



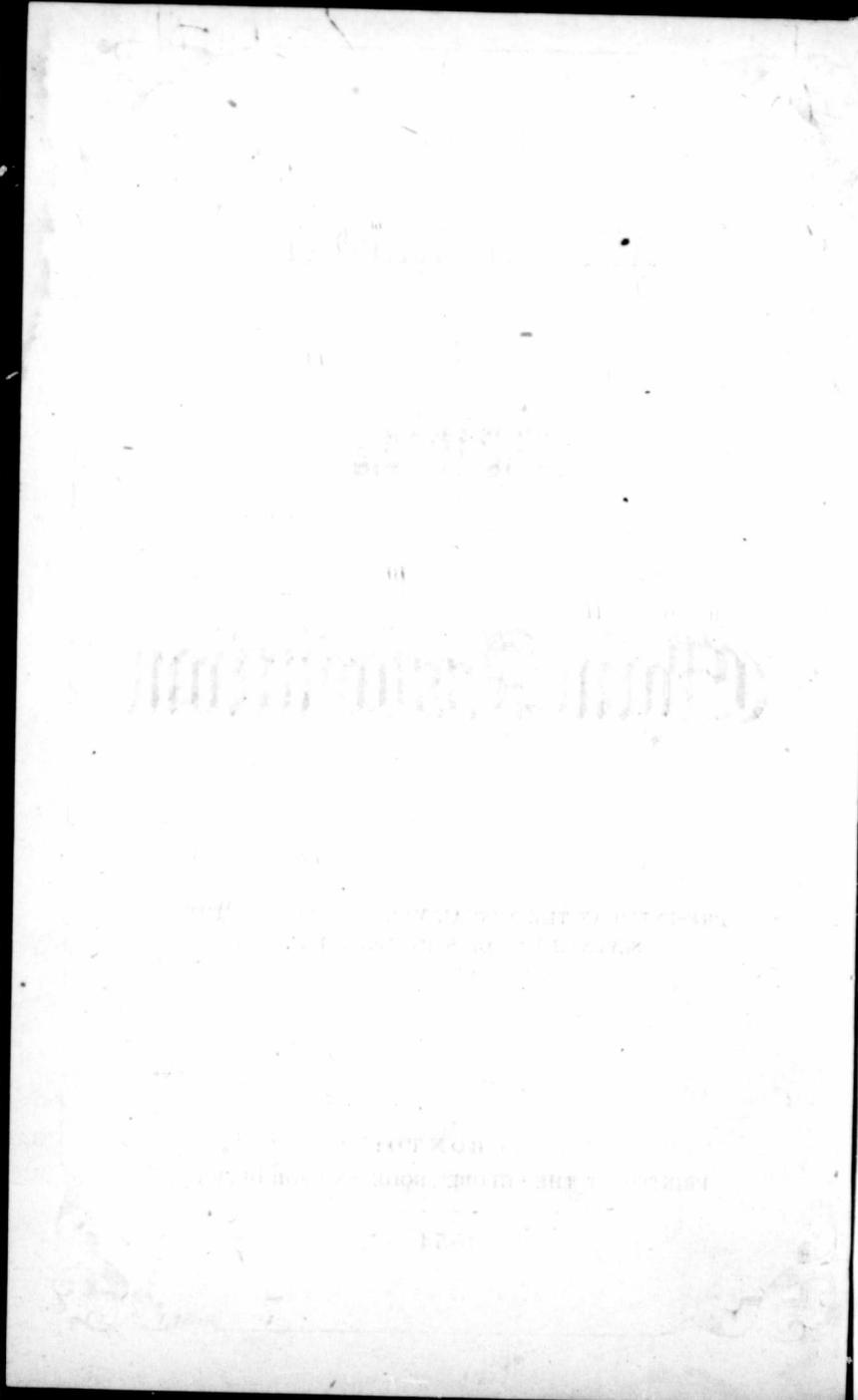
FIFTH
ANNUAL REPORT
OF THE
DIRECTORS
OF THE
Elgin Association.

~~~~~  
PRESENTED AT THE ANNUAL MEETING, HELD ON THE  
SEVENTH DAY OF SEPTEMBER, 1854.  
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TORONTO:
PRINTED AT THE "GLOBE" BOOK AND JOB OFFICE.

1854.





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OFFICERS

Elected for the Year commencing 9th September, 1854.

President :

JOHN FISHER, ESQ.

Vice-Presidents :

REV. MICHAEL WILLIS, D.D.

" ROBERT BURNS, D.D.

Treasurer :

JAMES SCOTT HOWARD, ESQ.

Secretary :

NATHAN GATCHELL, ESQ.

Directors :

REV. WILLIAM KING.
" WILLIAM REID.
" WILLIAM GREGG.
" J. H. ROBINSON.
