese; and secondly, of seven resident members, that is to say, members residing in the said College of Ste. Anne, which said seven members shall be Messieurs François Pilot, Priest, Superior of the said College of Ste. Anne, C. Gauvreau, Vicar General, A. Blanchet, Priest, A. Pelletier, Priest, P. Lagacé, Priest, Walston Blais, Priest, and F. X. Paradis, Priest, all residing and employed in the said College of Ste. Anne, and their successors in office, as such resident members of the said Corporation of the College of Ste. Anne de la Pocatière.

How vacancies shall be filled.

2. When any one of the said seven members shall vacate his office as such resident member, either by death or resignation, or by ceasing to reside in the said College, he shall be replaced by a Roman Catholic Ecclesiastic appointed for that purpose by a majority of the remaining members of the said Corporation; and hereafter the same rule shall be followed whenever any such vacancy shall occur among the resident members of the said Corporation.

Act not to affect the rights of the Corporation, or others.

3. This Act shall in no wise affect rights acquired by the said Corporation, or any other party, before the passing thereof, but such rights shall be as valid as heretofore; and the said Corporation, so modified, shall continue to subsist as the same Corporation, and may, as heretofore, sue and be sued, acquire and hold moveable and immovable property under any title or legal contract whatsoever, and may exchange, sell and alienate the same, if necessary, and shall generally enjoy all the rights, powers and privileges granted by the Act of Incorporation before cited, which shall remain in force in so far as it is not amended by this Act.

Public Act.

4. This Act shall be deemed a Public Act.

C A P . L X X I X .

An Act to incorporate the Toronto Female Industrial School.

[Assented to 9th June, 1862.]

WHEREAS the undermentioned ladies have, by their Preamble. petition, represented that they have formed themselves into an Association, having for its object the maintenance of an Industrial School, designed for the education, maintenance and protection of young females, who would otherwise be exposed to evil influences, and to promote and encourage habits of honest industry, and that their success in carrying out their benevolent project would be greatly augmented by their legal incorporation, and have prayed that they and their successors may be incorporated under the regulations and provisions hereinafter mentioned, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. Mesdames Charlotte Elmsley, Helen Mary Crawford, Incorporation. Mary Ann Belton, Catharine Foy, Catharine Kohoc, Matilda Louisa Taylor and Catharine Monaghan, and all others who may, from time to time, become members of the said Association, and who shall continue to be members by the observance of the Rules or By-laws which may be framed in that behalf, as hereinafter specified, shall be and the same are hereby constituted and made a body politic and corporate, by the name of the "Toronto Female Industrial School," and shall have a Corporate name and powers. common seal, and by that name, may, from time to time, and at all times hereafter, purchase, acquire, hold, possess and enjoy, and may have, take and receive for them and their successors, to and for their actual occupation only, any lands, tenements and hereditaments, and real and immoveable Real estate. property and estate within this Province, so as the same does not exceed the annual value of five thousand dollars, and the same may sell, alienate, and dispose of whensoever they may deem it proper to do so; and the Corporation may further acquire any other real estate or any interest therein, by gift, devise or bequest, so as the same does not exceed the like annual value of five thousand dollars, and may hold such estate or interest therein, for a period of not more than seven years, and the same or any part or portion thereof, or interest therein, which may not, within the said period, have been alienated or disposed of, shall revert to the party from whom the same was acquired, his heirs or other representatives; and the proceeds of such property as shall have been disposed of during the said period, may be invested in the public securities of the Province, Stocks of chartered Banks, mortgages or other approved securities, for the use of the Corporation.

Property of present Association transferred to Corporation.

2. All the property, real and personal, now held by the Committee of the said Association now in office, or by any member or members thereof, or other person, for the use or benefit of the said "Toronto Female Industrial School," shall be and is hereby transferred to and vested in the Corporation hereby constituted, subject to the limitations in the preceding section contained; and the Corporation shall be liable for all the debts, claims and demands, lawfully incurred by and existing against any person or persons, for and on behalf of the "Toronto Female Industrial School," hereby incorporated, nor shall any mortgage, lien or other privilege or security upon any property hereby vested in the Corporation, or any right whatever of any third party whatsoever, be impaired or affected by the transfer of such property from the person or persons now holding the same to the Corporation.

Committee of Management appointed.

3. For the management of the affairs of the Corporation there shall be a Committee of Management, composed of six or more persons, who shall be annually elected by the members of the Corporation from amongst themselves, at a general meeting to be held annually in the month of January, the term of office to be one year from the fifteenth day of January in each and every year; and in case of any vacancy occurring in the said Committee of Management, either by death, resignation, refusal to act or neglect of duty (to be determined by the said Committee) on the part of any member thereof, such vacancy shall be filled up by the members of the general body who shall elect a member to fill up the vacancy.

Committee may make By-laws, &c.

4. The Committee of Management may, from time to time, make by-laws, rules and regulations, not contrary to this Act, nor to the laws of this Province, for the admission of persons desirous of becoming members of the Corporation, and for the officers, servants and others connected therewith, and for the general management of the affairs of the Corporation and the young females received and supported by the said Corporation; and may, from time to time, repeal or alter the same, and make others in their stead; and may also apprentice or bind out to any healthy trade, business or occupation, until the age of sixteen years, the young females received and supported by the Corporation, and may exercise over and with respect to them such powers as their parents would have and might exercise.

Binding out children.

First Members of Committee appointed.

5. Mesdames Charlotte Elmsley, Helen Mary Crawford, Mary Ann Belton, Catharine Foy, Catharine Kohoe, Matilda Louisa Taylor and Catharine Monaghan, shall be the first members of the Committee of Management of the Corporation; and the said persons shall respectively remain in office until the first general election, to be held pursuant to the provisions of this Act.

6. The Corporation shall, at all times, when thereunto required by the Governor, or either branch of the Legislature, make a full return of their property, real and personal, and of their receipts and expenditure, for such period, and with such details and other information as the Governor, or either branch of the Legislature, may require.

Annual report
to Legislature.

7. This Act shall be deemed a Public Act.

Public Act.

C A P . L X X X .

An Act to incorporate the Roman Catholic Academy of St. Paul's, of Aylmer.

[Assented to 9th June, 1862.]

WHEREAS the Reverend François Joseph Michel, John Murphy, John R. Woods, James McArthur and Amable Beaudry, the Trustees of the Roman Catholic Academy of Aylmer, in the District of Ottawa, acting on behalf of the persons interested in that institution, have, by their petition to the Legislature, represented that in order to the well working of the said Academy and the promotion generally of education in the said District, it is desirable that the said Trustees should be incorporated under the name of the Roman Catholic Academy of St. Paul's of Aylmer; and whereas it is deemed expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. The said Trustees the Reverend François Joseph Michel, John Murphy, John R. Woods, James McArthur and Amable Beaudry, with all such persons as now are or hereafter may become members of the Corporation, according to any By-laws of the said Corporation to be made for that purpose, shall be and are hereby constituted a body politic and corporate, by the name of the Roman Catholic Academy of St. Paul's of Aylmer, and shall by that name have perpetual succession and a common seal, with power to alter, renew or change such seal at pleasure, and shall, by the same name, and at all times hereafter, have power to purchase, acquire, hold, possess and enjoy such lands and tenements as may be necessary for the actual use and occupation of the said Academy, not exceeding the annual value of five thousand dollars, and the same to sell, alienate and dispose of, and others in their stead to purchase and acquire and hold for the uses and purposes aforesaid, so as the same does not exceed the like annual value of five thousand dollars; and the said Corporation may, by the said name, sue and be sued in all Courts of Law or other places whatsoever, in as large, ample and beneficial a manner as any other body politic or corporation, in this Province; and in all actions, and

Certain persons
incorporated.

Corporate
name and
powers.

Real property
limited.

Further pow-
ers.

Service of
suits process.

Purposes to which the property, &c., shall be applied.

suits at law which may at any time be brought against the said Corporation, service of process at the domicile of the President or Secretary of the said Corporation, shall be held to be a sufficient service for all legal purposes; but the powers of the Corporation shall extend only to the purposes and objects mentioned in the preamble, to which only its property and means shall be applied.

Power to make By-laws.

2. The said Corporation shall have power and authority to make by-laws, rules and regulations, not contrary to law or to the provisions of this Act, for the government and management of the said Corporation, and of the officers, members, affairs and property thereof, and for the admission, dismission and qualification of members thereof, and for all purposes relating to the well-being and interests of the said Corporation, and the same to amend, alter or repeal, from time to time, as shall be deemed necessary or expedient.

Board of Directors.

3. The affairs of the said Corporation shall be managed by a Board of Directors, consisting of not less than five nor more than seven members, who shall be elected, from time to time, by the members of the Corporation, in the manner prescribed by the By-laws of the said Corporation, and who shall remain in office during such term as shall be fixed by the By-laws; Provided, always, that the present Directors shall remain in office until others shall be duly elected in their room and stead.

Proviso: as to present Directors.

Meetings.

4. The said Board of Directors shall have power to meet, from time to time, for the transaction of the affairs of the said Corporation, and at any such meeting, three Directors shall be a quorum, competent for the transaction of business, and the said Directors shall, from time to time, elect one of their number to be President of the said Corporation, and another one to be Secretary-Treasurer.

Quorum.

President. Secretary-Treasurer.

Common Schools may be united with the Academy.

5. It shall and may be lawful for the said Directors of the said Corporation, and the School Commissioners for the said Municipality of the Village of Aylmer, at any time, to enter into an agreement with each other, having for its object the union of one or more or all of the Common Schools in the Municipality with the said Academy; and during the existence of such agreement, the said School Commissioners shall *ex-officio* be Directors of the said Corporation; and it shall and may be lawful for the said School Commissioners at any time to pay to the Directors of the said Corporation, such sums of money as the said Commissioners might pay to the Teachers of such Common School or Schools if the same had not been united with the Academy.

Yearly return of property,

6. The said Corporation shall make a Return to the Governor, in the month of January in each year, giving a detailed

detailed statement of the number of the members of the said Corporation, the number of Teachers employed in the various branches of instruction, the number of scholars under instruction and the course of instruction pursued, and of the real or immoveable property or estate, and of all personal estate or property, held by virtue of this Act, and of the revenue arising therefrom. &c., to the Governor.

7. This Act shall be deemed a Public Act.

Public Act.

C A P . L X X X I .

An Act to amend the Act incorporating *l'Académie Industrielle de St. Laurent*.

[Assented to 9th June, 1862.]

WHEREAS the Reverend Jean Baptiste St. Germain, Priest, President of *l'Académie Industrielle de St. Laurent*, incorporated by the Act passed in the twelfth year of Her Majesty's reign, and chaptered one hundred and forty-six, hath, by his petition to the legislature, represented, that the said Corporation, in compliance with the wish of a great number of families, desires to extend the circle of subjects taught in the institution, and hath prayed that the amendments hereinafter mentioned be made in the said Act; and it is expedient to grant the said prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows: Preamble.

1. From and after the passing of this Act, the Corporate name of the Institution incorporated by the Act above cited shall be "La Corporation du Collège de St. Laurent;" and the said act, and all deeds, documents and proceedings in which the former corporate name occurs, shall hereafter be construed and have effect as if the new name were inserted therein instead of the corporate name therein mentioned; but such change of name shall not constitute the said Institution a new Corporation, or in any way affect its rights or powers, except only so far as is hereinafter expressly provided;—And for the words "for affording primary instruction to young persons, and for establishing schools of agriculture, horticulture and arts and trades"—in the preamble to the said Act, and expressing the objects of the Institution, the following words shall be substituted,—“for affording to young persons a complete classical education, and the primary instruction requisite to prepare them for commerce and the various branches of industry,”—and the said Act shall hereafter be read and construed accordingly. Corporate name altered. And the preamble amended.

2. This Act shall be deemed a Public Act.

Public Act.

C A P . L X X X I I .

An Act to incorporate the Boys' Industrial School of the Gore of Toronto.

[Assented to 9th June, 1862.]

Preamble.

WHEREAS an Institution has for some time past existed in the Gore of Toronto, having for its object the protection and reclaiming of destitute youths, exposed either by the death or neglect of their parents to evil influences and the acquisition of evil habits, which, in too many cases, lead to the commission of crime; and whereas the Directors of this Institution have, by their petition, represented, that the said Institution would be rendered much more efficient by giving it the character of a Corporation: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Institution incorporated.

1. The Right Reverend Dr. Lynch, Roman Catholic Bishop of Toronto, the Reverend Richard O'Connor, the Honorable John Elmsley, Messrs. Patrick Foy, Charles Robertson, William John McDonell and William Patterson, and all others who may be, from time to time, elected, in the manner hereinafter mentioned, members of the said Institution, and who shall continue to be members by the observance of the Rules or By-laws which may be framed in that behalf, as hereinafter specified, shall be and the same are hereby constituted and made a body politic and corporate, by the name of the "Boys' Industrial School of the Gore of Toronto," and by this name may, from time to time, and at all times hereafter, purchase, acquire, hold, possess and enjoy, and may have, take and receive for them and their successors, to and for their actual use and occupation only, any lands, tenements and hereditaments, and real and immoveable property and estate within this Province, and the same may sell, alienate and dispose of whensoever they may deem it proper to do so; and the Corporation may further acquire any other real estate or interest therein, by purchase, gift, devise or bequest, and may hold such estate and interest therein, for a period of not more than ten years; and the same or any part or portion thereof, or interest therein which may not within the said period have been alienated or disposed of, shall revert to the party from whom the same was acquired, his heirs or other representatives; and the proceeds of such property, as shall have been disposed of during the said period, may be invested in the public securities of the Province, stocks of chartered Banks, mortgages or other approved securities, for the use of the Corporation.

Corporate name and powers.

Real estate.

Property of existing institution transferred to corporation.

2. All the property, real and personal, now held by the Committee of the said institution now in office, or by any member or members thereof, or other person, for the actual use
or

or benefit of the said Boys' Industrial School of the Gore of Toronto, shall be and is hereby transferred to and vested in the Corporation hereby constituted ; and the Corporation shall be liable for all the debts, claims and demands lawfully incurred by and existing against any person or persons, for and on behalf of the Boys' Industrial School of the Gore of Toronto, hereby incorporated, nor shall any mortgage, lien or other privilege or security upon any property hereby vested in the Corporation, or any right whatever of any third party whatsoever, be impaired or affected by the transfer of such property from the person or persons now holding the same, to the Corporation.

3. For the management of the affairs of the Corporation, there shall be a Committee of Management, composed of six or more persons, who shall be annually elected by the members of the Corporation, from amongst themselves, at a general meeting, to be held annually in the month of January, the term of office to be one year from the fifteenth day of January in each and every year ; and in case of any vacancy occurring in the said Committee of Management, either by death, resignation, refusal to act, incapacity or neglect of duty, on the part of any member thereof, to be determined by the said Committee, such vacancy shall be filled up by members of the general body, who shall elect a member to fill up the vacancy.

Committee of management to be elected annually.

4. The Committee of Management may, from time to time, make By-laws, Rules and Regulations, not contrary to this Act nor to the laws of this Province, for the admission of persons desirous of becoming members of the Corporation, and for the officers, servants and others connected therewith, and for the general management of the affairs of the Corporation, and the children received and supported by the said Corporation ; and may, from time to time, repeal or alter the same, and make others in their stead ; and may also apprentice or bind out to any healthy trade, business or occupation, the destitute children received and supported by the Corporation, and may exercise over and with respect to them such powers as their parents, if living, would have and might exercise.

Committee may make By-laws for certain purposes.

5. The Right Reverend Dr. Lynch, Roman Catholic Bishop of Toronto, the Reverend Richard O'Connor, the Honorable John Elmsley, Messrs. Patrick Foy, Charles Robertson, William John McDonell and William Patterson, shall be the first members of the Committee of Management of the Corporation, and the said persons shall respectively remain in office until the first general election to be held pursuant to the provisions of this Act.

First members of Committee.

6. The Roman Catholic Bishop of Toronto, for the time being, shall be President of the Committee of Management of the said Corporation.

President of Committee.

Report to
Legislature.

7. The Corporation shall, at all times, when thereunto required by the Governor, or either branch of the Legislature, make a full return of their property, real and personal, and of their receipts and expenditure for such period and with such details and other information as the Governor or either branch of the Legislature may require.