MESSRS. CHARLES BERCZY.
" PETER BROWN.
" A. T. McCORD.
" PETER FREELAND.
" JOHN LAIDLAW.
" JAMES SHAW.
" THOMAS HENNING.
" JOHN McNAB.

MESSRS. R. H. BRETT.
" WM. R. ABBOTT.
" JAMES OSBORNE.
" WILLIAM MILLER.
" CHARLES ALLEN.
" JOHN BIRRELL.
" A. D. FERRIER.
" DONALD McCOLL.
" ARCHIBALD McKELLOR.
" E. C. CAMPBELL.
" ALFRED TRIPLETT.
" J. B. OSBORNE.

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FIFTH ANNUAL REPORT.

In presenting the Fifth Annual Report of the Elgin Association, the Directors would acknowledge the goodness of God in giving health and prosperity to the settlement at Buxton, while sickness has prevailed in other parts of the country around ; and would return thanks for the measure of success which has already attended their efforts in improving the social and moral condition of the coloured families who have settled there.

Another year's experience has served only to demonstrate the entire practicability of the plan, and to remove the objection that has often been urged against the social improvement of the coloured people in this Province. It is no longer a matter of doubt, that when placed under favourable circumstances, they are just as capable of improvement as emigrants from Europe without means, and in many cases as destitute as the fugitive. All that they require is simply a fair opportunity to support themselves and their families, their own right arm will do the rest.

The persons who settled on the lands at Buxton, were, for the most part without means. Many of them arrived there stripped of every thing but life : they had to work for the money that paid their first instalment, and the provisions that supported themselves and their families during the first year : they had to erect their own houses after a model prescribed by the Association, purchase their own farming implements ; in short, they had every thing to do for themselves, and nothing was given them but a fair opportunity to develop their own natural resources. Five years' experience has demonstrated that they have not only supported themselves and their families ; but they have paid up their

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instalments for their land regularly as they fell due. They have also made considerable improvements by way of ornamenting their farms, opening up roads and planting fruit trees. Although ten years were given to pay for the land, a number of them have taken out their deeds already, and some others are preparing to do so during the next year. Before the expiration of ten years, there is good reason to believe that all the settlers on the lands will have taken out their deeds.

It was mentioned in the last report, that all the houses in the settlement were built after a model prescribed by the Improvement Committee. The model was 18x24, twelve feet high, and the house set thirty-three feet from the road: the front of the house and garden to be enclosed with a picket-fence. The object of this arrangement was, to give a neat and uniform appearance to the whole settlement. While no house was allowed to go up in the settlement inferior to the model, they were at liberty to build as much better as they pleased. This has produced a healthy spirit of improvement. Several houses have been built during the past year far above the model; and one person has contracted for a brick cottage—the first that will be erected on the lands of the Association: others, both of brick and frame, will be erected in a few years. The clay on the land has been found to make excellent brick—250,000 have been made during the last year, and the same number will be furnished during the next year.

One serious drawback to the improvement of the settlement is the want of lumber—there being no saw-mills in the neighbourhood. The distance the settlers have to haul it, and the high price they have to pay render it very difficult for them to finish their houses, and prevent others from building who would erect frame houses, if they had the lumber cheap and near. There is abundance of valuable timber on the land that might be made very profitable to the settlers if there was a good steam saw-mill erected to cut it up and prepare it for market. The oak timber alone has been estimated by competent judges at \$57,000; but without a saw-mill this is not available to the settlers. Were the Association to erect a steam saw and grist mill, for the benefit of the settlers, the money spent would be repaid in

five years, by conferring a title, they can make improving the land remain unproductive.

The progress of the settlement in the last months in building has been considerable.

About 150 families have been associated in the Association of these several years, and most of them have been washed;—the arrangement is now in its second year.

The number of families in the settlement the number of spring crops raised was 95 in wheat and 577 acres of land in the last year, of which

Could it be shown that the settlement, both in the number of families and in the number of families, has doubled. The arrangement has enabled the settlers to support their families.

There is a great quantity of quality since the settlement was 150; of horses and cattle, a number of horses and cattle of grain raised, and they require little labour in the year and last year, and in some places oak nuts. It is not till December that the killing.

The health of the settlement and harmony

five years, with interest, from the sale of lumber, besides conferring a great blessing on the settlement. Without it they can make no progress in the erection of barns and improving their places, and all their valuable timber must remain unproductive.

The progress made by the settlers during the last twelve months in building, clearing, and cropping, has been considerable. The lands are nearly all located and settled. About 150 families have settled on the lands of the Elgin Association and on improved farms in the neighbourhood; of these seventy-seven have put up houses after the model, and most of them enclosed with a picket-fence, and white-washed;—eight are above the model. The rest are making arrangements to have their houses put up during the ensuing year.

The number of acres cleared, and under fence, is 726; the number chopped down, and ready to clear for fall and spring crops, is 174. Of the cleared land, 334 are in corn, 95 in wheat, 48 in oats, and 100 in other crops, making in all 577 acres under crop. This shows an increase over last year, of cleared land, 226 acres; and of crops, 162.

Could it be so arranged that all the settlers could work on their own farms during the whole year, this improvement, both in clearing and cropping would be very easily doubled. We do hope, before another year, that some arrangement will be made by which the settlers will be enabled to spend more time on their own farms, and with their families.

There is an improvement in stock, both in numbers and quality since last year. The number of cows and oxen is 150; of horses, 38; of sheep, 25; and of hogs, 700. The number of hogs is unusually large—larger than the quantity of grain raised in the settlement would warrant; but they require little feed. The mast has been so abundant this year and last, that most of the hogs are fattened on it. In some places the ground is literally covered with beech and oak nuts. It is customary to let the hogs run in the woods till December, when they are generally in good order for killing.

The health of the settlement still continues good. Peace and harmony reign among the people. The Sabbath is

strictly kept as a day of rest—most of the settlers attending some place of worship. Temperance prevails. Nothing that intoxicates is manufactured or sold in the settlement. The Schools and Church are well attended. There are 147 on the roll in the Day School, and 120 in the Sabbath School. In both departments considerable progress has been made, both in scriptural and secular knowledge.

The population has increased so fast during the last year, that one school cannot accommodate all the children in the settlement; besides, those living in the northern part of the settlement are too far removed from the central school to attend during the whole year; yet, so anxious are the parents that their children should receive an education, that they have erected a neat school-house at their own expense, with a view of getting a teacher for it at least six months in the year.

The present liabilities of the Association amount to £2946 2s. 1d.: that is, to Government for land and interest, £2245 7s. 7d.; Stockholders, for instalments and interest; £700 14s. 6d. The assets amount to £3516 7s.; that is, for land, sold and interest thereon, £3316 7s.; land unsold £200; leaving a balance of assets to meet the current or ordinary expenses of the Association, of £570 4s. 11d.



Abstract of

Stockholders—
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ELGIN ASSOCIATION.

Abstract of Treasurer's Account from commencement to 31st July, 1854.

RECEIPTS.

Stockholders—Instalments on Shares,	-	-	-	-	£ 539 16 0
Purchasers of Land in Payment,	-	-	-	-	1092 10 0
Interest on do.	-	-	-	-	58 6 7
Transfer Fees,	-	-	-	-	2 16 3
					<u>£1693 8 10</u>

PAYMENTS.

Crown Land Department, in payment for Land and Interest, &c.,	-	-	-	-	£1320 14 7
Contingent Expenses, viz.—Printing, Advertising, Postage, Stationery, Blank Deeds, Premium to Settlers, &c.,	-	-	-	-	155 9 7
Survey and Division of Lands,	-	-	-	-	13 10 0
Secretary's Salary,	-	-	-	-	112 10 0
Balance in Treasurer's hands,	-	-	-	-	91 4 8
					<u>£1693 8 10</u>

J. S. HOWARD, TREASURER.

Correct.

SAMUEL SPREULL, }
 JOHN L. EBBELS, } AUDITORS.

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 6 5 0
 5 0 0

 8 15 0

5 4 3

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 7 11 7
 3 16 6½
 2 18 8½
 9 9 10
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 329 4 0

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7 5 7

 1778 14 5
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HELL, SECRETARY.

CASH.

1854.		Dr.	
July 31.—	To Balance in Treasurer's hands last year,	-	£ 94 13 3
	“ Accounts received on 520 Acres sold this year,	-	32 10 0
	“ Instalments on Land formerly sold, due this year,	-	349 13 9
	“ “ Stock this year,	-	2 0 0
	“ Interest received this year,	-	37 17 4
	“ Transfer Fees,	-	1 0 0

			£517 14 4

1854.		Cr.	
July 31.—	By paid Government on Account of Lands purchased,	£302 17 6	
	“ Interest,	-	74 2 4
	“ Expense Account this year,	-	19 9 10
	“ Secretary's Salary	-	30 0 0
	“ Balance of Cash in Treasurer's hands,	-	91 4 8

			£517 14 4

N. GATCHELL, SECRETARY.

Correct.
 SAMUEL SPREULL, }
 JOHN L. EBBELS, } AUDITORS.

ESTATE.

Total quantity of Land entitled to be held by the Association, according to the Act of Incorporation, 9000 acres.