Public Act.

8. This Act shall be deemed a Public Act.

CAP. LXXXIII.

An Act to incorporate the College of Saint Ignatius,
Guelph.

[Assented to 9th June, 1862.]

Preamble.

WHEREAS His Lordship John Farrell, D. D., Roman Catholic Bishop of Hamilton, John Holzer, John McGuaid, Francis Dumertier and Hector Glackmeyer, have, by their petition, represented to the Legislature that since the year one thousand eight hundred and fifty-five, a College hath been established in the Town of Guelph, for the education of youth; and have prayed that corporate powers may be conferred on the said College, and in consideration of the great advantages to be derived from the said establishment, it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Institution
Incorporated.Corporate
name and
powers.

Real estate.

1. The said College, which shall be composed of the Roman Catholic Bishop of Hamilton, for the time being, and the Reverend John Holzer, the Reverend John McGuaid, the Reverend Francis Dumertier and the Reverend Hector Glackmeyer, and their successors, in their several and respective chairs, or offices, in the said College, shall be and is hereby constituted a body politic and corporate in deed and in name, by and under the name of the Corporation of the College of St. Ignatius, Guelph, and by that name shall have perpetual succession and a Common Seal, and by such name may, from time to time, and at all times hereafter, purchase, acquire, hold, possess and enjoy, and may have, take and receive for them and their successors to and for their actual use and occupation only, any lands, tenements and hereditaments, and real and immoveable property and estate, within this Province, so as the annual value of the same does not exceed five thousand dollars, and the same may sell, alienate and dispose of whensoever they may deem it proper to do so; and the Corporation may further acquire any other real estate or interest therein, so as the same does not exceed the like annual value of five thousand dollars, by gift, devise or bequest, and may hold such estate and interest therein, for a period of not more than seven years, and the same or any part or portion thereof, or interest therein, which may

may not, within the said period, have been alienated or disposed of, shall revert to the party from whom the same was acquired, his heirs or other representatives; and the proceeds of such property, as shall have been disposed of during the said period, may be invested in the public securities of the Province, stocks of chartered Banks, mortgages or other approved securities, for the use of the corporation.

2. The Board of Directors of the Corporation for the time being shall have power to frame a Constitution for the said Corporation, and to alter the same when it shall be deemed expedient, and to make all such by-laws, rules and regulations for the admission into and general management of the said College, not being contrary to this Act or to the laws in force in this Province, as shall be deemed useful or necessary for the interest of the said Corporation, and for the payment of officers and employes, and generally for all purposes relative to the conduct and well working of the Corporation and the management and business thereof, and from time to time to repeal, alter and amend such by-laws, or any of them, and shall have power to appoint such officers and servants as they deem right for the management of the said College, and to remove them at pleasure, and appoint others in their places, 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, restrictions and provisions hereinafter prescribed and established.

Directors may
make By-laws,
&c.

3. The rents, revenues, issues and profits of all property, real and personal, held by the said Corporation, shall be appropriated and applied solely to the maintenance of the said Corporation, the construction and repair of the buildings requisite for the purposes of the said Corporation, and to the advancement of education by the instruction of youth, and the payment of the expenses to be incurred for objects legitimately connected with or depending on the purposes aforesaid.

Application
of revenues.

4. All and every the estate and property, real and personal, belonging to the members of the said institution as such; or hereafter to be acquired by the said Institution, and all debts, claims and rights whatsoever due to the said members in that quality, shall be and are hereby vested in the Corporation hereby established, and all debts due by the said members in their said quality shall be paid and discharged by the said Corporation, and the by-laws, rules, orders and regulations now made for the management of the said institution shall be and continue to be by-laws, rules, orders and regulations of the said Corporation, until altered or repealed in manner herein provided for.

Property and
liabilities of
Institution
transferred to
Corporation.

Corporation
may appoint
officers.

5. The Corporation shall have power to appoint such Attorney or Attorneys, Administrator or Administrators of the property of the Corporation, and such officers, teachers and servants as shall be necessary for the well conducting of the business and affairs thereof, and to allow them compensation for their services, and shall be capable of exercising such other powers and authority for the well governing and ordering of the officers of the said Corporation as shall be prescribed by the by-laws, rules, orders and regulations of the said Corporation.

In case of va-
cancies.

6. In case of any vacancy occurring in the number of the members of the Board by absence from the Province, death, resignation or otherwise, such vacancy shall and may be filled up from time to time by the remaining members of the said Corporation, within six months after the occurrence of such vacancy or vacancies.

Report to the
Legislature.

7. The Corporation shall, at all times, when thereunto required by the Governor or either branch of the Legislature, make a full return of their property, real and personal, and of their receipts and expenditure, for such period, and with such details and other information as the Governor or either branch of the Legislature may require.

Public Act.

8. This Act shall be deemed to be a Public Act.

C A P. L X X X I V.

An Act to incorporate the *Académie de Sainte Scholastique*.

[Assented to 9th June, 1862.]

Preamble.

WHEREAS for a great number of years past there has existed in the Village of Ste. Scholastique, in the County of Two Mountains, an educational establishment known under the name of "The School of Messire Bonin," Priest, at which a large number of young persons have received education calculated to qualify them for commercial, agricultural and industrial pursuits; and whereas the Rev. François Bonin wishing and desiring to bequeath his property for the advantage of education (as by his petition is set forth) has represented that the laudable object of this Institution could be much more effectually carried out if it were incorporated, as hereinafter set forth, with the powers hereinafter mentioned, and in view of the great advantages which will be conferred upon the public by the said Institution, it is expedient to accede to the prayer set forth in the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. A body politic and corporate in fact and in name is by this Act created in the Village of Ste. Scholastique, under the name of the *Académie de Sainte Scholastique*, which body shall in the first instance be composed of the said Reverend François Bonin, Pierre Chatillon, Fabien Gravelle, Charles Fourvel, Casimir Prévost, all of Ste. Scholastique, and such other persons, not exceeding five in number, as they shall associate with themselves to that end. Corporation created.

2. The members of the said body, or a majority of them, as shall be provided by their constitutive by-laws, shall have power to appoint a superior and a director, chosen from amongst themselves, and such appointment shall be for three years, and they shall moreover have power to appoint an attorney, with authority to sue and be sued in the name of the said Corporation, and they shall have power to make all by-laws necessary for the good administration of the said Corporation. Corporate powers.
By-laws.

3. The said Corporation shall, under its aforesaid name of the *Académie de Sainte Scholastique*, have perpetual succession and a common seal, with power to change, alter, break and renew the same when and as often as to them shall seem fit, and may, in future and at any time, under the same name, purchase, acquire, receive, by devise or otherwise, hold and possess, take and accept for its members and their successors, and for the use and purposes of the said Corporation, any moveable or real property, provided that the annual value thereof shall not exceed the sum of two thousand four hundred dollars, and may sell, alienate or otherwise dispose of the same and acquire other in their stead, for the purposes aforesaid. Further powers.
Real property.

4. The members who compose the said Corporation may hold office for a period of three years from the date of their appointment, or for as long a time as by the By-laws shall be provided; and in case of resignation, death, or absence from any cause whatsoever, such members may be replaced in such way and under such conditions as by the By-laws of the said Corporation shall be provided. Members to hold office for three years.
Vacancies how filled.

5. This Act shall be deemed a Public Act. Public Act.

C A P . L X X X V .

An Act to enable the Trustees of the Toronto General Hospital to issue Debentures in redemption of those already issued.

[Assented to 9th June, 1862.]

WHEREAS the Trustees of the Toronto General Hospital have, by their petition, prayed to be allowed to raise, upon their Debentures, the sum of ten thousand pounds, to retire Preamble.

retire certain other Debentures to that amount, issued at short dates, under authority of the Act hereinafter mentioned, and it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Loan of
£10,000 may
be raised by
Debentures.

1. It shall and may be lawful for the said Trustees of the Toronto General Hospital to raise, by way of loan, upon their Debentures, the sum of ten thousand pounds, in such sums and at such periods, not exceeding twenty years, as they may think fit.

Interest.

16 V. c. 220.

2. Such Debentures shall bear interest after the rate of not more than eight per cent. per annum, and shall be a first lien on all the real estate of the said Trustees, and to the same extent as is provided in the ninth section of the Act passed in the sixteenth year of Her Majesty's Reign, chapter two hundred and twenty, intituled: *An Act to amend and consolidate, as amended, the laws relative to the Toronto General Hospital.*

Application of
moneys so
raised.

Return to
Government.

3. The said Debentures issued under authority of this Act, and all moneys derived therefrom, shall be exclusively appropriated in the payment and satisfaction of the said Debentures issued under the said Act, sixteenth Victoria, chapter two hundred and twenty; and the Secretary, or other proper Officer of the said Trustees, shall, from time to time, when called upon so to do, make a return, under oath, to the Secretary of the Province, shewing the issue of such Debentures, and the dates, amounts and appropriation thereof.

C A P . L X X X V I .

An Act incorporating the Synod of the Diocese of Ontario.

[Assented to 9th June, 1862.]

Preamble.

Act 19, 20 V. c.
141, cited.

WHEREAS Her Majesty, by Her Royal Letters Patent, bearing date at Westminster, on the eighteenth day of February, in the twenty-fifth year of Her Majesty's Reign, was pleased to divide the Diocese of Toronto into two Dioceses, the one to be called the Diocese of Toronto and the other the Diocese of Ontario, in the manner and with the limits and boundaries in the said Letters Patent mentioned: And whereas, by an Act passed in the Session held in the nineteenth and twentieth years of Her Majesty's Reign, intituled: *An Act to enable the members of the United Church of England and Ireland to meet in Synod*, it is enacted as follows: "The Bishops, Clergy and Laity, members of the United Church of England and Ireland in this Province, may meet in their several Dioceses which are now or may be hereafter constituted in

in this Province, and in such manner and by such proceedings as they shall adopt, frame constitutions and make regulations for enforcing discipline in the Church, for the appointment, deposition, deprivation or removal of any person bearing office therein, of whatever order or degree, any rights of the Crown to the contrary notwithstanding, and for the convenient and orderly management of the property, affairs and interests of the Church, in matters relating to and affecting only the said Church ;” And whereas a Synod of the Diocese of Ontario hath recently been constituted, and hath prayed that the Bishop, Clergy and Laity, members of the United Church of England and Ireland, within the said Diocese of Ontario, be incorporated as hereinafter mentioned ; And whereas it would tend greatly to facilitate and promote the purposes of the said Synod, as set forth in the above recited Act, that the said Corporation should be created with the powers hereinafter mentioned, subject to the provisions hereinafter mentioned : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. From and after the passing of this Act, the Bishop, Clergy and Laity, members of the said United Church of England and Ireland, within the Diocese of Ontario, shall be and are hereby declared to be a body corporate and politic in name and in deed, by the name of “ The Incorporated Synod of the Diocese of Ontario,” and shall have and are hereby invested with the like corporate rights, powers, patronage and privileges, as by any Act or Acts of the Parliament of this Province are conferred on any Church Society incorporated in any Diocese of the United Church of England and Ireland in this Province, and to the said Corporation and to the members thereof, the several clauses and provisions of the said Acts shall apply in so far as may not be inconsistent with this Act.

Synod incorporated.

Powers.

2. The Synod of the Diocese of Ontario shall be composed and consist of the Lord Bishop of the Diocese, for the time being, the Priests and Deacons of the same, licensed by the Lord Bishop, and of Lay Representatives, to be elected as provided for by such Constitution and Regulations as the Synod has heretofore adopted ; or shall from time to time enact ; provided, always, that the Chancellor and Registrar of the said Diocese may, with the consent of the Synod, be *ex officio* members of the said Synod.

Of whom the Synod shall consist.

Proviso.

3. The Incorporated Synod of the Diocese of Ontario shall and may receive and take from the Church Society of the Diocese of Toronto, or from the Lord Bishop of Toronto, or from any other person whomsoever, any of the property, real or personal, held by them and of right belonging to the said Diocese of Ontario, and shall discharge the Trusts relating thereto, and such Church Society, Lord Bishop of Toronto and other person shall thereupon be discharged from such Trusts.

May hold certain property.

4.

Certain lands
vested in synod.

4. All lands situate within the limits of the Diocese of Ontario and the Diocese of Toronto, or elsewhere, and held by the Church Society of the Diocese of Toronto, or by the Lord Bishop of Toronto, upon any special Trust or purpose for the benefit or advantage of any Church, Parsonage, Rectory, person or party, or otherwise howsoever, of the United Church of England and Ireland, within the limits of the Diocese of Ontario, shall be and are hereby vested in the Incorporated Synod of the Diocese of Ontario.

Certain other
lands so vested.

5. All lands situate within the limits of the Diocese of Ontario, and now lawfully held by any person or corporation, upon any special use, trust or purpose, for the benefit or advantage of any church, burying ground, parsonage or rectory, or otherwise howsoever, of the United Church of England and Ireland, within the limits of the Diocese of Ontario, may, by such person or corporation, with the consent of the party beneficially interested, be transferred to the Incorporated Synod of the Diocese of Ontario.

Certain other
property, and
securities so
vested.

6. All lands, moneys, mortgages or securities, heretofore conveyed, paid or assigned to the Church Society of the Diocese of Toronto, or to any other person for the benefit of the fund called the Episcopal Trust Fund, to be applied towards the support and maintenance of the Lord Bishop of the Diocese of Ontario, for the time being, shall be and the same are hereby vested in the Incorporated Synod of the Diocese of Ontario, and shall, by the said Incorporated Synod, be held upon, to and for the use, trust and purposes for which the same were heretofore held by the person or corporation holding the same; and the Incorporated Synod may take, have, hold and receive any and all moneys, mortgages, lands and securities which shall hereafter be given, paid, devised or bequeathed to or otherwise acquired by said Incorporated Synod, for the benefit of said Episcopal Trust Fund.

To be held on
certain trusts.

7. All lands, moneys, mortgages and securities which, under the authority of this Act, shall be vested in the Incorporated Synod of the Diocese of Ontario, shall, by the said Incorporated Synod, be held upon, to and for the uses, trusts, interests and purposes for which the same was heretofore held by the person or corporation holding the same; and the said Incorporated Synod may sell and dispose absolutely of any such lands, mortgages and securities as in this Act mentioned, or any other lands, mortgages and securities, which shall, after the passing of this Act, be received, held or acquired by the said Incorporated Synod, and shall have and hold the proceeds of such lands, mortgages and securities upon the same trust as the said lands, mortgages and securities had been before held, and no purchaser shall be liable for the application of any moneys paid by him or any sale under the provisions of this Act.

8. The Lord Bishop of the said Diocese of Ontario, for the time being, shall have the administration of all lands and personalties vested in him or conveyed to him for the endowment of his See, or for the general uses of the said church, or for the use of any particular church or chapel erected, or hereafter to be erected, or for the endowment of any parsonage, Church, chapel, living or for other uses or purposes appurtenant to such United Church in general, or to any particular church or parish, and shall, by and with the consent of the Incorporated Synod of the Diocese of Ontario, have power to sell, alien and transfer any lands or personalty vested in or conveyed to him for the general uses or purposes of the said See, or of the said Church, and shall also have power, by and with the consent and participation of the Rector or Incumbent, and the Corporation of the parish wherein the same be situate, and by and with the consent of the Incorporated Synod of the Diocese of Ontario, to sell, alien and transfer any land or personalty vested in or conveyed to him for the endowment of any parsonage, or living, or for the uses or purposes appurtenant to any particular church, chapel or parish; and the parson or other incumbent of any parsonage, church, chapel or living, to whom any lands or personalty shall have been or may be hereafter conveyed for the endowment of such parsonage, church, chapel or living, shall have power to sell, alien and transfer the same, by and with the consent and participation of the Bishop of the said Church in the said diocese for the time being, and by and with the consent of the said Synod of the said Diocese; Provided, always, that the price or consideration of such sale, alienation or transfer, be applied to the uses and purposes for which the land or personalty so sold, aliened or transferred, was conveyed; And provided also that such sales, alienation or transfer be not inconsistent with or contrary to the conditions, uses or purposes of the deed of conveyance to the said United Church, or to any Bishop thereof, or to such parson or incumbent, as the case may be, of the land or personalty so to be sold, aliened or transferred; And provided further that this clause shall not authorize the sale of any land granted by the Crown to any Rectory within the said Diocese for the endowment thereof.