1849.—Purchased from Government 4300 acres, at an average of 9s. per acre, - - - - -	£1947 10 0
1851.—Purchased from Government 2300 acres, at an average of nearly 9s. 6d. per acre. - - - - -	998 10 0
1852, 1853, 1854.—None purchased. Balance down, - - - - -	1022 15 0
	<u>£3968 15 0</u>

1851.—Sold to actual Settlers, 2350 acres for - - - - -	£1468 15 0
1852.— “ “ 1900 “ - - - - -	1218 15 0
1853.— “ “ 1510 “ - - - - -	956 5 0
1854.— “ “ 520 “ - - - - -	325 0 0
	<u>£3968 15 0</u>

Amount of Interest due Government, to 31st July, 1854, - - - - -	£466 13 2
Balance down, - - - - -	756 1 10
	<u>£1222 15 0</u>

Balance down, part Value of Estate, - - - - -	£1022 15 0
320 Acres of Land unsold, valued at 12s. 6d. per acre, - - - - -	200 0 0
	<u>£1222 15 0</u>

Nett value of Balance of Estate, 31st July, 1854, - - - - -	<u>£756 1 10</u>
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STOCK ACCOUNT.

Instalments paid in 1851, - - - - -	£425 0 0
“ “ 1852, - - - - -	96 0 0
“ “ 1853, - - - - -	28 0 0
“ “ 1854, - - - - -	2 0 0
Value of Shares paid to 31st July, 1854, - - - - -	<u>£551 0 0</u>

N. GATCHELL, SECRETARY.

Correct.

SAMUEL SPREULL, }
JOHN L. EBBELS. } AUDITORS.

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Green Du
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BR
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	£425 0 0
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	£551 0 0

HELL, SECRETARY.

LIST OF STOCKHOLDERS.

	No. Shares.		No. Shares.		No. Shares.
ALBION MILLS.		James C. Brown.....	1	James McQueen.....	1
William Cook.....	2	Thomas Bell.....	1	Peter McLaren.....	1
AYER.		Gabriel H. Green....	1		
Rev. Robert Lindsay.	1	Benjamin Hunter.....	1	FINGAL.	
BROCKVILLE.		Edmund Harrison....	1	Robert Blackwood....	1
Rev. John McMurray.	3	Henry Harrison.....	1	GWILLIMBURY, WEST.	
Adriel Sherwood.....	1	Jerry Johnson.....	1	Isaiah Irwin.....	1
BELLEVILLE.		Zike Frazer.....	1	Donald G. McKay....	1
Nichol Taylor.....	2	Enoch Roberts.....	1	GRAFTON.	
Rufus Holden.....	2	CALEDONIA.		John Murro, Senr....	1
Rev. W. Gregg.....	1	Rev. And. Ferrier, D.D.	1	GALT.	
BEACHVILLE.		George Brown.....	2	Rev. John Bayne....	1
William Hook.....	1	John Brown.....	1	R. Ferrie (Doon Mills).	2
BEAMSVILLE.		John Scott.....	1	James Cowan.....	1
J. B. Osborne.....	11	A. C. Buck.....	1	Peter Cook.....	1
R. Morrow.....	1	CORNWALL.		Adam Kerr.....	1
BUXTON.		Rev. J. C. Quinn.....	1	A. H. Mowat.....	1
Rev. W. King.....	5	COLLINGWOOD.		N. D. Fisher.....	2
W. Fields.....	1	Charles Stuart.....	1	Isaac Sours.....	1
Green Due.....	1	DEMORESTVILLE.		Morris C. Lutz.....	1
Enos Johnston.....	1	Rev. James Rogers....	2	Samuel Graham.....	1
James Shry.....	1	George Boulter.....	1	GUELPH.	
Jerome Boom.....	1	Matilda Boulter.....	1	Rev. R. Torrance....	1
William Spriggs.....	1	DOVER.		John McLean.....	1
Anderson Stewart....	1	Donald McColl.....	2	Alexander D. Ferrier.	2
BRAMPTON.		DUNDAS.		Henry W. Peterson... 1	
Samuel Wallace.....	1	William Dixon.....	1	HALDIMAND.	
John McCausess....	1	James McIntyre.....	2	James Thomas.....	1
BYTOWN.		James Hamilton.....	1	HAMILTON.	
Rev. Noble F. English	1	James Coleman.....	2	James Osborne.....	10
CAVAN.		Thomas H. McKenzie..	2	Alexander Davidson..	1
Alexander Robertson.	1	R. S. Hunter.....	1	John Fisher.....	10
Archibald Robertson.	1	Wm. Miller.....	1	Wm. P. McLaren.....	10
COLBORNE.		ELORA.		Eneas Kennedy.....	10
Donald Robertson... 1		James Stock.....	1	James Walker.....	1
COBOURG.		Charles Allan.....	1	D. McLellan.....	1
R. Kingan.....	1	EKFRID.		E. Cartright Thomas.	2
Samuel Anthony....	1	William R. Sutherland	1	Richd. P. Street....	2
Robert Hudspeth....	1	EMBRO.		Robert McKay.....	1
A. Jaffray.....	2	John D. Dent.....	1	James D. Mackay....	1
CHINGACOUSY.		William Sutherland..	1	Adam Goldie.....	1
Thomas Wallace.....	1	FERGUS.		D. Buchanan.....	1
Robert Smith.....	1	Rev. G. Smillie.....	1	James Turner.....	1
CHATHAM.		John Watt.....	1	Fristrane Bickle....	1
Rev. Angus McColl..	1	George Jardine.....	1	R. W. Harris.....	1
Archibald McKellar..	2	Robert Emond.....	1	A. Wood.....	1
John Gleen.....	1	Alex. D. Fordyce, jr..	1	Rev. Alexander Gale..	1

No. Shares.		No. Shares.		No. Shares.