Bishop of Ontario to have the administration of such property.

How it may be alienated.

And it vested in any incumbent.

Proviso.

Proviso.

Proviso : as to Rectory lands.

9. All the powers of the said Incorporated Synod shall be exercised by and through the Synod of the said Diocese, and by such Boards and Committees as may, from time to time, be created by the said Synod, and the said Synod shall have the power of forming, dissolving and reforming, at pleasure, such Boards and Committees, temporary or permanent, for the management of all or any of the affairs and property of said Incorporated Synod by any By-law or By-laws from time to time to be passed, with such delegated powers of the said Synod as may be thereby, or by any other By-law or By-laws of the Synod, conferred upon such Boards or Committees; the appointment of the members of said Committees to be made by the Lord Bishop, unless otherwise ordered; and by the same

How the powers of the Corporation shall be exercised.

or

Proof of By-laws.

or other By-laws to appoint and remove at pleasure, or provide for the appointment and removal of such and so many officers as may be required for any of the purposes aforesaid, and to define their duties and remuneration; and the production of any By-law of the Synod for all or any of the purposes aforesaid, under the Seal of the Incorporated Synod, or of any copy thereof certified by the Clerical or Lay Secretary under the said Seal, shall be evidence in all Courts of Justice of the due passage of said By-law, and of the contents thereof without further or other proof.

Head of Corporation.

Interpretation.

10. The Lord Bishop of the Diocese of Ontario, for the time being, shall be the head of the said Incorporated Synod, and the words "Incorporated Synod," when used in this Act, shall mean "The Incorporated Synod of the Diocese of Ontario," and the word Synod, when used alone in this Act, or without the word "Incorporated," shall mean the Synod of the Diocese of Ontario, referred to in the second clause of this Act.

Public Act.

11. This Act shall be a Public Act.

C A P . L X X X V I I .

An Act to authorize the mortgaging of certain property belonging to the Church of England, in the Town of Brantford.

[Assented to 9th June, 1862.]

Preamble.

WHEREAS the Minister, Church-wardens and Members of the Church of England, commonly known as Grace Church, in the Town of Brantford, in the County of Brant, have, in pursuance of a Resolution passed at a meeting of the Vestry of the said Church in that behalf, and with the consent and approbation of the Lord Bishop of the Diocese of Huron, petitioned for an Act to empower the authorities of the said Church to mortgage the Church erected by them in the year one thousand eight hundred and fifty-nine, and also the land belonging to the said Church, for the purpose of raising a sum not exceeding four thousand dollars, to be applied towards paying off the debt incurred in and about the erection of the said Church, and it is expedient to grant the prayer of their petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

The Church authorities may raise money on the Church.

1. The Church-wardens of the Church of England, commonly known as Grace Church, in the Town of Brantford, may, with the consent of the Lord Bishop of the Diocese of Huron, contract with any person or persons, party or parties, for a conveyance or conveyances by way of mortgage, of the Church erected by them in the said Town in the year one thousand eight

eight hundred and fifty-nine, and known as Grace Church, and also of the ground attached thereto and on which the said Church is erected, as security for the payment of money borrowed or to be borrowed by them; but the amount which the said Church-wardens are authorized to raise, as aforesaid, shall in no case exceed the sum of four thousand dollars.

Amount limited.

2. The moneys raised by such mortgage shall be applied towards the payment of the debts incurred in and about the erection of the said Church, but no person paying any money to such Church-wardens in pursuance of this Act, and obtaining their receipt therefor, shall be required to see to the proper application of the money.

To what purpose the money shall be applied.

3. This Act shall be deemed a Public Act.

Public Act.

C A P. L X X X V I I I .

An Act to enable the Trustees of the Congregation of the Presbyterian Church of Canada, in connection with the Church of Scotland, at Martintown, to sell a certain lot of land.

[Assented to 9th June, 1862.]

WHEREAS the Minister, Trustees, and other Members of the Congregation of the St. Andrew's Church, at Martintown, of the Presbyterian Church of Canada, in connection with the Church of Scotland, have, by their petition to the Legislature, represented that the west half of lot number sixteen on the south side of the *Rivière aux Raisins*, in the Township of Charlottenburgh, in the County of Glengarry, containing one hundred acres, be the same more or less, was granted to certain Trustees, therein named Trustees of the Presbyterian Congregation in connection with the established Church of Scotland, in the said Township of Charlottenburgh, by Patent from the Crown, of date the tenth day of March, one thousand eight hundred and thirty-one, and their heirs and assigns for ever, upon trust to permit the Minister for the time being, who should be resident and doing duty in the church at Martintown, according to the rites and communion of the Church of Scotland, to use, occupy and enjoy the same, and take the rents, issues and profits thereof, to and for his own use and benefit; and that owing to the distance of the said lot from Martintown, the said Minister does not derive and is not likely to derive any benefit from the same; and whereas the said Trustees further represent that the original Trustees named in the said Patent have all died, and that the said Congregation are desirous to sell and dispose of the above-mentioned property, and to appropriate the proceeds of the sale to the purchase of another lot or parcel of land more contiguous to the site of the Church and Manse of the said Congregation, but subject to the same

Preamble.

uses and trusts; and whereas it is expedient to grant the prayer of the said Petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Trustees may alienate and convey a certain lot of land.

Application of proceeds.

Proviso.

1. It shall and may be lawful for the present Trustees of the said Congregation of St. Andrew's Church, Martintown, of the Presbyterian Church of Canada, in connection with the Church of Scotland, namely: Angus Grant, Alexander Robertson, David Clark, Duncan McLennan, Duncan McDermid, Kenneth Urquhart and John Robertson, or a majority of them, to sell, alienate and convey, by a good and sufficient title, under their hands and seals, the said West half of Lot Number Sixteen, on the South side of the *Rivière aux Raisins*, in the Township of Charlottenburgh, in the County of Glengarry aforesaid, to any purchaser or purchasers thereof, and to apply the proceeds of such sale or sales to the purchase of a Lot of ground in or near Martintown, to be held by the Trustees of the said Congregation and their successors for ever, to be appointed in the manner set forth in the deed of grant and conveyance thereof, subject to the Trusts aforesaid, to and in favor of the Minister for the time being of the said Congregation of the Presbyterian Church of Canada, in connection with the Church of Scotland; Provided, always, that the Trustees who join in the sale and conveyance of the said lot of land in the Township of Charlottenburgh, shall be personally liable to see to the application of the moneys arising therefrom to the purpose contemplated by this Act.

C A P . L X X X I X .

An Act to incorporate the *Société Ecclésiastique du Diocèse de St. Hyacinthe.*

[Assented to 9th June, 1862.]

Preamble.

WHEREAS there has existed, for several years past, a Society of members of the Roman Catholic Clergy, in the Diocese of St. Hyacinth, under the name of the *Société Ecclésiastique du Diocèse de St. Hyacinthe*, the sole object of which association is to afford assistance to members of the said Society, in case of infirmity, sickness, old age or helplessness; and whereas the Reverend Edouard Crevier, Vicar General, J. B. Dupuy and Louis Misael Archambault, Priests, members of the said Society, have, as well in their own names, as in the names of the other members of the said Society, by their petition, prayed that it may be incorporated, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The Right Reverend Joseph LaRocque, Bishop of St. Hyacinth, and the Reverend Pierre Dufresne, M. Archambault, J. Beauregard, C. Boucher, J. G. Brown, Ed. Crevier, Joseph Crevier, J. Z. Dumontier, Alfred Dufresne, P. Dufresne, J. Bte. Dupuy, senior, J. Bte. Dupuy, junior, Alfred Desnoyers, N. Domingue, Eus. Durocher, J. Bte. Durocher, C. E. Fortin, J. C. Germain, P. S. Gendron, Liboire Girouard, M. Godard, Joseph Gaborry, N. Hardy, P. Hévey, R. Larue, J. Leblanc, B. J. Leclair, Aug. Lemay, G. Marchesseau, M. McAuley, H. Millier, J. D. Michon, J. O'Donnell, A. Paré, C. Poulin, El. Poulin, J. J. Prince, J. Quinn, F. X. Soly, C. Springer, T. St. Aubin, P. A. Sylvestre, F. Tetreau, and J. Bte. Verronneau, Priests, and such other persons as are now, or shall hereafter become, under the provisions of this Act and the By-laws of the said Society, members thereof, together with their successors, shall be and they are hereby constituted a body corporate and politic, by the name of the *Société Ecclésiastique du Diocèse de St. Hyacinthe*, and by the same name shall have power to purchase, acquire, hold, possess, take and receive for themselves and their successors, for the use and behoof of the said corporation, real and immoveable property within this Province, not exceeding in yearly value four thousand dollars, and the same to sell, alienate and dispose of, and to acquire other such real and immoveable property in the stead thereof for the purposes above mentioned; provided that the Corporation of the said Society shall consist of ecclesiastics belonging to the Diocese of St. Hyacinth.

Incorporation.

Corporate name and powers.

Property limited.

2. All the personal estate, and all debts, claims and demands belonging to the said Society at the time of the passing of this Act shall be, and they are hereby vested in the Corporation hereby constituted, and the said Corporation shall, in like manner, be liable for all debts, dues or claims against the said Society.

Estate of Society vested in Corporation, &c.

3. Assistance shall not be granted out of the funds of the Society, for any object of the Society, except that of affording assistance to the members of the Society, in case of infirmity, sickness, old age and helplessness.

As to assistance for certain objects.

4. The By-laws, Rules and Regulations of the said Society, in force at the time of the passing of this Act, shall be, and continue to be, the By-laws, Rules and Regulations of the said Corporation, until the same shall be amended or repealed by others to be made by the said Corporation; and the officers and administrators of the said Society, in office at the time of the passing of this Act, and each of them, shall continue to fulfil the duties of their respective offices as officers or administrators of the said Corporation, and to manage and administer the affairs thereof, until others shall have been elected in their stead, as provided under the said By-laws, Rules and Regulations.

Present By-laws, &c., to remain in force until repealed.

Account to be
rendered to
Governor.

5. The said Corporation shall render to both branches of the Legislature, annually, a report containing a general statement of the affairs of the Corporation, which said report shall be presented within the first twenty days of every Session of the Legislature.

Public Act.

6. This Act shall be deemed a Public Act.

C A P . X C .

An Act to amend the Act incorporating the Sisters of Charity of Quebec.

[Assented to 9th June, 1862.]

Preamble.

25 V. c. 264.

WHEREAS, by their petition, "The Sisters of Charity of Quebec" have represented that that Institution was incorporated by the Act passed in the sixteenth year of Her Majesty's reign, intituled: *An Act to incorporate the Sisters of Charity of Quebec*, for the reception of orphans, and for affording gratuitous instruction to them and to other young indigent females; that since that period the said corporation have added to the Institution aforesaid a place in which are accommodated a certain number of poor and infirm women,—an undertaking which the said corporation purpose extending in proportion as their means permit, as well as such other works of charity and education as the exigencies of the times may require; that by the Act hereinbefore cited, the said corporation is authorized to acquire, possess, have, accept and receive, to and for the uses and purposes of the said corporation, any personal or real and immoveable property in the province, not exceeding in yearly value the sum of one thousand pounds currency; that, under the terms of the above enactment, it would seem that the power of acquiring property vested in the said corporation is limited and restricted to the purposes mentioned in the said Act; and whereas, by their petition aforesaid, the said corporation have prayed that the said Act may be so amended as to meet the purposes so set forth in their petition; and whereas it is expedient to grant the prayer thereof: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Powers, &c.,
of Corpora-
tion extended
for certain
charitable
purposes.

1. All the rights and powers granted to the said Corporation by the Act hereinbefore cited, shall, so soon as this Act shall become law, extend to the objects set forth in the preamble to this Act, in the same manner as if the said objects had been expressly set forth in the said Act.

Public Act.

2. This Act shall be deemed to be a Public Act.

C A P . X C I .

An Act to incorporate the Sisters of Our Lady of Loretto, of the Town of Guelph, in the Roman Catholic Diocese of Hamilton.

[Assented to 9th June, 1862.]

WHEREAS an Association of Religious Ladies hath existed for years in the Town of Guelph, in the Roman Catholic Diocese of Hamilton, in Upper Canada, under the name of "The Sisters of Our Lady of Loretto," who have formed an institution for the instruction and education of young persons of the female sex, and have 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 benefit which must arise from the said Association, it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. Mesdames Catherine Henegan, Superior of the said Society, Louisa Murciani, Frances Gibney, Ellen Doyle and Eliza Breen, and such other persons as shall, under the provisions of this Act, become members of the said Association, shall be, and are hereby declared to be a body politic and corporate, in deed and in name, by the aforesaid name of "The Sisters of Our Lady of Loretto, for the Town of Guelph, in the Roman Catholic Diocese of Hamilton, in Upper Canada," and by that name shall have perpetual succession and a common seal, and may, from time to time, and at all times hereafter, purchase, acquire, hold, possess and enjoy, and may have, take and receive for them and their successors to and for their actual use and occupation only, not exceeding in annual value the sum of five thousand dollars, any lands, tenements and hereditaments, and real and immoveable property and estate, within this Province, and the same may sell, alienate and dispose of whensoever they may deem it proper to do so; and the Corporation may further acquire any other real estate not exceeding in value the sum of five thousand dollars or interest therein, by gift, devise or bequest, and may hold such estate and interest therein, for a period of not more than seven years, and the same or any part or portion thereof, or interest therein, which may not within the said period have been alienated or disposed of, shall revert to the party from whom the same was acquired, his heirs or other representatives; and the proceeds of such property as shall have been disposed of during the said period, may be invested in the public securities of the Province, stocks of chartered Banks, mortgages or other approved securities, for the use of the Corporation.

Preamble.

Institution incorporated.

Corporate name and powers.

Real estate.

By-laws.

Other powers.

2. The Superior and her Council 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 such rules, orders and regulations, or any of them or those of the said Institution 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 hereafter prescribed and established.

Proviso : as to application of revenues.

3. 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 Corporation, the construction and repairs of the buildings requisite for the purposes of the said 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.

Estate of present association vested in Corporation.

4. All and every the estate and property, real or personal, belonging to or hereafter to be conveyed to the members of the said Association as such, and all debts, claims and rights, whatsoever due to them in that quality, shall be and are hereby vested in the Corporation hereby established; and the 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.

Liability of members limited.

5. Nothing herein contained shall have the effect, or to be construed to have the effect of rendering all or any of the said several parties 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 Corporation, or for, or in account, or in respect of any matter or thing whatsoever, relating to the said Corporation.

Corporation may appoint certain officers.

6. The aforesaid Superior and Council of the said Corporation for the time being, shall have power to appoint such attorney or attorneys, administrator and administrators of the property of the Corporation, and such officers, teachers and servants of the said Corporation, as shall be necessary for the well conducting of the business and affairs thereof, and to allow them such compensation for their services as shall be reasonable and proper; and all officers so appointed shall be capable

capable of exercising such 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.

7. The Corporation shall, at all times when thereunto required by the Governor or either branch of the Legislature, make a full return of their property, real and personal, and of their receipts and expenditure, for such period, and with such details and other information, as the Governor or either branch of the Legislature may require.

Annual report
to Legislature.

8. This Act shall be deemed to be a Public Act.

Public Act.

C A P. X C I I .

An Act to incorporate the Sisters of St. Joseph of Guelph.

[Assented to 9th June, 1862.]

WHEREAS an Association of Religious Ladies hath, for some time, existed in the Town of Guelph, in the Roman Catholic Diocese of Hamilton, in Upper Canada, under the name of the "Sisters of St. Joseph," who have formed an Institution for the reception and instruction of Orphans, and have opened an Asylum for the relief of the poor, the sick, the aged and infirm; 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 said Association, it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. Mesdames Thecla Buning, Superior of the said Association, Louisa Agg, Mary Pigatt, Catherine Laler and Mary Cashen, and such other persons as shall, under the provisions of this Act, become members of the said Association, shall be and are hereby declared to be a body politic and corporate, in deed and in name, by the name of the "Sisters of St. Joseph, of Guelph, in the Roman Catholic Diocese of Hamilton," in Upper Canada, and by that name shall have perpetual succession and a common seal, and by that name may, from time to time, and at all times hereafter, purchase, acquire, hold, possess and enjoy, and may have, take and receive for them and their successors to and for their actual use and occupation only, any lands, tenements and hereditaments, and real and immoveable property and estate, within this Province, not exceeding the annual value of five thousand dollars, and the same may sell, alienate and dispose of whensoever they may deem it proper to do so; and the Corporation may further acquire

Institution in-
corporated.