	HOLLAND LANDING.		ORILLIA.	
1	Douglas Laidlaw.....	1	Rev. John Gray.....	1
	INGERSOLL.		PETERBORO.	
1	R. H. Carroll.....	1	Rev. John Gilman.....	1
1	Rev. Robert Wallace.	1	Andrew Cathcart.....	2
1	Daniel Carroll.....	1	William Hall.....	2
1	Joseph Barker.....	1	Rev. M. Rogers.....	1
	KINGSTON.		Thomas G. Hazlitt.....	2
1	Donald McKay.....	1	PICKERING.	
1	Rev. Robert F. Burns.	1	William Dunbar.....	1
	LONDON.		PICTON.	
1	Charles Monsurrat...	1	J. Miller.....	1
1	John Birrell.....	1	PALERMO.	
1	John Michie.....	1	P. L. Box.....	1
1	John Frazer.....	1	SMITH.	
1	Samuel McBride.....	1	James McEwen.....	1
1	William Begg.....	1	James Harvey.....	1
1	H. Chisholm.....	1	John Stothart.....	1
1	Edmond Raymond.....	1	SCARBORO'.	
1	Henry Matthewson...	1	John Thom.....	2
1	Thomas Craig.....	1	SALT FLEET.	
1	Thomas C. Dixon.....	1	Rev. George Cheyne..	1
1	William Hall.....	1	Alexander Morrison..	1
1	B. A. Mitchell.....	1	SOUTHWOLD.	
2	G. M. Gunn.....	2	Alexander Steele.....	1
1	Lionel Ridout.....	1	ST. CATHERINES.	
1	John Diamond.....	1	Bernard Foley.....	1
1	William Clarke.....	1	Henry Gray.....	1
1	A. B. Jones.....	1	John Creamer.....	1
1	Titus Basfield.....	1	Alfred Triplett.....	2
1	John Reives.....	1	TRAFALGAR.	
1	Alexander Hamilton..	1	John Proudfoot.....	2
1	Aureli Jones.....	1	James Applebe.....	1
1	Aaron Gibbs.....	1	TORONTO.	
1	Margery Wilkinson...	1	Walter Macfarlane...	1
	NELSON.		John Laidlaw.....	1
1	Gilbert Bastedo.....	1	Rev. Dr. Willis.....	3
	NIAGARA.		Alexander McGlashan.	1
1	Edward C. Campbell..	1	Rev. Dr. Burns.....	2
1	Mrs. James Monroe...	1	Peter Brown.....	1
1	John Davidson.....	1	George Brown.....	1
2	James Lewis.....	2	Thomas Henning.....	1
1	Hope Bullet.....	1	Peter Freeland.....	1
3	Francis Lacey.....	3	Mrs. Freeland.....	1
	OAKVILLE.		Thomas J. Fuller.....	1
1	William Cantley.....	1	Betley & Kay.....	1
1	James Arnott.....	1	James Leask.....	1
			A. T. McCord.....	1
			Charles Berczy.....	1
			Andrew Hamilton...	1
			Rev. John Jennings..	1
			J. G. Joseph.....	2
			John Ewart.....	2
			S. Connor, LL.D.....	1
			Whittemore Rutherford	
			& Co.....	2
			R. H. Brett.....	1
			Robert Maitland.....	1
			George H. Cheney.....	1
			William Langley.....	1
			Rev. William Rintoul.	1
			J. S. Howard.....	1
			Allen McLean Howard	1
			Benjamin Torrance...	1
			Elizabeth Dunlop....	1
			Oliver Mowat.....	1
			John Salt.....	1
			Robert Beekman.....	1
			John McNab.....	1
			James Shaw.....	1
			David Hollins.....	1
			Adolpbas Judah.....	1
			Thomas Tilley.....	1
			James Johnson.....	1
			Thomas Williams.....	1
			Daniel Davis.....	1
			George Brown.....	2
			John Herrard.....	2
			N. Gatchell.....	1
			Rev. William Reid...	1
			Rev. W. Ormiston...	1
			WATERDOWN.	