Corporate
name and
general
powers.

Real property
limited.

acquire any other real estate or interest therein, so as the same does not exceed the like annual value of five thousand dollars, by gift, devise or bequest, and may hold such estate and interest therein for a period of not more than seven years, and the same or any part or portion thereof, or interest therein which may not within the said period have been alienated or disposed of, shall revert to the party from whom the same was acquired, his heirs or other representatives; and the proceeds of such property, as shall have been disposed of during the said period, may be invested in the public securities of the Province, stocks of chartered Banks, mortgages, or other approved securities, for the use of the Corporation.

Application of revenues of Corporation.

2. 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 Corporation, the construction and repairs of the buildings requisite for the purposes of the said 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 and By-laws of the Association transferred and applied to the Corporation.

3. All and every the estate and property, real or personal, belonging to or hereafter to be acquired by the said Association as such, and all debts, claims and rights whatsoever due to the members of the said Association 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.

Superior and Council may appoint Attorneys, officers, &c.

4. The Superior and Council of the said Corporation for the time being shall have power to appoint such Attorney or Attorneys, 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.

General power to make By-laws.

5. The Superior and her Council shall have full power and authority, from time to time, to make By-laws, Rules and Regulations, not being contrary to this Act or the laws of this Province for the admission of members thereof, and for the government of the said Institution, and of the officers, servants, and others connected therewith, and the children, sick, poor, and old persons received therein, and may from time to time repeal

repeat or alter the same and make others in their stead, and shall also have full power and authority to appoint and remove the officers, servants and persons employed in and about the said Institution, and to apprentice or bind out to any healthy trade, business or occupation, the children received into the said Institution, and shall have and may exercise over and with respect to them such powers as their parents, if living, would have and might exercise.

Officers binding out children as apprentices.

6. The Corporation shall, at all times when thereunto required by the Governor or either branch of the Legislature, make a full return of their property, real and personal, and of their receipts and expenditure for such period and with such details and other information as the Governor or either branch of the Legislature may require.

Returns to the Legislature.

7. This Act shall be deemed a Public Act.

Public Act.

C A P . X C I I I .

An Act to amend the Act incorporating the Sisters of St. Joseph for the Roman Catholic Diocese of Toronto.

[Assented to 9th June, 1862.]

WHEREAS the Sisters of St. Joseph for the Roman Catholic Diocese of Toronto, have, by their petition, represented that with the view of extending their sphere of usefulness, they are desirous of establishing branches of their association in the Roman Catholic Diocese of Toronto, but that difficulties present themselves to their so doing by the limitations contained in their charter with respect to the real estate which they are empowered to hold for their use and occupation; and whereas, in view of the great benefits which must arise from the establishment of such branches, it is expedient to remove the restrictions under which they now labor, and to permit them to hold real estate for their use and occupation at any place in which such branch of their association may be established: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. The said Corporation may, from time to time, and at all times hereafter, purchase, acquire, hold, possess and enjoy, and have, take and receive to them and their successors, to and for the uses and purposes of the Corporation, any lands, tenements and hereditaments, and real and immoveable property situate within the Roman Catholic Diocese of Toronto, occupied, or hereafter to be occupied, by the said Corporation, or any of its branches, for the purposes thereof, and the same to sell, alienate and dispose of, and purchase others in their stead

Corporation may hold real estate occupied by them at any place; to a certain value.

And other such estate for a certain time.

stead for the same purpose, provided the annual value of the whole of the said property within the said Diocese shall not exceed five thousand dollars; and the said Corporation may further acquire any other real estate, or any interest therein, by purchase, gift, devise or bequest, so as the same does not exceed the like annual value of five thousand dollars, and may hold such estate or interest therein for a period of not more than seven years, and the same, or any part or portion thereof, or interest therein, which may not within the said period have been alienated or disposed of, shall revert to the party from whom the same was acquired, his heirs or other representatives; and the proceeds of such property as shall have been disposed of during the said period may be invested in the public securities of the Province, stocks of chartered banks, mortgages or other approved securities, for the use of the Corporation.

Part of 18 V. c. 225, repealed.

2. So much of the Act passed in the eighteenth year of Her Majesty's Reign, and chaptered two hundred and twenty-five, as empowers the said Corporation to hold real estate in the City of Toronto only, is hereby repealed.

Public Act.

3. This Act shall be deemed a Public Act.

C A P . X C I V .

An Act to incorporate the *Société de l'Union St. Pierre de Montréal.*

[Assented to 9th June, 1862.]

Preamble.

WHEREAS an Association under the name of the *Société de l'Union St. Pierre de Montréal*, has existed for some time past, in the City of Montreal, having for its object the aid of its members in case of sickness, and the ensuring of like assistance and other advantages to the widows and children of deceased members; And whereas the members of the said Association have prayed to be incorporated, and it is expedient to grant their petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Institution incorporated.

1. C. Contant, Edouard Léon Beaudoin, L. T. Lescarbeau, Joseph Beaudry, Nicholas Fortin, Joseph René, Charles Laurville, T. Thérien, Simon Leduc, Magloire Proulx, Noel Beauparlant, André Lacas, Jean Bte. St. Germain, F. X. Homier, Narcisse Gauthier, Théophile Gervais, Pierre Lafleur, together with such other persons as now are members of the said institution, or may hereafter become members thereof, in virtue of this Act, shall be, and they are hereby constituted a body politic and corporate, in fact and in name, under the name of the *Société de l'Union St. Pierre de Montréal*, and by that name shall have power, from time to time, and at any time hereafter,

Corporate name and general powers.

hereafter, to purchase, acquire, possess, hold, exchange, accept and receive for themselves and their successors, all lands, tenements and hereditaments, and all real or immoveable estate being and situated in Lower Canada, necessary for the actual use and occupation of the said Corporation, and the said property to hypothecate, sell, alienate and dispose of, and to acquire other instead thereof for the same purposes, so as such property does not exceed in value the annual sum of five thousand dollars; and any majority of the said Corporation, for the time being, shall have full power and authority to make and establish such rules, regulations and by-laws, in no respect inconsistent with this Act, nor with the laws then in force in Lower Canada, as they may deem expedient and necessary for the interests and administration of the affairs of the said Corporation, and for the admission of members thereof; and the same to amend and repeal, from time to time, in whole or in part, and also such regulations and by-laws as may be in force at the time of the passing of this Act; such majority may also execute and administer, or cause to be executed and administered, all and every the other business and matters appertaining to the said Corporation, and to the government and management thereof, in so far as the same may come under their control, respect being nevertheless had to the regulations, stipulations, provisions and by-laws to be hereafter passed and established.

Amount of real property limited.

Majority to make By-laws.

Further powers of majority.

2. Provided, always, that the rents, revenues and profits arising out of every description of moveable property belonging to the said Corporation, shall be appropriated and employed exclusively for the benefit of the members of the said Corporation, and for the erection and repair of the buildings necessary for the purposes of the said Corporation, and for the payment of expenses legitimately incurred in carrying out any of the objects above referred to.

Revenues to be applied for certain purposes only.

3. All real and personal estate, at present the property of the said Association, or which may hereafter be acquired by the members thereof in their capacity as such, by purchase, donation or otherwise, and all debts, claims and rights which they may be possessed of in such capacity, shall be and they are hereby transferred to the Corporation constituted by this Act, and the said Corporation shall be charged with all the liabilities and obligations of the said Association; and the rules, regulations and by-laws now or hereafter to be established for the management of the said Association, shall be and continue to be the rules, regulations and by-laws of the said Corporation, until altered or repealed in the manner prescribed by this Act.

Property and liabilities of Association transferred to Corporation.

4. The members of the said Corporation, for the time being, or the majority of them, shall have power to appoint administrators or managers for the administration of the property of the Corporation, and such officers, managers, administrators or servants

Corporation to appoint Officers, &c.

servants of the said Corporation, as may be required for the due management of the affairs thereof, and to allow to them respectively a reasonable and suitable remuneration; and all officers so appointed shall have the right to exercise such other powers and authorities for the due management and administration of the affairs of the said Corporation, as may be conferred upon them by the regulations and by-laws of the said Corporation.

Annual Report
to the Legisla-
ture.

5. The said Corporation shall be bound to make annual Reports to both branches of the Legislature, containing a general statement of the affairs of the Corporation, which said reports shall be presented within the first twenty days of every Session of the Legislature.

Public Act.

6. This Act shall be deemed a Public Act.

C A P . X C V .

An Act to incorporate the *Société de l'Union St. Roch.*

[Assented to 9th June, 1862.]

Preamble.

WHEREAS an Association, under the name of the *Société de l'Union St. Roch.*, has existed for several months in the Parish of St. Roch, in the city of Quebec, having for its object the aid of its members in case of sickness, and the ensuring of like assistance and other advantages to the widows and children of deceased members; And whereas the members of the said Association have prayed to be incorporated, and it is expedient to grant their petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Institution in-
corporated.

1. Joseph Breton, Louis Lepine, Telesphore Routier, Joseph Roussin, Paul Carrier, Joseph Lajeunesse, François X. Chabot and Joseph Blondeau, together with such other persons as now are members of the said institution, or may hereafter become members thereof, in virtue of this Act, shall be and they are hereby constituted a body politic and corporate, in fact and in name, under the name of the *Société de l'Union St. Roch.*, and by that name shall have power, from time to time, and at any time hereafter, to purchase, acquire, possess, hold, exchange, accept and receive for themselves and their successors, all lands, tenements and hereditaments, and all real or immoveable estate; being and situated in Lower Canada, necessary for the actual use and occupation of the said Corporation, but not exceeding in annual value at any time the sum of five thousand dollars, and the said property to hypothecate, sell, alienate and dispose of, and to acquire other instead thereof for the same purposes; and any majority of the said Corporation, for the

Corporate
name and
general
powers.

Amount of real
property limi-
ted.

Majority to
make By-laws.

time

time being, shall have full power and authority to make and establish such rules, regulations and by-laws, in no respect inconsistent with this Act, nor with the laws then in force in Lower Canada, as they may deem expedient and necessary for the interests and administration of the affairs of the said Corporation, and for the admission of members thereof; and the same to amend and repeal, from time to time, in whole or in part, and also such regulations and by-laws as may be in force at the time of the passing of this Act; such majority may also execute and administer, or cause to be executed and administered, all and every the other business and matters appertaining to the said Corporation, and to the government and management thereof, in so far as the same may come under their control, respect being nevertheless had to the regulations, stipulations, provisions and by-laws to be hereafter passed and established.

Further powers
of majority.

2. Provided, always, that the rents, revenues and profits arising out of every description of moveable property belonging to the said Corporation, shall be appropriated and employed for the erection and repair of the buildings necessary for the purposes of the said Corporation, and for the payment of expenses legitimately incurred in carrying out any of the objects above referred to.

Revenues to be
applied for cer-
tain purposes
only.

3. All real and personal estate, at present the property of the said Association, or which may hereafter be acquired by the members thereof in their capacity as such, by purchase, donation or otherwise, and all debts, claims, and rights which they may be possessed of in such capacity, shall be, and they are hereby transferred to the Corporation constituted by this Act, and the said Corporation shall be charged with all the liabilities and obligations of the said Association, and the rules, regulations, and by-laws now or hereafter to be established for the management of the said Association, shall be and continue to be the rules, regulations and by-laws of the said Corporation, until altered or repealed in the manner prescribed by this Act.

Property of
Association
transferred to
Corporation.

Also liabilities.

4. The members of the said Corporation, for the time being, or the majority of them, shall have power to appoint administrators or managers for the administration of the property of the Corporation, and such officers, managers, administrators or servants of the said Corporation, as may be required for the due management of the affairs thereof, and to allow to them respectively a reasonable and suitable remuneration; and all officers so appointed shall have the right to exercise such other powers and authorities for the due management and administration of the affairs of the said Corporation, as may be conferred upon them by the regulations and by-laws of the said Corporation.

Corporation
to appoint
Officers, &c.

Annual Report
to the Legisla-
ture.

5. The said Corporation shall be bound to make annual Reports to both branches of the Legislature, containing a general statement of the affairs of the Corporation, which said reports shall be presented within the first twenty days of every Session of the Legislature.

Public Act.

6. This Act shall be deemed a Public Act.

C A P . X C V I .

An Act to incorporate the *Association St. François Xavier de Montréal.*

[Assented to 9th June, 1862.]

Preamble.

WHEREAS an Association, under the name of the *Association St. François Xavier de Montréal*, has existed since the year one thousand eight hundred and fifty-nine, in the City of Montreal, having for its object the aiding and assisting of such of its members as may suffer from sickness and the relief in case of death of their widows and children ; and whereas the members of the said Association have, by petition, prayed to be incorporated, and it is expedient to grant their petition : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Institution in-
corporated.

1. Joseph Clement, Pierre Barbier, Benjamin Parent, F. X. Gauthier, Leon Hurteau and the Honorable L. Renaud, together with such other persons as now are members of the said Association, or may hereafter become members thereof, in virtue of this Act, shall be and they are hereby constituted a body politic and corporate, in fact and in name, under the name and style of the *Association St. François Xavier de Montréal*, and by that name shall have power to purchase, acquire, possess, hold, exchange, accept and receive, for themselves and their successors, all lands, tenements and hereditaments, and all real and immovable estate, being and situated in Lower Canada, necessary for the actual use and occupation of the said Corporation, but not exceeding in annual value at any time the sum of five thousand dollars, and the said property to hypothecate, sell, alienate and dispose of, and to acquire other instead thereof for the same purposes ; and any majority whatsoever of the said Corporation, for the time being, shall have full power and authority to make and establish such rules, regulations and by-laws, in no respect inconsistent with this Act, or with the laws then in force in Lower Canada, as they may deem expedient and necessary for the interests and administration of the affairs of the said Corporation, and for the admission of members thereof ; and the same to amend and repeal, from time to time, in whole or in part, and also such regulations and by-laws as may be in force at the time of the passing

Corporate
name and
general
powers.

Amount of real
property limi-
ted.

Majority to
make By-laws.

passing of this Act; such majority may also execute and administer, or cause to be executed and administered, all and every the other business and matters appertaining to the said Corporation, and to the government and management thereof, in so far as the same may come under their control, respect being nevertheless had to the regulations, stipulations, provisions and by-laws to be hereafter passed and established.

Further powers of majority.

2. Provided, always, that the rents, revenues and profits arising out of every description of moveable property belonging to the said Corporation, shall be appropriated and employed exclusively for the benefit of the members of the said Corporation, and for the erection and repair of the buildings necessary for the purposes of the said Corporation, and for the payment of expenses legitimately incurred in carrying out any of the objects above referred to.

Revenue to be applied to certain purposes only.

3. All the real and personal estate at present the property of the said Association, or which may hereafter be acquired by the members thereof, in their capacity as such, by purchase, donation or otherwise, and all debts, claims and rights which they may be possessed of in such capacity, shall be and they are hereby transferred to the Corporation constituted by this Act, and the said Corporation shall be charged with all the liabilities and obligations of the said Association; and the rules, regulations and by-laws now or hereafter to be established for the management of the said Association, shall be and continue to be the rules, regulations and by-laws of the said Corporation, until altered or repealed in the manner prescribed by this Act.

Property of Association transferred to Corporation.

Also liabilities. And By-laws.

4. The members of the said Corporation, for the time being, or the majority of them, shall have power to appoint administrators or managers for the administration of the property of the Corporation, and such officers, managers, administrators or servants of the said Corporation, as may be required for the due management of the affairs thereof, and to allow them respectively a reasonable and suitable remuneration; and all officers so appointed shall have the right to exercise such other powers and authorities for the due management and administration of the affairs of the said Corporation, as may be conferred upon them by the regulations and by-laws of the said Corporation.