			Thomas Stock.....	1
			Henry F. Graham....	1
			Read Baker.....	1
			WELLINGTON SQUARE.	
			Rev. Alex. McLaren..	1
			WOODSTOCK.	
			Rev. William L. Ball.	1
			John Douglas.....	1
			John Carter.....	1
			Andrew Smith.....	1
			ZORRA.	
			Rev. Donald McKenzie	1
			John M. Ross.....	1

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Joseph	2
Ewart	2
mor, L.L.D.	1
more Rutherford	
Co.	2
Brett	1
Maitland	1
H. Cheney	1
n Langley	1
William Rintoul	1
oward	1
McLean Howard	1
in Torrance	1
th Dunlop	1
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ald McKenzie	1
Ross	1

CONSTITUTION.

[ADOPTED 7TH JUNE 1850.]

WHEREAS, the stock for the settlement and social and religious improvement of the Coloured population of Canada, in the Township of Raleigh, in accordance with the Resolution passed at a Public Meeting held in Toronto, the 16th of March, 1849, having been subscribed:—

Resolved 1. That we, the Stockholders, do now form ourselves into a society, under the name and title of the "ELGIN ASSOCIATION" for the settlement and moral improvement of the Coloured population of Canada.

II. That the management of this Institution shall be vested in a President, and two Vice-Presidents, Treasurer, Secretary, and a board of 24 Directors, to be chosen Annually at a meeting of the Stockholders—Five of whom shall be a quorum for the transaction of business. The President, Vice Presidents, and Treasurer, being also members *ex-officio*.

III. That all the real estate of the Society, for the present, shall be vested in three Trustees to be held temporarily in trust for the purposes of the Society, and to be, by them conveyed in trust hereafter, in such manner as may be provided by the Act of Parliament, or other Act of Incorporation.

IV. That at all meetings of the Board, the President shall preside; or, in his absence, one of the Vice Presidents; or in their absence, the Treasurer; or in his absence, such member as shall be voted for that purpose. The first meeting of the Board to be held in Toronto, on the 21st June, 1849.

V. That the duties of the Board shall be as follows:—

1. To carry into effect the objects contemplated by the Society, by purchasing from the Government a tract of the Clergy Reserve land, in the Township of Raleigh, in the Western District of Canada.

2. Sub-divide and sell the lands to actual settlers, on such terms as the Board may consider for the interest of the Purchasers and Stockholders.

3. To employ all subordinate persons, and officers necessary for the successful working of the Association, and in general, to manage the whole affairs of the Association; subject to the control of the General Meeting of the Stockholders.

4. To make all By-laws and regulations necessary for the detailed management of the Society's affairs; such By-laws and Regulations to be submitted to the Stockholders at the Annual Meeting, and to be subject to alterations and revision at that meeting, if deemed necessary.

5. To keep a record of all their proceedings, signed by the Secretary, and countersigned by the Chairman.

6. To submit, at the annual meeting of the Stockholders, a full and detailed statement of the Society's affairs for the previous year; and to close the concerns of the Company as soon as practicable.

VI. That no alteration be made in this Constitution except at the annual meeting, or a meeting of the Stockholders called together by the Board at their discretion, or by them upon the requisition of ten Stockholders for that purpose provided; and that notice of such meeting be given to the Stockholders by circular, stating the object of such meeting, one month previous to the day thereof.

BY-LAWS.

1. That whenever a quorum of the Directors, with the consent of the President and Vice-Presidents, or a majority of them, and not otherwise, shall see fit to call a meeting they are authorized to do so.

2. That the Directors are hereby authorized, with the consent and approval of the President and Vice-Presidents, or a majority of them and not otherwise, to appoint a Committee of Advice to meet in the township of Raleigh. The said Committee to be three in number, and to be Directors of the Association, who shall advise and consult with the Agent of the Association, who shall reside and manage the business of the Association in Raleigh, or should any case of difficulty arise in the said Township of Raleigh, the same shall be communicated to the President, or in his absence to the Vice-Presidents, for advice and direction in such matters. Both the Committee and the Agent to be subject to the Main Board of Directors, and give Reports to the Annual Meeting.

3. That all moneys due to this Society shall be paid to the Treasurer, and his receipt for the same shall be in all cases a sufficient discharge.

4. That no money be paid by the Treasurer of this Association, without an order for the same, signed by the President or one of the Vice-Presidents, and countersigned by the Secretary, and certified by him to have been duly entered on the records of the Association.

5. In order that the members of the Association may have due notice of the Annual Election of Officers, &c, it is resolved that circular notices be posted to each of the Stockholders at least fourteen days before the first day of September, each year; and that not less than seven Stockholders shall be present before the Annual Meeting or any General Meeting proceeds to business.

AN ACT

To Incorporate the Elgin Association, for the Settlement and Moral Improvement of the Coloured Population of Canada.

[10th August, 1850.]

Whereas an Association has been formed in Upper Canada, by divers persons resident therein, under the name of the ELGIN ASSOCIATION, for the settlement and moral improvement of the Coloured Population of Canada, for the purpose of purchasing Crown or Clergy Reserve Lands in the Township of Raleigh, in the county of Kent, and settling the same with coloured families resident in Canada of approved moral character; and whereas the persons hereinafter named, officebearers and members of the said Association, and acting on behalf of the members thereof, have by Petition prayed to be incorporated for the purpose aforesaid; And whereas it is expedient to grant the prayer of the said Petitioners, subject to the provisions and enactments hereinafter made: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative As-

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sembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, "An Act to reunite the Provinces of Upper and Lower Canada, and for the Government of Canada," and it is hereby enacted by the authority of the same, That Skeffington Connor, Michael Willis, William King, Charles Berezy, John Thomas Matthews, John Scott Howard, Walter Macfarlane, Ezekiel F. Whittemore, Andrew T. McCord, Peter Freeland, John Ewart, John Laidlaw, James Brown, Andrew Hamilton, Peter Brown, James Osborn, Edward Cartwright Thomas, John Fisher, William P. McLaren, William Millar, George Davidson, John McLean, A.D. Ferrier, John Frazer, John Michie, A. B. Jones, Donald McCaul, Archibald McKellar, Thomas Campbell, Henry Garrett, Bernard Foley, Andrew Shaw, J. B. Osborne, James Dougall, Robert Watson, Rufus Holden, James Harvey, and Andrew Jaffray, with all other such persons as are now, or being duly competent may hereafter be associated for the purpose hereinbefore mentioned, and their successors forever, shall be one body politic and corporate in deed and by name, by the name and style of THE ELGIN ASSOCIATION, and shall by that name have perpetual succession and a common seal, and shall have power from time to time to alter, renew or change such common seal at their pleasure, and shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, and answering and being answered unto in all Courts and places whatsoever, and also that they and their successors by the same name from time to time and at all times hereafter be able and capable of purchasing and holding to them and their successors Crown and Clergy Lands in the Township of Raleigh, in the County of Kent, not exceeding nine thousand acres, to and for the use of the said Company, and of letting, conveying and of otherwise disposing of the same to Coloured persons of Canada: provided always nevertheless, that the real estate to be held by the said Company shall be only such as shall be required to be held by them for the purpose aforesaid, and that nothing herein contained shall extend to authorize the said Association to become a Land Company in that sense of the term.

II. And be it enacted, That in all and every suit or suits in Law which hereafter may be instituted against the said Corporation, service of Process at the residence of the President or Secretary, shall be sufficient to compel the said Corporation to appear and plead to such suit or suits; any law, custom, or usage to the contrary in any wise notwithstanding.

III. And be it enacted, That the property, affairs, concerns of the said Corporation shall be managed and conducted by the following officers, elected by the members of the said Corporation, at the annual meeting hereinafter provided for: a President, first and second Vice-Presidents, a Secretary, Treasurer, and twenty-four Directors, five of whom shall form a quorum for the transaction of business; the President, Vice-Presidents, and Treasurer being also Directors ex-officio.

IV. And be it enacted, That the annual meeting for the election of said Officers shall be held at Toronto, where the usual meetings of said Corporation are held on the first Wednesday in September, in each and every year, at the hour of twelve o'clock; and the said election shall be held and made by such of the Stockholders of the said Corporation as shall attend for that purpose in their own proper persons, or by proxy, and all the elections for such Officers shall be by ballot: and if any vacancy or vacancies shall at any time happen among the Directors by death, resignation, or removal from the Province, such vacancy or vacancies shall be filled, for the remainder of the year in which they may happen, by a person or persons to be nominated by the Directors at any of their regular meetings.

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August, 1850.]

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X. And be it enacted, That if any Stockholder or Stockholders as aforesaid shall neglect to pay at the time required any instalment or instalments which shall be lawfully required by the Directors as due upon any share or shares, such Stockholder or Stockholders so refusing or neglecting shall forfeit such share or shares as aforesaid with any amount which shall have been previously paid thereon, and the said share or shares may be sold by the said Directors, and the sum arising therefrom, together with the amount previously paid thereon, shall be accounted for and applied in like manner as other moneys of the said Company: Provided always, that the purchaser or purchasers shall pay the said Company the amount of the instalment required over and above the purchase money of the share or shares so purchased by him, her or them as aforesaid, immediately after the sale and before they shall be entitled to the certificate of the transfer of such shares purchased as aforesaid: Provided always, that fifteen days' notice of the sale of such forfeited shares shall be given in any newspaper or newspapers published in the City of Toronto, and that the instalments due may be received in redemption of any such forfeited share at any time before the day appointed for the sale thereof: Provided also, that the shareholders may at their next general meeting, after any forfeiture, restore any forfeiture, or a portion of any forfeiture, by a resolution in writing, to be passed at such meeting, and not at any other time or in any other manner.