Corporation to appoint Officers, &c.

5. The said Corporation shall be bound to make annual reports to both branches of the Legislature, containing a general statement of the affairs of the Corporation, which said reports shall be presented within the first twenty days of every Session of the Legislature.

Annual Report to the Legislature.

6. This Act shall be a Public Act.

Public Act.

C A P . X C V I I .

An Act to incorporate "The Orphans' Home and Widows' Friend Society," of Kingston.

[Assented to 9th June, 1862.]

Preamble.

WHEREAS a charitable association under the name of "The Orphans' Home and Widows' Friend Society," was formed at Kingston, in this Province, in the year of Our Lord one thousand eight hundred and fifty-seven, for the purpose of affording relief to orphans and widows, and is governed by a certain Constitution which has received the assent of the members of the said association; and whereas the ladies composing the said association have, by their petition, prayed that they may be incorporated for the more convenient discharge of the functions of their association, and it is expedient to grant such prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Institution incorporated.

1. Mesdames Frances Hamilton, Frederica Campbell, Margaret Morton, S. Phillis Macaulay, Helen Kirkpatrick, Anne Logie, Willina Harper, Euphemia B. Ross, Eliza Watkins, Jane MacLeod, Charlotte Anna Strange, Jane C. Macpherson, Mary Carruthers, Helen Davidson, Elizabeth Ross and Grace Baxter, life members, and Margaret Machar, Harriet Cartwright, Elizabeth George, Mary Logie, Ann Wilson, Mary Anglin, Ann Maria Chaffey, Mary F. Davies, Hannah Day, Amanda Deacon, Anne Dickson, Anne Fenwick, Mary Ford, Mary Foster, Agnes Hendry, Louisa Irons, Betsey Lavell, Anne Mucklestone, Isabella Paton, Eleanora Robison, Elizabeth Robertson and Maria Stewart, ordinary members (serving on the Committee of Management for the present year) of the said Society, and all other persons who are now or shall hereafter, under the provisions of the Constitution of the Society, become members thereof, are hereby declared to be a body politic and corporate, by the name of "The Orphans' Home and Widows' Friend Society" of Kingston, with all the rights and powers which under "The Interpretation Act" vest in a Corporation.

Corporate name and general powers.

Real estate limited.

2. The said Society may acquire and hold, sell, lease or otherwise alienate any real estate in this Province, so as the value of the real estate held by it at any one time does not exceed the sum of twenty thousand dollars.

Property of Society transferred to Corporation.

3. The estate, real and personal, of the said Society, when this Act goes into force, or then held in trust for it, shall become the property of the Corporation hereby created.

4. The objects of the Corporation hereby created are those mentioned in the preamble to this Act, and the Constitution already adopted by the said Society shall remain in force, but may be added to, amended or repealed in manner and subject to the conditions therein at any time contained, and the officers of the said Society shall be those appointed under and according to the said Constitution.

Objects of Corporation.
Constitution.

5. The Corporation may, in such manner and subject to the provisions of such By-laws as may from time to time be by it adopted in that behalf, put or bind out, as an apprentice to domestic service or to any trade, any minor under the charge or care of the said Corporation, and the provisions of the seventy-sixth chapter of the Consolidated Statutes for Upper Canada, intituled: *An Act respecting apprentices and minors*, shall apply to all such apprentices.

Power to bind out children.
Con. Stat. U. C. c. 76.

6. The Corporation shall at all times, when required by the Governor, make a full return of all property, real and personal, held by it, with such details and other information as the Governor may require.

Returns to Governor.

CAP. XCVIII.

An Act to incorporate the Quebec Ship Labourers' Benevolent Society.

[Assented to 9th June, 1862.]

WHEREAS Simon Grogan, James Corcoran, William Hawlden, Richard Burke, Patrick Mullins, William Reason, Alexander McFall and others, Ship Labourers in the City of Quebec, have, by petition, set forth that they are subjected to peculiar hardships and accidents in the pursuit of their daily avocations, and that they are desirous of forming themselves into an Association, under the name of the "Quebec Ship Labourers' Benevolent Society," for the purpose of assisting, in so far as it may be found practicable, the families of members reduced to distress by the illness or death of such members; and whereas it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. The said Simon Grogan, James Corcoran, William Hawlden, Richard Burke, Patrick Mullins, William Reason and Alexander McFall, and all other persons who may, by virtue of this Act, replace or be united with them, shall be and they are hereby constituted a body politic and corporate, under the name of the "Quebec Ship Labourers' Benevolent Society," for the purpose aforesaid, and, under that name, by means of voluntary contributions or otherwise, as by their By-laws shall

Society incorporated.
Corporate name.

be

- be provided, may form a fund for such purpose; and may invest, hold and administer the same; and from and out of such fund may provide for the relief of the families of members thereof reduced to distress by the illness of such members, and also of the widows and orphans of deceased members thereof; and may make such By-laws, not contrary to law, as may be deemed advisable for the formation and maintenance, and for the application to such purpose, of such fund, and for the investment and administration thereof generally; and for defining and regulating, in any wise as to them may seem meet, all manner of rights of the Corporation and of the individual members thereof, and of such families, widows and orphans, in the premises, and the mode of the enforcement thereof, and for imposing and enforcing any description of conditional penalty or forfeiture in the premises, which to them may seem meet, and for the government and ordering of all business and affairs of the Corporation; and all such rights, penalties and forfeitures whatsoever, whether of the Corporation, or of the individual members thereof or of such families, widows and orphans, shall be such and such only, and may be enforced in such mode and in such mode only as by such By-laws shall be defined and limited; and they may, from time to time, amend or repeal such By-laws, observing, always, however, to that end, such formalities or other restrictions as by such By-laws may have been provided; and generally they shall have all necessary corporate powers for the purposes of this Act.
- 2.** The Corporation shall have power to administer their affairs by such and so many Directors and other officers, and under such restrictions as touching their powers and duties, as, by By-law in that behalf, they may, from time to time, ordain; and they may assign to any such officers such remuneration as they may deem requisite.
- 3.** In any suit or legal proceeding by or against the Corporation, no person shall be disqualified as a witness, by reason of his being or having been an officer or member thereof.
- 4.** The Corporation shall, at all times, when thereunto required by the Governor or by either branch of the Legislature, make a full return of their property and of their receipts and expenditure, for such period and with such details and other information as the Governor or either branch of the Legislature may require.
- 5.** All the revenues of the Corporation, from whatever source they may be derived, shall be devoted exclusively to the maintenance of the Corporation, and of such undertaking as aforesaid, and to no other purpose whatever; Provided, always, that no pecuniary relief shall be given to any member, or to the family of any member, who has not paid twelve months' subscription to the funds of the Corporation.
- 6.** This Act shall be deemed a Public Act.

C A P . X C I X .

An Act to incorporate the St. George's Benevolent Society of Hamilton.

[Assented to 9th June, 1862.]

WHEREAS Frederick James Rastrick, William Birkett, John Edward Start, John A. Ward, T. N. Best, F. W. Fearman, James Stevenson, Charles Thorne, G. J. Forster, James E. Day, and others, have, by their petition to the Legislature, represented that the Association of which they are members, known as the St. George's Benevolent Society of Hamilton, has, for many years, been formed for the benevolent purposes of affording pecuniary, medical and other relief to such natives of England and Wales and their descendants as may, from sickness or other causes, have fallen into distress; and have prayed that, for the better attainment of the objects of the said Association, it may be invested with corporate powers, and by reason of the good effected by the Association, it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble.

1. The said Frederick James Rastrick, William Birkett, John Edward Start, John A. Ward, T. N. Best, F. W. Fearman, James Stevenson, Charles Thorne, G. J. Forster, James E. Day, and such other persons as are now members of the said Association, or shall hereafter become members thereof under the provisions of this Act and the By-laws made under the authority thereof, and their successors, shall be and they are hereby constituted a body politic and corporate, by the name of the "St. George's Benevolent Society of Hamilton," 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 such real estate as may be required for the actual occupation of the said Corporation, 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 to acquire other in stead thereof, and be at liberty to hold and enjoy any other real and personal estate or any interest therein, by gift, devise or bequest; Provided, always, that the clear annual value of the real Estate held by the Corporation at any one time, shall not exceed five thousand dollars.

Society incorporated.

Corporate name and powers.

Real estate.

2. The affairs and business of the said Corporation shall be managed by a Committee of Management, consisting of a President, a first and second Vice-President, a Secretary-Treasurer,

Committee of Management.

one or more Chaplains, one or more Physicians, and nine other members, to be elected annually at a general meeting of the members of the Corporation, held in conformity to the By-laws thereof, and any five members of the said Committee shall be a quorum for the despatch of business.

- Deeds.** **3.** All Deeds sealed with the common seal of the Corporation, and signed by the President or Vice-Presidents and countersigned by the Secretary-Treasurer, and none other, shall be held to be Deeds of the Corporation; Provided, always, that the Secretary-Treasurer, for the time being, may receive all moneys payable to the Corporation, and grant valid receipts therefor.
- Proviso.**
- By-laws.** **4.** It shall be lawful for the said Corporation to make By-laws for the admission and expulsion of members, and for the proper administration of the property and affairs of the Corporation, and to repeal or amend the same from time to time, and such By-laws and amendments shall be proposed and seconded at a previous quarterly meeting.
- General meet-ings.** **5.** The general meetings of the said Corporation shall be held in such manner, after such notice, upon such requisition, and at such times, in the City of Hamilton, as shall be directed by the By-laws of the Corporation then in force.
- By-laws of Association continued.** **6.** The By-laws of the said Association, in so far as they may not be repugnant to this Act, or the laws of this Province, shall be the By-laws of the Corporation hereby constituted, until they shall be repealed or altered as aforesaid.
- Present officers to continue till others are appointed.** **7.** Until others shall be elected according to the By-laws of the Corporation, the present officers of the Association shall be those of the said Corporation, that is to say: the said Frederick James Rastrick shall be the President, the said William Birkett shall be the first Vice-President, the said John Edward Start shall be the second Vice-President, John Houlgrave shall be the Secretary-Treasurer, the Reverend J. G. Geddes, the Reverend John Hebden and the Reverend T. M. J. W. Blackman shall be the Chaplains, Henry Ridley, M. D., and Edward Henwood, M. D., shall be the Physicians, and James E. Day, F. W. Fearman, James Stevenson, Charles Thorne, George Roach, T. N. Best, G. J. Forster, John A. Ward, J. Beits, W. J. Spicer and George Worthington, the other members of the Committee of Management.
- Members may be witnesses, &c.** **8.** No person otherwise competent to be a witness in any suit, action or prosecution in which the said Corporation may be engaged, shall be deemed incompetent to be such witness by reason of his being or having been a member or officer of the said Corporation.

9. 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 by him in the name of the Corporation, in any Court of competent civil jurisdiction; Provided, always, that nothing herein contained shall be construed to prevent any member from withdrawing at any time from the said Corporation, after payment of all arrears due to the funds thereof, including the annual subscription for the year then current.

Recovery of subscriptions and penalties.

Proviso.

10. The said Committee of Management shall yearly, in the month of January, insert in some newspaper published in the City of Hamilton, a statement of the amount of the funds and property, debts and liabilities of the said Corporation, certified by the Secretary-Treasurer, and two Auditors elected at any general meeting of the Corporation.

Statement of funds, &c., to be published.

11. Nothing in this Act shall affect any right of Her Majesty, Her Heirs or Successors, or any party or person whomsoever, such rights only excepted as are herein expressly mentioned and affected.

Rights of the Crown saved.

12. This Act shall be deemed a Public Act.

Public Act.

C A P . C .

An Act to incorporate the Montreal Racket Club.

[Assented to 9th June, 1862.]

WHEREAS the persons hereinafter named, and others, have, by petition, set forth that they have organized themselves as a Society for the encouragement and practice of Gymnastics and of athletic exercises, and to that end have need of an Act of Incorporation to hold such real estate in the City of Montreal as may be requisite for the erection thereon of suitable buildings, comprising a Racket Court, and the premises and appliances for the practice of rackets, and of other athletic games and exercises tending to physical development, and that they are desirous of being so incorporated under the name of the "Montreal Racket Club," and whereas it is expedient to grant their prayer : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

1. William Osborne Smith, Harry Abbott, Grant Campbell Peacock, Joseph Walker, John W. Hopkins, and all other persons who may, by virtue of this Act, replace or be united with them, shall be and they are hereby constituted a body politic and corporate, under the name of the "Montreal Racket Club."

Certain persons incorporated.

Corporate name.

Corporation
may hold cer-
tain real estate.

2. The Corporation, hereby created, may acquire, hold, possess and enjoy such real estate in the City of Montreal, as may be required for actual occupation by the corporation for the purposes of this Act; and the same may, from time to time, mortgage, or sell and dispose of, and replace by other real estate for the said purposes.

Capital stock.

3. The capital stock of the Corporation shall be twenty thousand dollars, divided into shares of fifty dollars each; which shares shall be transferable; and its affairs shall be managed

First Directors.

by five Directors, who shall be Stockholders, and who shall be elected as shall be provided by the By-laws; and until Directors shall be so elected the persons hereinbefore named shall be the Directors of the Corporation.

By-laws for
certain pur-
poses.

4. The Corporation may make By-laws, not contrary to law, for the election of the Directors thereof, the subscription and calling in of shares, and the mode of and restrictions upon the transfer or forfeiture of such shares; the good government, maintenance and regulation of their real estate and other property, for the preservation of order and regularity in the practice of the exercises hereinbefore mentioned, the declaration of dividends, and for the management of the affairs of the Corporation generally, and may amend and repeal such By-laws from time to time, and generally shall have all needful powers for the purposes of this Act.

Returns to the
Legislature.

5. The Corporation shall, at all times, when thereunto required by the Governor, or by either branch of the Legislature, make a full return of its property, real and personal, and of its receipts and expenditure for such period, and with such details and other information as the Governor or either branch of the Legislature may require.

Public Act.

6. This Act shall be deemed a Public Act.

C A P . C I .

An Act to incorporate the Victoria Skating Club of Montreal.

[Assented to 9th June, 1862.]

Preamble.

WHEREAS James Torrance, John Greenshields, John Lewis, George M. Miller, Alfred Brown, John J. Jones, Thomas Morland and others, have petitioned for the incorporation of themselves and others, as the Victoria Skating Club of Montreal, and to that end have represented that they have need to be enabled to hold such real estate as may be requisite for the formation of a Skating Rink in the City of Montreal, and the erection thereon of suitable buildings over and about the same, and are desirous of being incorporated for such purposes, under the name of the Victoria Skating Club of Montreal;

Montreal ; and whereas it is expedient to grant their prayer : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. The aforesaid persons, and all others who shall become shareholders in the said Company, shall be and are hereby constituted a body politic and corporate, by the name of the "Victoria Skating Club of Montreal," and under the said name may acquire for themselves and their successors, under any legal title whatever, such real estate in the City of Montreal, as they may require for the actual occupation of such Skating Club ; and the Directors thereof, for the time being, may sell and alienate any real estate held or to be held by the said Club, and for such price or prices and on such terms and conditions as they may see fit, grant valid discharges for such price, and should they see fit, acquire other instead thereof, for the purposes of this Act ; and the said Directors may borrow money on the hypothecary security of the immoveable property of the Corporation, for such time and on such terms and at such rates of interest as they shall see fit.

Certain persons incorporated.

Corporate name.

Real estate.

Power to borrow money.

2. The capital of the Company shall be Twelve Thousand Dollars currency, divided into two hundred and forty shares, of Fifty Dollars each, with power to increase the same to Twenty-five Thousand Dollars, such increase to be authorized by a vote of the Shareholders, at any meeting of the Shareholders specially convened for the purpose, or at any meeting in the notice convening which it shall be stated that it is proposed to increase the capital.

Capital stock.

Increase thereof.

3. The said James Torrance, John Greenshields, John Lewis, George M. Miller, Alfred Brown, John J. Jones and Thomas Morland, shall be the Directors of the Company, until a choice of Directors by election of the Shareholders shall take place in the manner hereinafter prescribed, and they shall have power to open books for the subscription of shares, and to make and collect calls thereon.

First Director

4. The Directors, or a majority of them, may open a subscription book and receive the subscription of persons desirous of becoming Shareholders in the Company, and may allot to such persons the number of shares that each or any of them shall have in the capital of the Company.

Subscription of shares.

5. The shares in the capital of the Company shall be transferable in such manner as shall from time to time be prescribed by the by-laws, but no share shall be transferable until all the calls previously made thereon shall have been paid, or until such share shall have been declared forfeited for non-payment of calls.

Shares to be transferable.

Appointment
and number of
Directors.

6. The Company may administer their affairs by any number of Directors, to be elected annually from among the Shareholders at their annual meeting, their number and qualification being declared in the by-laws of the Company, and by such other officers and under such restrictions touching their powers and duties as by by-law in that behalf they may from time to time ordain, and they may assign to any of such officers such remuneration as they may deem requisite, and such Directors shall always hold office till their successors are elected.

Annual meet-
ing.

7. The annual meeting of the Company shall be held for the transaction of the general business of the Company, and the election of Directors at such time and place and under such regulations with regard to notice as the by-laws of the Company shall determine; and until it shall be so determined, the first annual meeting shall be held on the first Saturday of November; and in case of a vacancy occurring among the Directors, by death, resignation or otherwise, at any time previous to the annual meeting, the same shall be filled up for the remainder of the unoccupied term by the Directors, if by them deemed expedient, as may be prescribed by the by-laws of the Company.

Vacancies
among Direc-
tors.

Calls.

8. The Directors may make such calls upon the capital stock of the Company as they may from time to time deem expedient.

By-laws for
certain pur-
poses.

9. The Corporation may make all such by-laws, not contrary to law, as they may deem expedient for the government thereof, the maintenance and due regulation of their Skating Rink and of their grounds and buildings connected therewith, the raising of capital by the issue of transferable shares or otherwise, the conditions under which shares shall be issued and may be transferred or forfeited, the admission to the rink of non-shareholders and the regulations to which such non-shareholders shall be subject, and the administration of their affairs generally, and may amend and repeal such by-laws from time to time, observing, always, however, such formalities of procedure as by such by-laws may have been prescribed to that end, and generally shall have all needful corporate powers for the purposes of this Act.

Liability of
shareholders
limited.

10. No Shareholder in the Company shall, in any manner, be liable to or charged with the payment of any debt or demand due by the Company, beyond the amount of his or her unpaid subscribed share or shares in the capital stock of the Company.

Report to
Government.

11. The Corporation shall, at all times, when thereunto required by the Governor, or by either branch of the Legislature, make a full return of its property, real and personal, and
of

of its receipts and expenditures, for such period and with such details and other information as the Governor or either branch of the Legislature may require.

12. This Act shall be deemed a Public Act.

Public Act.

C A P . C I I .

An Act further to amend the Charter of the Natural History Society of Montreal.

[Assented to 9th June, 1862.]

WHEREAS the Natural History Society of Montreal have, Preamble.
by their petition, prayed that the Acts hereinafter mentioned, constituting their charter, may be amended in the manner hereinafter set forth, and it is expedient to grant their prayed : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. The tenth section of the Act of the Parliament of the late Province of Lower Canada, passed in the second year of the Reign of His late Majesty William the Fourth, chapter sixty-five, is hereby repealed. Sect. 10 of Act L. C. 2 Wm. 4 cap. 65 repealed.

2. The said Society shall, from time to time, for ever hereafter, have power to make and ordain all such by-laws, rules and regulations as they shall judge proper for prescribing the functions of their Council and officers, the amount, times and terms of payment of the contributions of their members to the funds thereof, the mode of enforcement of such by-laws, rules and regulations, whether by suspension or otherwise, and generally for the due conduct of the business and affairs thereof, and to repeal and amend the same ; and by such by-laws, rules and regulations, or by any repeal or amendment thereof, to make any changes which they shall deem expedient in respect to the requirements of the third, fourth, fifth, seventh, eighth and ninth sections of the said Act, and also of the requirements of the second section of the Act of the Parliament of this Province, passed in the twenty-second (1859) year of Her Majesty's Reign, and chaptered one hundred and eighteen, as touching the number and titles of their officers,—the number and composition of their Council,—the time of the holding of their annual and other meetings, and of the election of their officers and Council,—the quorum for the election of members of whatever class, and for the transaction of other descriptions of business,—and the formalities and mode of election of members of the Society, whether ordinary, corresponding or honorary ; but no motion for the repeal or amendment of any such By-law, or for the passing of any By-law in respect of any Society may make By-laws for certain purposes. 22 V. c. 118. Proviso.
such

such matters, shall be finally put to the vote at any meeting of the Society, unless by virtue of an order to that effect made at a previous meeting of the Society, whereof due and sufficient notice shall have been given to the members of the Society.

Public Act, and
how to be
construed.

3. This Act shall be deemed a Public Act, and shall be construed as though it and the said two Acts formed together one and the same Act; and the expression "the charter of the Natural History Society of Montreal" shall be, to all intents whatever, a sufficient citation of the said two Acts and of this Act.

C A P . C I I I .

An Act for the relief of the representatives of the late David B. Ogden Ford.

[Assented to 9th June, 1862.]

Preamble.

WHEREAS it is represented by the Petition of Jean Minna Ford, Administratrix of the personal estate and effects, rights and credits of David B. Ogden Ford, late of Brockville, Esquire, deceased, and of others, relatives and creditors of the deceased, that in consequence of the death of the said David B. Ogden Ford intestate, and the peculiar position of his affairs, it would be expedient for all concerned that the said Jean Minna Ford, and Nathan Cook Ford, of Simcoe, in the County of Norfolk, and David Ford Jones, of Gananoque, in the County of Leeds, Esquires, and the survivors and survivor of them, should, during the minority of the children of the deceased, be empowered to sell, mortgage, and otherwise dispose of, from time to time, as may be required, the real estate of the deceased, applying the proceeds to the payment of the debts of the said deceased, and the discharge of incumbrances upon the real estate of the deceased, and to the education and maintenance of the said children; And whereas, it is expedient to grant such powers in manner hereinafter mentioned: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Certain powers
to Widow and
other Trustees
as regards the
estate of her
deceased
husband.

1. The said Jean Minna Ford, Nathan Cook Ford and David Ford Jones, and the survivors and survivor of them, shall be, and are and is hereby empowered, from time to time, as in their, his or her judgment occasion may require, to sell, mortgage, lease or otherwise dispose of the real estate of the deceased, or such parts or portions thereof as they, he, or she may be advised, and to make and execute such good, valid and effectual deeds and conveyances of the same, as the said David B. Ogden Ford could or might have made or executed in his lifetime, and to apply the proceeds, after deducting the expenses of management and sale, to the payment of the said debts and towards the discharge of incumbrances on the said real estate, and

and to the education and maintenance of the infant children of the deceased ; Provided, always, that no lease made under this power shall exceed the period at which the youngest child living at the time of the said lease being made, would attain the age of twenty-one years ; and that, as each of such children attains the age of twenty-one years, no such sale or disposition made thereafter shall, without the consent of such child, affect the share of such child; such consent to be expressed by deed ; Provided, further, that the said Jean Minna Ford, Nathan Cook Ford, and David Ford Jones shall, as each child comes of age, account to such child for the sales and dispositions hereby authorized, and the application, by each of them respectively, of the proceeds thereof ; but each of the said Trustees shall be accountable only for her or his own acts and doings in the premises, and not for the others or other of them ; And provided, further, that at any time, on application of any creditor of the deceased, or of any of the said infant children, or any one lawfully authorized to act on their behalf, it shall be competent for the Court of Chancery, on good cause being shewn therefor, to annul all or any of the powers hereby conferred, or to restrain the exercise of them wholly or partially, altogether or for a time, or to impose such terms and conditions upon the exercise thereof; as to such Court shall, under the circumstances, seem just and expedient.

Proviso, as to leases.

Proviso : children coming of age.

Proviso : power to Chancery.

2. No mortgagee, purchaser, alienee or lessee shall be required to see to the application of the purchase money, rents or other considerations, in respect of any sale, mortgage, lease or other disposition made under this Act.

Relief of purchasers, &c.

3. If, at any time hereafter, a will of the deceased be found and proved in the proper Surrogate Court for Upper Canada, immediately upon and after probate thereof being granted; the powers hereby conferred shall cease; without prejudice, however, to any act, matter, deed or thing theretofore done, suffered or committed under or by virtue of such powers.

In case any will of deceased be found.

4. This Act shall be deemed a Public Act.

Public Act.

C A P . C I V .

An Act to vest certain Real Estate of the late William Campbell in the hands of Trustees.

[Assented to 9th June, 1862.]

WHEREAS Thomas Campbell, of the Township of Hope, in the County of Durham, and Province of Canada, Esquire, brother of the late William Campbell, in his lifetime of the Township of Cavan, in the said County of Durham, yeoman, deceased; hath, by his petition, represented that the

Preamble.

said

said William Campbell died a bachelor, on the fourth day of July, in the year of Our Lord one thousand eight hundred and sixty-one; that the said William Campbell died intestate, leaving John Campbell, his brother a lunatic, and now confined in the Provincial Lunatic Asylum in Toronto, two sisters, namely, Florinda Campbell, of the Township of Cavan aforesaid, unmarried, and Ann Ormsby, married to George Ormsby, of Bradford, in the said Province of Canada, and the petitioner, Thomas Campbell, the heirs at law of the said William Campbell; that the petitioner, Thomas Campbell, administered to the said estate, and that at the time of the decease of the said William Campbell, he was seized in fee of lot number fourteen in the third concession of the said Township of Cavan, excepting the south-east twenty-five acres thereof; and whereas, in consequence of the lunacy of the said John Campbell, the said estate cannot be divided without great loss to the petitioner and the other heirs; and whereas the said petitioner hath prayed that an Act may be passed to vest the said above mentioned Real estate of the said William Campbell in the hands of Trustees, with power to sell or divide the same among the parties entitled thereto, and if sold with power to them to invest or pay over the proceeds of the said sale for the benefit of the petitioner and the other heirs of the said William Campbell, according to their several and respective shares in his inheritance, and it is expedient to grant the prayer of the said petitioner as hereinafter mentioned: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Estate of late
W. Campbell
vested in
Trustees.

1. All the estate, right, title, interest, property, claim and demand whatsoever of the said John Campbell, Florinda Campbell, and Ann Ormsby and George Ormsby, her husband, and the said petitioner and all other heirs of the said William Campbell, in or to the lands following, that is to say: Lot number fourteen in the third concession of the Township of Cavan aforesaid, excepting the south-east twenty-five acres thereof, and all other lands held by the said William Campbell, in his lifetime, are hereby transferred to and vested in John Thorn, of the Township of Cavan aforesaid, Esquire, Samuel Redmond, of the Township of Cavan aforesaid, yeoman, and William Fallis, of the Township of Cavan aforesaid, yeoman, and the survivor or survivors of them and their successors to be appointed as hereinafter mentioned, as Trustees, for the benefit of the heirs of the said William Campbell, with power to sell and dispose of or divide the same and make conveyances of the same, and to hold and divide the proceeds of such sales, for the benefit of the heirs of the said William Campbell, according to their several and respective shares; provided, always, that no such sale or division shall be made without the consent and approbation of the Judge of the County Court of the United Counties of Northumberland and Durham, previously given in writing; and provided, always, that nothing herein contained shall prejudice

Power to dis-
pose thereof,
&c.

Proviso,
County: for
Judge's ap-
proval.

Proviso.

prejudice or affect the rights of the creditors ; and provided, Proviso. further, that the share of the said John Campbell in the proceeds of the said sale shall from time to time be invested in Government or mortgage securities, under the sanction of the said Judge for the benefit of the said John Campbell and his representatives.

2. Any sale, or conveyance, or division of the said lands, or of any part thereof, duly made and executed by the said Trustees, shall be as good, valid and effectual, to all intents and purposes whatsoever, as if the said late William Campbell were living and had made the same ; and the *bonâ fide* payment to the said Trustees, either alone or in conjunction with the others aforesaid, of the price or purchase money, or of any portion thereof, and the receipt of the said Trustees for any sum or sums of money so paid, shall effectually discharge the persons paying the same, from seeing to the application, or being answerable for the misapplication thereof. Effect of sale or division by the Trustees.

3. In case of the death or removal from the Province, resignation, incapacity or unwillingness to act of either or all of the said Trustees, before the complete fulfilment of the Trust hereby created, it shall be lawful for the Judge of the County Court of the United Counties of Northumberland and Durham, on the written application of any one of the heirs of the said late William Campbell, to nominate and appoint some fit and proper person to be Trustee or Trustees in the stead of the said Trustee or Trustees so dying or removing from the Province, becoming incapacitated, resigning or unwilling to act as aforesaid, and so from time to time to replace any such Trustee or Trustees so nominated or appointed as aforesaid ; and such Trustee or Trustees so from time to time nominated and appointed as aforesaid, shall have the same power to all intents and purposes as if expressly named and appointed in and by this Act. Appointment of new Trustees in case of death, removal, &c., by Judge of United Counties.

4. In case of a separation taking place between the United Counties of Northumberland and Durham, then any application to be made under this Act shall be made to the Judge of the County Court of the County of Durham. If Durham and Northumberland are separated.

5. This Act shall be deemed a Public Act.

Public Act.

C A P . C V .

An Act respecting the Will of Nathan Gage, late of the Town of Brantford, Esquire.

[Assented to 9th June, 1862.]

Preamble.

WHEREAS, by his last Will and Testament, Nathan Gage, late of the Town of Brantford, Esquire, gave and devised unto Arunah Huntingdon, William Mathews and John Milliken Tupper, in the said Will named, all his estate, both real and personal, in trust amongst other things to invest and apply certain remaining proceeds thereof to promote the cause and interest of suffering humanity in the community in which he lived, either in the establishment or encouragement of some charitable institution, as, by the said Will, more fully appears; and whereas, by an Act of the Parliament of this Province, passed in the now last Session thereof, Thomas Botham and Allan Cleghorn, Esquires, were added to the said Trust with a view to the more effectual carrying out the provisions of the said Will; and whereas difficulties have arisen and further difficulties are apprehended on the part of the said Trustees in giving effect to the wishes of the said Testator, and a large number of the inhabitants of Brantford, as well as a majority of the said Trustees, have, by their Petition, prayed that an Act may be passed vesting the said remaining proceeds of the said Estate in the Corporation of the Town of Brantford, for the purposes of the said Will, and it is expedient to grant the prayer of the said Petitions: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Property undisposed of vested in Town of Brantford in trust.

1. The Estate of the said Nathan Gage, now remaining undisposed of in the hands of the said Trustees or of any or either of them is hereby vested in the Corporation of the Town of Brantford, to, upon and under, and for the use, trusts, intents and purposes, and subject to the powers, conditions and limitations mentioned and expressed in, and subject to the provisions of, the said Will; and the said Corporation shall stand and be in the stead of the said Trustees, and shall have all and every the powers and authority given to the said Trustees by the said Will so far as the same relates to the said bequest for charitable purposes; but the said Corporation shall not be in any wise responsible for the past Acts of the said Trustees or either of them, but only for the future management of the said Estate.

Former Trustees released from trust.

2. The said Trustees are and each of them is hereby discharged from all liability for the future management of the said Estate; but they and each of them, for himself individually, shall account to the said Corporation for such of the property or proceeds of the said Estate as may have come into their or his

his hands, possession or control, as the case may be, up to the time of the passing of this Act ; and the said Corporation shall have the right, through its Mayor or other presiding officer, to demand from the said Trustees or such or either of them as shall have in their or his hands, custody, possession or control, any property or money of the said Estate, the delivery or payment thereof ; and in case of refusal or neglect to deliver such property or pay such money within a reasonable time, the said Corporation may apply to the Court of Chancery for an order to compel such delivery or payment ; and the said Court shall have full power to make and enforce such order.

Corporation
may recover
property.

3. So much of the Act twenty-fourth Victoria, Chapter one hundred and thirty-four, as may be inconsistent with this Act is hereby repealed.

Part of 24 V. c.
134, repealed.

4. This Act shall be a Public Act.

Public Act.

C A P . C V I .

An Act to naturalize Gelston Sanford.