XI. And be it enacted, That the several persons who have subscribed any money towards the Association, or their personal representatives respectively, shall pay the sums respectively so subscribed or such portions thereof as shall be from time to time called for by the Directors; and with respect to the provisions in this Act contained for enforcing the payment of calls or instalments; the word Stockholder shall extend to and include any person who holds stock in the said Corporation, or who may have subscribed the original prospectus of the Association or agreement to take stock therein, and shall also extend to and include the legal personal representative of such Stockholder or person aforesaid.

XII. And be it enacted, That if any default shall be made by any Stockholder in the payment of any call at the time appointed by the Directors for the payment thereof, then it shall be lawful for the Company to sue such stockholders for the amount of such call, in any Court of Law in this Province (having competent jurisdiction in regard to the amount to be recovered) and to recover the same with lawful interest, and if the Company shall sue any Stockholder under the authority of this Act, such suit shall not in any way interfere with the forfeiture of the share or shares of such Stockholders.

XIII. And be it enacted, That on the trial or hearing of such action, it shall be sufficient for the Company to prove that the defendant, at the time of making such call, was a holder of one share or more in the undertaking (and when there has been no transfer of the shares, then the proof of the subscription to the original agreement to take stock shall be sufficient evidence of holding stock to the amount subscribed) and that such call was in fact made, and such notice thereof given as required, and it shall not be necessary for the Association to prove the appointment of the Directors who made such call or any other matter whatever, and thereupon the Company shall be entitled to recover what shall be due on such call, with interest thereon.

XIV. And be it enacted, That when calls shall be made by the Directors, all such calls shall be taken and meant to be payable to the Treasurer of the Association for the time being.

XV. And be it enacted, That in any action or suit brought by or against the Association upon any contract or for any matter or thing whatsoever, any Stockholder shall be competent as witness, and his testimony shall not be deemed inadmissible on account of interest.

XVI. And be it enacted, That the Directors for the time being, or a quorum of them, shall have power to make and subscribe all such rules and regulations touching the purchase, management and disposition of lands, properties, estate and effects of the said Association, and the settlement and improvement of the said lands, and so touching the duties of the officers and servants of the said Corporation, and also such other matters or things as appertain to the business of the said Corporation, and also shall have power to appoint as many officers and servants for carrying on the business of the said Corporation, with such salaries as they shall think fit; Provided always, that the price fixed by the said Directors for the lands of the said Corporation shall not exceed the prices paid the Government, to any greater amount than is sufficient for the expenses of the said Corporation for any of the purposes hereinbefore mentioned, and six per cent interest per annum upon the stock subscribed; Provided also, that if upon the final winding up of the affairs of the Corporation as hereinafter provided, any surplus should be found remaining after paying off the shares subscribed for and six per cent. interest, such surplus shall be applied in the improvement of the said settlement in such manner as the Directors shall appoint.

XVII. And be it enacted. That whenever and so soon as all the land so purchased by the said Corporation, shall be settled and paid for to the said Corporation, the affairs of the said Corporation shall be wound up, and the stockholders thereof shall receive the amount of their shares or of such instalments as shall have been actually paid thereon; together with six per cent. interest; Provided always that nothing herein contained shall be held to prevent the Directors at any time or times, after the government price of the said lands shall be paid in full by the said Corporation, and all the existing debts and liabilities thereof fully discharged, to re-pay to the stockholders, rateably, any proportion of the stock actually paid up, and interest, that the Directors shall deem expedient, without waiting for the final winding up of the affairs of the said Corporation,

XVIII. And be it enacted, That it shall and may be lawful for the Governor or person administering the Government of the Province for the time being to require from the said Corporation true statements under oath, (which oath any Justice of Peace is hereby authorized to administer,) of the receipts and expenditure of the said Corporation, and a statement of the real and personal estate held and enjoyed by the said Corporation shall be laid before each branch of the Provincial Legislature, within fifteen days after the opening of each Session thereof.

XIX. And be it enacted, That the property real and personal now held by the Association hereby incorporated, or by any party in trust for them, shall be and is hereby vested in the said Corporation, which shall be responsible for all debts and obligations of the said Association, and may recover and enforce all claims and obligations in favour thereof.

XX. And be it enacted, That no member of the said Corporation shall in his private or natural capacity be liable for any debt or obligation contracted by the said Corporation.

XXI. And be it enacted. That nothing in the present Act contained shall affect in any manner or way whatsoever the right of Her Majesty, Her Heirs and Successors, or of any person or persons of any kind, body politic or corporate such only excepted as are hereinbefore mentioned.

XXII. And be it enacted, That this Act shall be held and considered to be Public Act.

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