[Assented to 9th June, 1862.]

WHEREAS Gelston Sanford, late of Poughkeepsie, in the State of New York, and now of the City of Quebec, in this Province, Machinist, hath represented by his petition, that he is now and has been for some time past a resident in this Province, and has determined to become a permanent resident therein, and has prayed that he may be naturalized as a subject of Her Most Gracious Majesty ; and whereas it is expedient that his prayer should be granted : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

1. The said Gelston Sanford, shall be deemed, adjudged and taken to be, and to have been ever since he has resided in this Province, a subject of Her Majesty, to all intents, constructions and purposes whatsoever, as if he had been born in this Province ; Provided, always, that in order to entitle himself to the benefit of this Act, the said Gelston Sanford shall take and subscribe, within three months from the date of the passing of this Act, before the Clerk of the Peace of the District of Quebec, (who is hereby authorized and directed to administer the same,) the oath of allegiance to Her Majesty, Her Heirs and Successors, and that such oath so taken and subscribed shall be kept by the said Clerk of the Peace among the records of his office.

G. Sanford
naturalized.

Proviso : oath
of allegiance.

2. This Act shall be a Public Act.

Public Act.

C A P . C V I I .

An Act to naturalize Isaac Rogers.

[Assented to 9th June, 1862.]

Preamble.

WHEREAS Isaac Rogers, late of Newark, in the State of New Jersey, now of the City of Montreal, in the Province of Canada, iron founder, hath represented, by his petition, that he is now and has been for some time past a resident in this Province, and has determined to become a permanent resident therein, and has prayed that he may be naturalized as a subject of Her Most Gracious Majesty; and whereas it is expedient that his prayer should be granted: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. Rogers naturalized.

1. The said Isaac Rogers shall be deemed, adjudged and taken to be, and to have been ever since he has resided in this Province, a subject of Her Majesty, to all intents, constructions and purposes whatsoever, as if he had been born in this Province; Provided, always, that in order to entitle himself to the benefit of this Act, the said Isaac Rogers shall take and subscribe, within three months from the date of the passing of this Act, before the Clerk of the Peace of the District of Montreal, (who is hereby authorized and directed to administer the same), the oath of allegiance to Her Majesty, Her Heirs and Successors, and that such oath so taken and subscribed shall be kept by the said Clerk of the Peace amongst the records of his office.

Proviso: oath of allegiance.

Public Act.

2. This Act shall be a Public Act.

C A P . C V I I I .

An Act to enable Moise Martin Mitivier to undergo an examination for admission to practise Medicine, Surgery and Midwifery.

[Assented to 9th June, 1862.]

Preamble.

WHEREAS Moise Martin Mitivier has proved that he completed a five years' course of medical study in Lower Canada, at the end of which he was compelled to leave the country and to reside in the United States of America, where he did in fact practise the medical profession during several years; and whereas the said Moise Martin Mitivier, having returned to Canada, is desirous of being admitted to the practise of Medicine, Surgery and Midwifery, notwithstanding that he has not followed, in this country, the course of medical study at present required by law, but which was not required when

when he so went to reside in the United States of America ; Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. It shall be lawful for the said Moise Martin Mitivier to present himself before the Board of Examiners of the College of Physicians and Surgeons of Lower Canada, without following any new course of study ; and if the said Moise Martin Mitivier is found by the said Examiners to be properly qualified, he shall be entitled to obtain a license to practise Medicine, Surgery and Midwifery, according to the by-laws and regulations of the said College.

M. M. Mitivier may be examined and licensed if found qualified.

2. This Act shall be deemed a Public Act.

Public Act.

C A P . C I X .

An Act to change the name of David Allan Poe and of his family, by adding thereto the name of "Watt."

[Assented to 9th June, 1862.]

WHEREAS David Allan Poe, of the City of Montreal, in the Province of Canada, Commission Merchant, hath, by his Petition set forth, that in the year one thousand eight hundred and fifty-seven, he married Frances Macintosh, and that by such marriage they have one son and one daughter, named respectively, David Allan Poe and Amy Grant Poe, and that for the benefit and advantage of himself and his family, it hath become desirable and expedient for himself, his wife and children, to adopt the family name of the mother of the said David Allan Poe, that is to say, "Watt," and hath prayed the passing of an Act for such purpose, which prayer it is expedient to grant : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

Preamble.

1. The said David Allan Poe shall hereafter be called and known by the name of David Allan Poe Watt, the said Frances Macintosh, his said wife, shall hereafter be called and known by the name of Frances Macintosh Poe Watt, the said David Allan Poe and Amy Grant Poe, their said children, shall hereafter be respectively called and known by the respective names of David Allan Poe Watt and Amy Grant Poe Watt, and any future children issue of the marriage of the said David Allan Poe and Frances Macintosh Poe, shall, in addition to the said name of Poe, also bear the name of Watt.

Name of Poe family changed to Watt.

2. The said David Allan Poe Watt and Frances Macintosh Poe Watt, his said wife, David Allan Poe Watt and Amy Grant Poe

Rights not affected by such

change of
name.

Poe Watt, their said children, by their respective names of David Allan Poe Watt, Frances Macintosh Poe Watt, David Allan Poe Watt and Amy Grant Poe Watt, and any future issue of the marriage of the said David Allan Poe Watt and Frances Macintosh Poe Watt, by the said additional name of Watt, shall hereafter claim, obtain, exercise and enjoy all and every advantage, benefit, calling, profession, occupation, addition, title and degree which they respectively have exercised and enjoy, or have been, or might be entitled to under the surname of Poe; and also shall respectively recover, have, hold and possess, and be capable of inheriting all real and personal property and rights, interests, credits, moneys and securities of any nature or kind whatsoever, which they respectively at present have, hold or possess, or are respectively capable of recovering, having, holding, possessing or inheriting, or might hereafter respectively be capable of recovering, having, holding, possessing or inheriting, by and under the surname of Poe; and also shall not hereafter, by reason of the change of name hereby made, be deprived of or disqualified from exercising or enjoying any addition, title, degree, qualification, advantage, benefit, possession, calling, appointment, honor, position or any interest or property of any nature or kind whatsoever, which they now respectively have, hold, possess or enjoy, or are, or might hereafter respectively be capable of recovering, having, holding, possessing, inheriting and enjoying, if the said change of name had not been made by the adoption and addition of the said name of Watt.

Nor suits
abated.

3. If any suit or legal or equitable proceeding has been commenced by or against any of the said parties whose names are changed by virtue of this Act, by their or his or her former name, such suit or proceeding shall not be abated, nor any relief or recovery sought thereby be prevented by reason of any such change of name, but the same may be continued and carried on to judgment and execution, and until satisfaction and discharge had, as if this Act had not been passed.

Public Act.

4. This Act shall be deemed a Public Act.

FIRST SESSION, SEVENTH PARLIAMENT.

TABLE OF CONTENTS.

CAPS.	PAGES.
1. An Act to amend the Act respecting the Militia,	3
2. An Act to extend the provisions of an Act respecting lands and real property held or required by the Imperial Government for the Military defence of this Province, to the construction of lines of Telegraph connected with such defence,	6
3. An Act for granting to Her Majesty certain sums of money required for defraying certain expenses of the Civil Government and other purposes, for the year one thousand eight hundred and sixty-two, and for making good certain sums expended for the public service, in the year one thousand eight hundred and sixty-one,	8
4. An Act to amend the Act respecting Duties of Customs and the Collection thereof,	17
5. An Act to amend the Act respecting Duties of Excise, on Distillers and Brewers, and Spirits and Beer made by them, and to increase the said duties,	18
6. An Act to amend the Act respecting the Provincial Duty on Tavern Licenses,	23
7. An Act to extend the provisions of chapter thirty-two of the Consolidated Statutes of Canada, with respect to the Bureau of Agriculture,	25
8. An Act to amend the Act respecting Emigrants and Quarantine,	26
9. An Act to continue for a limited time the several Acts therein mentioned, and for other purposes,	27
10. An Act to amend Chapters seventy-seven, forty and forty-five, of the Consolidated Statutes for Lower Canada, in matters of appeal, and Chapter eighty-three of the same Consolidated Statutes, in matters of procedure in the Superior and Circuit Courts,	29
11. An Act to extend and amend the provisions of chapters thirty-six and thirty-seven of the Consolidated Statutes for Lower Canada, with respect to the Registration of Titles, to and the removal of incumbrances upon real estate in Lower Canada,	33

TABLE OF CONTENTS.

	PAGES.
12. An Act to amend <i>An Act respecting Lessors and Lessees</i> , -	36
13. An Act to alter the name of office of the Inspectors and Superintendents of Police for the Cities of Montreal and Quebec, - - - - -	37
14. An Act further to amend the Lower Canada Consolidated Municipal Act, - - - - -	38
15. An Act respecting Public Exhibitions in Lower Canada, -	39
16. An Act to amend chapter twenty of the Consolidated Statutes for Lower Canada, intituled : <i>An Act respecting Registers of Marriages, Baptisms and Burials</i> , - - - - -	<i>Ibid.</i>
17. An Act legalising and providing for the delivery of certain Registers of Marriages, Baptisms and Burials, - - - - -	41
18. An Act respecting the Court of Error and Appeal in Upper Canada, - - - - -	43
19. An Act to repeal the Act twenty-third Victoria, Chapter fifty, and to amend <i>An Act respecting the Municipal Institutions of Upper Canada</i> , so far as relates to Recorders' Courts, - - - - -	44
20. An Act to amend the law relating to the limitation of actions and suits in Upper Canada, - - - - -	45
21. An Act relating to Mortgages in Upper Canada, - - - - -	<i>Ibid.</i>
22. An Act to amend chapter one hundred and five of the Consolidated Statutes for Upper Canada, intituled : <i>An Act respecting Petty Trespasses in Upper Canada</i> , - - - - -	46
23. An Act to amend the Act respecting the Municipal Institutions of Upper Canada as to the issue of Shop and Tavern Licenses in Cities, - - - - -	47
24. An Act to explain the Act to provide for the separation of the City of Toronto from the United Counties of York and Peel, for certain judicial purposes, - - - - -	50
25. An Act to charge the Corporation of the City of Toronto with the payment of the expense of taking care of, supporting and maintaining certain prisoners in the Common Gaol of the United Counties of York and Peel, - - - - -	<i>Ibid.</i>
26. An Act to amend the Act for the management of the Toronto Harbour, - - - - -	51
27. An Act to repeal two certain Acts therein mentioned, relating to the separation of the County of Peel from the County of York, and for other purposes, - - - - -	52
28. An Act to separate the Townships of Bidduiph and McGillivray from the County of Huron, and to annex the same to the East Riding of the County of Middlesex, - - - - -	55
29. An Act to extend to the Counties of Wentworth and Lincoln the Act for the protection of persons holding lands on the shore of Lake Ontario, in the Counties of York, Peel and Halton, - - - - -	<i>Ibid.</i>

TABLE OF CONTENTS.

iii

	PAGES.
30. An Act to enable the Rate-payers of the County of Lincoln to select a more convenient place for the County Town, -	56
31. An Act to consolidate part of the debt owing by the Municipality of the County of Hastings, - - - - -	57
32. An Act to enable the Town of Niagara to dispose of its interests in the Erie and Ontario Railroad, and for other purposes, - - - - -	59
33. An Act to alter and amend the Act to consolidate the Debt of Port Hope, - - - - -	60
34. An Act to empower the Town Council of the Town of Lindsay, in the County of Victoria, to lease a portion of the Town plot called "Queen's Square," in the said Town, - - -	<i>Ibid.</i>
35. An Act to legalise a By-law made and passed by the Town Council of the Corporation of the Town of Perth, in the United Counties of Lanark and Renfrew, for raising a certain sum of money therein mentioned, - - - - -	61
36. An Act to incorporate the Village of Lanark, in the County of Lanark, - - - - -	62
37. An Act to incorporate the Village of Arnprior, in the County of Renfrew, and for other purposes therein mentioned, - -	66
38. An Act to amend the Act to confirm certain side roads in the Township of Scarborough, and to provide for the defining of other road allowances and lines in the said Township, -	69
39. An Act to legalise the investment of certain Clergy Reserve moneys by the Corporation of the Township of Lobo, - -	72
40. An Act to establish and confirm certain Roads in the Township of Reach, - - - - -	<i>Ibid.</i>
41. An Act to confirm the action of the Corporation of the late united Townships of Arthur and Luther, under the Act to enable County Councils to raise money for assisting persons in certain cases to sow their land, and for other purposes, -	75
42. An Act respecting the Survey of the third and fourth Concessions of the Township of Crowland, in the County of Welland, - - - - -	77
43. An Act to establish the side lines in the Township of Kenyon, in the County of Glengarry, - - - - -	78
44. An Act to authorize the Mayor, Aldermen and Citizens of the City of Montreal, to borrow certain sums of money for drainage and other purposes therein mentioned, - - - -	79
45. An Act to amend the Acts incorporating and relating to the City of Quebec, - - - - -	83
46. An Act to amend the Act to provide for the improvement and management of the Harbour of Quebec, - - - - -	94
47. An Act to erect that part of the parish of St. Roch of Quebec, situate on the North side of the River St. Charles, into a separate Municipality, - - - - -	95

	PAGES.
48. An Act to amend the Act to incorporate the Town of Lévis,	96
49. An Act to detach from the Municipality of St. Lambert a portion of that part of it which is situate in the Barony of Longueuil, and to annex the same to the Municipality of the parish of Longueuil, - - - - -	100
50. An Act to annex the Township of Aston and part of the Township of Wendover to the County of Nicolet, - - -	101
51. An Act to erect the parish of St. Pierre de Durham, in the County of Drummond, into a separate Municipality, -	<i>Ibid.</i>
52. An Act to divide the Township of Hemmingford, in the County of Huntingdon, into two separate Municipalities, - - -	104
53. An Act to authorize the Municipal Council of the Township of Acton to open roads according to the operations of Patrice Renault Blanchard, Esquire, Land Surveyor, with reference to the survey, boundary lines, reports and plans executed and prepared by him for the division and settlement of the limits of the lots in the first five ranges of the said Township of Acton, in the County of Bagot and District of St. Hyacinth,	107
54. An Act to incorporate the First and Second Congregations of Hinchinbrooke, in connection with the United Presbyterian Church of North America, - - - - -	108
55. An Act to render valid the election and proceedings of the Trustees for the erection of a Catholic Church in the Parish of Ste. Brigide, - - - - -	110
56. An Act for the re-organization of the Grand Trunk Railway Company of Canada, and for other purposes, - - -	111
57. An Act to amend the Acts incorporating the Montreal and Champlain Railroad Company, and to authorize the raising of new preferred Stock, for certain purposes, - - -	122
58. An Act to make further provisions relating to the Cobourg and Peterborough Railway Company, - - - - -	127
59. An Act to grant further powers to the London and Port Stanley Railway Company, - - - - -	130
60. An Act further to amend the Act relating to the Brockville and Ottawa Railway Company, and for the purposes therein mentioned, - - - - -	131
61. An Act to incorporate the "Massawippi Valley Railway Company," - - - - -	136
62. An Act to authorize the construction of a Tram or Railroad from the Town of Simcoe to the Village of Port Ryerse, in the County of Norfolk, - - - - -	142
63. An Act further to amend the Charter of the Bank of Upper Canada, - - - - -	149
64. An Act to amend <i>An Act to amend and consolidate the Acts relating to the Commercial Bank of the Midland District, and to change its corporate name to the "Commercial Bank of Canada,"</i> - - - - -	150

TABLE OF CONTENTS.

v

	PAGES.
65. An Act to amend the Charter of the Merchants' Bank, -	151
66. An Act to extend and define the powers of the City and District Savings Bank of Montreal, - - - -	152
67. An Act to incorporate the North-West Navigation and Railway Company, - - - - -	162
68. An Act to amend the Acts incorporating the Canadian Inland Steam Navigation Company, and to provide for a reduction of its Capital Stock, - - - - -	168
69. An Act to amend an Act, intituled : <i>An Act to incorporate certain persons under the name of the Richelieu Company,</i>	170
70. An Act to amend an Act to incorporate the Pilots for and below the Harbour of Quebec, - - - -	171
71. An Act to incorporate the Quebec Marine Insurance Company, of Quebec, - - - - -	173
72. An Act for facilitating the conveyance by the Trust and Loan Company of Upper Canada, of Lands in the Province of Canada, by and through their Commissioners or Attorneys,	179
73. An Act to incorporate the Hamilton Powder Company, -	185
74. An Act to amend the Act incorporating the Toronto Cotton Mills Company, - - - - -	190
75. An Act to amend an Act to incorporate the Ramsay Lead Mining and Smelting Company, - - - - -	191
76. An Act to incorporate the Terrebonne Turnpike Road Company,	192
77. An Act to incorporate a Company for the construction of certain Turnpike Roads in Isle Jésus, - - - -	217
78. An Act to amend the Act incorporating the College of Ste. Anne de la Pocatière, - - - - -	239
79. An Act to incorporate the Toronto Female Industrial School,	241
80. An Act to incorporate the Roman Catholic Academy of St. Paul's, of Aylmer, - - - - -	243
81. An Act to amend the Act incorporating <i>l'Académie Industrielle de St. Laurent,</i> - - - - -	245
82. An Act to incorporate the Boys' Industrial School of the Gore of Toronto, - - - - -	246
83. An Act to incorporate the College of Saint Ignatius, Guelph,	248
84. An Act to incorporate the <i>Académie de Sainte Scholastique,</i>	250
85. An Act to enable the Trustees of the Toronto General Hospital to issue Debentures in redemption of those already issued,	251
86. An Act incorporating the Synod of the Diocese of Ontario,	252
87. An Act to authorize the mortgaging of certain property belonging to the Church of England, in the Town of Brantford, - - - - -	256
88. An Act to enable the Trustees of the Congregation of the Presbyterian Church of Canada, in connection with the	

	PAGES.
Church of Scotland, at Martintown, to sell a certain lot of land, - - - - -	257
89. An Act to incorporate the <i>Société Ecclésiastique du Diocèse de St. Hyacinthe</i> , - - - - -	258
90. An Act to amend the Act incorporating the Sisters of Charity of Quebec, - - - - -	260
91. An Act to incorporate the Sisters of Our Lady of Loretto, of the Town of Guelph, in the Roman Catholic Diocese of Hamilton, - - - - -	261
92. An Act to incorporate the Sisters of St. Joseph of Guelph, - - - - -	263
93. An Act to amend the Act incorporating the Sisters of St. Joseph for the Roman Catholic Diocese of Toronto, - - - - -	265
94. An Act to incorporate the <i>Société de l'Union St. Pierre de Montréal</i> , - - - - -	266
95. An Act to incorporate the <i>Société de l'Union St. Roch</i> , - - - - -	268
96. An Act to incorporate the <i>Association St. François Xavier de Montréal</i> , - - - - -	270
97. An Act to incorporate "The Orphans' Home and Widows' Friend Society," of Kingston, - - - - -	272
98. An Act to incorporate the Quebec Ship Labourers' Benevolent Society, - - - - -	273
99. An Act to incorporate the St. George's Benevolent Society of Hamilton, - - - - -	275
100. An Act to incorporate the Montreal Racket Club, - - - - -	277
101. An Act to incorporate the Victoria Skating Club of Montreal, - - - - -	278
102. An Act further to amend the Charter of the Natural History Society of Montreal, - - - - -	281
103. An Act for the relief of the representatives of the late David B. Ogden Ford, - - - - -	282
104. An Act to vest certain Real Estate of the late William Campbell in the hands of Trustees, - - - - -	283
105. An Act respecting the Will of Nathan Gage, late of the Town of Brantford, Esquire, - - - - -	286
106. An Act to naturalize Gelston Sanford, - - - - -	287
107. An Act to naturalize Isaac Rogers, - - - - -	288
108. An Act to enable Moise Martin Mitivier to undergo an examination for admission to practise Medicine, Surgery and Midwifery, - - - - -	<i>Ibid.</i>
109. An Act to change the name of David Allan Poe and of his family, by adding thereto the name of "Watt," - - - - -	289

INDEX

TO

ACTS OF CANADA.

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FIRST SESSION, SEVENTH PARLIAMENT, 25 VICT., 1862.

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	PAGES.
ACADEMIE Industrielle de St. Laurent, Act amended, c. 81,	245
de Ste. Scholastique, incorporated, c. 84,	250
Acton, roads may be opened on Blanchard's survey, c. 53,	107
Acts continued, viz: c. 9,	27
Trinity House, Montreal (Public Health) 10, 11 V. c. 1.	
Sons of Temperance, Canada West, 14, 15 V. c. 149.	
Common of Laprairie, L. C., 2 G. 4, c. 8.	
of La Baie du Febvre, L. C., 2 G. 4, c. 10,—4 G.	
4, c. 26.	
of Grosbois, L. C., 9 G. 4, c. 32.	
Bankrupts, relief of (in certain cases only), 7 V. c. 10,—9 V.	
c. 30,—12 V. c. 18,—13, 14 V. c. 20.	
Hastings, Registration of Titles, 9 V. c. 12,—10, 11 V. c.	
35,—12 V. c. 97.	
Agriculture, Bureau of, c. 7,	25
Appeal and Error, U. C. Court of, c. 18,	43
Appeals, L. C., Act respecting Q. B. amended, c. 10.	29
Arnprior, Village incorporated, c. 37,	66
Arthur and Luther, townships, By-laws confirmed, c. 41,	75
Association St. François Xavier, Montreal, incorporated, c. 96,	270
Aston and part of Wendover, annexed to Nicolet, c. 50,	101
Aylmer, Roman Catholic Academy incorporated, c. 80,	243
BANK of Upper Canada, charter amended, c. 63,	149
Banks, <i>See</i> Bank of Upper Canada—Commercial Bank—Merchants	
Bank—City and District Savings Bank.	
Bankrupts, (relief in certain cases only), Acts Continued, c. 9,	27
Biddulph and McGillivray annexed to Middlesex, c. 28,	55
Boy's Industrial School, Gore of Toronto, incorporated, c. 82,	246
Brantford, mortgage of church property authorized, c. 87,	256
Brewers, duties on, &c. <i>See</i> Excise, c. 5,	18
Brockville and Ottawa Railway Co., Act amended, c. 60,	131
Bureau of Agriculture, Act amended, c. 7,	25
CAMPBELL , W., his estate vested in trustees, c. 104,	283
Canadian Inland Steam Navigation Co., Act amended, c. 68,	168
Church of England at Brantford. <i>See</i> Brantford.	
of Scotland at Martintown. <i>See</i> Martintown.	

	PAGES.
City and District savings Bank, Montreal, c. 66, - - -	152
Cobourg and Peterboro' Railway Company, further provisions, c. 58,	127
College of Ste. Anne la Pocatière, Act amended, c. 78, - - -	239
of St. Ignatius, Guelph, incorporated, c. 83, - - -	248
Colonization. <i>See</i> Bureau of Agriculture, c. 7, - - -	25
Commercial Bank of Canada, charter amended, c. 64, - - -	150
Common of Laprairie, Acts Continued, c. 9, - - -	27
La Baie du Febvre, c. 9, - - -	27
Grosbois, c. 9, - - -	27
Confession of Judgment in Superior and Circuit Courts, L. C., c. 10,	32
Crowland, township, survey in, c. 42, - - -	77
Customs, duties altered, Act respecting, amended, c. 4, - - -	17
DISTILLERS , <i>See</i> Excise, c. 5, - - -	18
Duties of Customs. <i>See</i> Customs, c. 4, - - -	17
Excise. <i>See</i> Excise, c. 5, - - -	18
EMIGRANTS and Quarantine, Act amended, c. 8, - - -	26
Emigration Department. <i>See</i> Bureau of Agriculture, c. 7, - - -	25
Error and Appeal, Court of, in U. C., c. 18, - - -	43
Excise duties, increased, Act respecting, amended, c. 5, - - -	18
Exhibitions, Public, L. C., c. 15, - - -	39
FORD , David B. O., for relief of his representatives, c. 103, - - -	282
GAGE , N., Act respecting his will, c. 105, - - -	286
Gore of Toronto. <i>See</i> Toronto Gore.	
Grand Trunk Railway Co., re-organization of, c. 56, - - -	111
HAMILTON Powder Company, incorporated, c. 73, - - -	185
St. George's Benevolent Society, incorporated, c. 99,	275
Hastings, Consolidation of part of county debt, c. 31, - - -	57
Hastings, Registration of titles in, Acts Continued, c. 9, - - -	27
Hemmingford, township divided into two Municipalities, c. 52, - - -	104
Hinchenbrooke, first and second congregations in, incorporated, c. 54,	108
Huron, certain townships detached from, c. 28, - - -	55
ISLE JESUS , Turnpike Road Company, c. 77, - - -	217
Immigration, <i>See</i> Bureau of Agriculture, c. 7. Emigrants, c. 8.	
Incumbrances on real property, in L. C. removal of, c. 11, - - -	33
Inspectors, &c. of Police, L. C., name of office changed, c. 13, - - -	37
KENYON , Township, side lines in, to establish, c. 43, - - -	78
LANARK , Village incorporated, c. 36, - - -	62
Lessors and Lessees, L. C., Act amended, c. 12, - - -	36
Lévis, Town, Act incorporating it, amended, c. 48, - - -	96
Limitation of actions, &c. U. C., law amended, c. 20, - - -	45
Lincoln and Wentworth, Act protecting lake shore extended to, c. 29,	55
change of County Town, c. 30, - - -	56
Lindsay, Town, leasing Queen's Square, c. 34, - - -	60

	PAGES.
Lobo, township, investment of Clergy Reserve moneys confirmed, c. 39,	72
London and Port Stanley Railway Co. further powers to, c. 59,	130
Luther and Arthur, townships, By-laws confirmed, c. 41,	75
MARRIAGES, &c., Registers of, L. C., Act amended, c. 16,	39
certain registers of, legalized, &c., c. 17,	41
Martintown, presbyterian congregation at, to sell land, c. 88,	257
Massawippi Valley Railway Co., incorporated, c. 61,	136
McGillivray & Biddulph annexed to Middlesex, c. 28,	55
Merchants Bank, charter amended, c. 65,	151
Middlesex, townships annexed to East Riding of, c. 28,	55
Militia, Act respecting, amended, c. 1,	3
Mitivier, M. M., admission to practise medecine, c. 108,	288
Montreal City, loan for drainage, &c. authorized, c. 44,	79
and Champlain Railway Co., Acts amended, c. 57,	122
Montreal Racket Club, incorporated, c. 100,	277
Mortgages in U. C., Act relating to, c. 21,	45
Municipal Act, Consolidated, L. C., amended, c. 14,	38
NATURAL History Society, Montreal, Act amended, c. 102,	281
Niagara Town, may dispose of its interests in a certain Railway, c. 32,	59
Nicolet, Aston and part of Wendover annexed to, c. 50,	101
North West Navigation and Railway Company incorporated, c. 67,	162
ONTARIO, Diocese of, Synod incorporated, c. 86,	252
Orphan's Home, and Widow's Friend Society, Kingston, incorporated, c. 97,	272
PEEL and York. See York and Peel.	
Perth, Town, By-law legalized, c. 35,	61
Petty Trespasses, U. C., Act amended, c. 22,	46
Pilots for and below Quebec, Act amended, c. 70,	171
Poe, D. A. and family, name changed to Watt, c. 109,	289
Police, Inspectors, &c., of, L. C. name of office changed, c. 13,	37
Port Hope, consolidation of debt, Act amended, c. 33,	60
Procedure in Superior and Circuit Courts, L. C., Act amended, c. 10,	32
Public Exhibitions, L. C., c. 15,	39
QUEBEC, City, Acts relating to, amended, c. 45,	83
Harbour, Act for improvement of, amended, c. 46,	94
Marine Insurance Company, incorporated, c. 71.	173
Ship labourers' Bencvolent society, incorporated, c. 98,	273
Queen's Bench, L. C., Act respecting, amended, c. 10,	29
RAILWAYS, See Grand Trunk—Montreal and Champlain—Co-	
bourg and Peterborough—London and Port Stanley—	
Brockville and Ottawa—Massawippi Valley—Simcoe	
and Port Ryerse, &c.	

	PAGES.
Ramsay Lead Mining and Smelting Company, Act amended, c. 75.	191
Reach, Township, roads in, confirmed, c. 40,	72
Recorder's Courts, U. C., times of sitting, c. 19,	44
Registers of Marriages, &c., L. C., Act amended, c. 16,	39
certain, legalized, c. 17,	41
Registration of Titles, L. C., Act amended, c. 11,	33
Richelieu Company, Act amended, c. 69,	170
Rogers, Isaac, naturalized, c. 107,	288
Roman Catholic Academy of St. Paul's, of Aylmer, incorporated, c. 80,	243
STE. ANNE'S College, Act Amended, c. 78,	239
Ste. Brigide, election of Trustees confirmed, c. 55,	110
St. François Xavier, association incorporated, c. 96,	270
St. George's Benevolent Society, Hamilton, incorporated, c. 99,	275
St. Hyacinth Diocese, Ecclesiastical Society incorporated, c. 89,	258
St. Ignatius, Guelph, College incorporated, c. 83.	248
St. Lambert, part of, annexed to Longueuil, c. 49,	100
St. Laurent, Academic industrielle, incorporated, c. 81,	245
St. Pierre de Durham, made a municipality, c. 51,	101
St. Roch, Parish Municipality divided, c. 47,	95
Ste. Scholastique, Academy incorporated, c. 84,	250
Sanford, Gelston, naturalized, c. 106,	287
Savings Bank, <i>See</i> City and District, &c., c. 66,	152
Scarborough Township, side roads, confirmed, &c., c. 38.	69
Ship Labourers Benevolent Society, incorporated, c. 98,	273
Simcoe and Port Ryerse Tram Road Company, incorporated, c. 62.	142
Shop and Tavern Licenses, U. C., Act amended, c. 23,	47
Sisters of Charity, Quebec, Act amended, c. 90.	260
of Our Lady of Loretto, Guelph, incorporated, c. 91,	261
of St. Joseph, of Guelph, incorporated, c. 92,	263
of R. C. diocese of Toronto, incorporated, c. 93,	265
Société Ecclésiastique de St. Hyacinthe, incorporated, c. 89,	258
Société de l'Union St. Pierre, Montreal, incorporated, c. 94,	266
St. Roch, incorporated, c. 95,	268
Sons of Temperance, Canada West, Act Continued, c. 9,	27
Spirits, duties on, &c. <i>See</i> Excise—Customs.	
Supplies, and appropriations for 1862, and Loan, c. 3,	8
Synod of diocese of Ontario, incorporated, c. 86,	252
TAVERN Licenses, Provincial Duty on, Act amended, c. 6,	23
Tavern and Shop Licenses, U. C., Act amended, c. 23,	47
Telegraph, Lines of, Imperial Government may construct, c. 2,	6
Terrebonne Turnpike Road Company, incorporated, c. 76,	192
Toronto Cotton Mills Company, Act amended, c. 74,	190
Female Industrial School, incorporated, c. 79,	241
General Hospital, debentures to redeem others, c. 85,	251
Gore, Boys' Industrial School, incorporated, c. 82,	246
separation from York and Peel, Act explained, c. 24,	50
charged with expenses of prisoners in County Gaol, c. 25,	50
Harbour, Act for management of, amended, c. 26,	51

I N D E X .

v

	PAGES.
Trinity House, Montreal, Act 10, 11 V. c. 1, continued, c. 9, -	27
Trust and Loan Company of U. C., conveyances by, c. 72, . -	179
Turnpike Road Company of Isle Jésus, incorporated, c. 77. -	217
 UPPER CANADA Trust and Loan Company, conveyances by, c. 72.	179
 VICTORIA Skating Club, Montreal, incorporated, c. 101, - -	278
 WAR Department, (Imp.) empowered to construct Telegraph, c. 2,	6
Wendover and part of Aston annexed to Nicolet, c. 50, - -	101
Wentworth and Lincoln, Act protecting lake shore extended to, c. 29,	55
 YORK and Peel, separation of, from Toronto, Act explained, c. 24,	50
Toronto, to pay expenses of certain prisoners, c. 25,	50
separation of the two Counties, c. 27, - - -	52